

February 12, 2018

Mr. Roger Friedmann – Chairman
Mr. Rich Barrick – Vice-Chairman
Mr. Tom Kronenberger – Member
Ms. Anne Flanagan – Member
Mr. Bill Mees – Secretary
Mr. Steve Roos – Alternate

Item 1. – Meeting called to Order

Mr. Friedmann called the regular meeting of the Zoning Commission to order at 7:00 p.m. on Monday, February 12, 2018.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

Members Present: Ms. Flanagan, Mr. Barrick, Mr. Friedmann, Mr. Kronenberger, Mr. Mees and Mr. Roos

Staff Present: Harry Holbert and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedmann stated the first order of business was to approve the January 8, 2018 meeting minutes.

Mr. Friedmann asked for any corrections to the January 8, 2018 minutes.

Mr. Barrick moved to approve the January 8, 2018 meeting minutes.

Mr. Mees seconded.

Ms. Flanagan - ABSTAIN
Mr. Barrick – AYE
Mr. Friedmann - AYE
Mr. Kronenberger – AYE
Mr. Mees - AYE

Item 4. – Old Business

2017-17MA
Greenberg Farrow
7860 Montgomery Road
Major Adjustment to a PUD

Continued to 03/12/2018 per applicant's request.

2018-01P1
Andrew Harvey, Cincinnati United Contractors
10791/10801 Montgomery Road
PUDI

Mr. Holbert presented the case originally heard in January. He stated the applicant had submitted more detailed plans and proceeded to review the updates the applicant had made since the last meeting in his power point presentation.

Mr. Holbert pointed out the parking areas and said the applicant shows 15 parking spaces where 16 are required. He said the applicant proposes two trees in the streetscape where three are required. Mr. Holbert stated, at the last meeting there was discussion about the rear area being screened for vehicle storage, however, the new plans did not show screening. He noted screening is required for a vehicle storage area.

Mr. Holbert showed photos of the property. He said the applicant has met the requirements for PUD1 approval in most instances, or made an effort to come close to compliance. He noted the lot consolidation had been approved by the County but not yet by the Township. The applicant provided additional buffering and streetscape.

Mr. Holbert then reviewed four conditions staff would suggest should the Board be inclined to approve the request:

1. Storage of all vehicles (retail, lease or rental) is to be limited to this lot only and within the designated screened area (details to comply with Sycamore Township Zoning Resolution) except for five vehicles to be parked along the paved area in front of the building.
2. All vehicles are to be parked on a paved surface.
3. All non-compliant building signs must be removed from all buildings.
4. The parking lot must be sealed and striped.

The Board asked questions of Mr. Holbert.

Mr. Mees asked for clarification on the screening requirement.

Mr. Holbert said the screening could be a six feet privacy fence or a chain link fence with slats.

Mr. Kronenberger asked about the locations of the non-compliant signs.

Mr. Holbert said the banners in the windows are not permitted with a name or logo and the right side of the building has a logo sign. He said there was additional signage in the rear but he'd defer to the applicant as to if they are still there.

Mr. Barrick asked if the Township's calculation for the 16 required parking spaces was a result of rounding.

Mr. Holbert answered yes.

Mr. Barrick asked if the site could accommodate 16 spaces.

Mr. Holbert deferred to the applicant.

Mr. Barrick asked about the billboard on the property.

Mr. Holbert said that sign is legal non-conforming, noting it is permissible with a zoning certificate to install a sign face change but no structural changes would be permitted.

Mr. Barrick asked if it should be mentioned in the approval should the Board approve the PUD.

Mr. Holbert said he did not think it was necessary because the application does not include the billboard, however, the board could do so if they choose.

Mr. Friedmann asked if the applicant was present and wished to speak.

Mr. Andrew Harvey, of Cincinnati United Contractors, 7143 E. Kemper Road, Cincinnati, OH 45249, addressed the Board.

Mr. Harvey stated at the time the lot consolidation was done on the property, they were not aware that a consolidation required Township approval. He said once they found out about that requirement, they applied for zoning approval for a tenant change for the change of use of the building on the back parcel from medical office to storage and for the lot consolidation. Mr. Harvey said that application was denied. He said he spoke with Doug Morath, Fire Inspector, and has been working with him to get the back building in compliance with fire code for storage.

Mr. Friedmann asked for the status on that.

Mr. Harvey said it has been on hold pending the PUD1 approval.

Mr. Harvey said he calculated 15 spots because they got a fraction of 15.4 and Section 12-3.1 (a) of the Zoning Resolution says any fraction under .5 can be disregarded. He said if required, they could add a 16th parking stall.

Mr. Harvey said they met with Mr. Holbert and he told them about the screening requirement. Mr. Harvey passed handouts out to the Board showing the proposed screening. He said they selected a chain link fence with slats in it.

Mr. Harvey stated he drew up a lighting plan after the last Zoning Commission meeting and showed the Board the plan. He then pointed out the location of the screening. He said one of the gates on the screen would remain unlocked to allow access to the cell towers in rear.

Mr. Harvey said the signs have been removed from the back. He said they do plan to remove the logos from the window signs to bring them into compliance.

Mr. Mees asked if the sign on the north side would be removed.

Mr. Harvey answered yes.

Mr. Mees asked for clarification about the fence location on the south side.

Mr. Harvey clarified.

Ms. Flanagan asked if the surfaces were all paved and if they are willing to seal and stripe the parking lot.

Mr. Harvey answered yes.

Mr. Kronenberger asked about the existing fence on the north side.

Mr. Carl Wesley, the property owner, of 10801 Montgomery Road, Cincinnati, OH 45242, addressed the Board saying the fence has been there since he bought the property. He wasn't sure whose fence it was so he didn't think he should alter it. He said it is not in good shape and he would have no problem replacing it, noting he is just not sure if it belongs to his property or the adjacent property owner.

Mr. Kronenberger suggested removing it if it's his or speaking to the neighbor about it, especially if it is in disrepair.

Mr. Friedmann asked if there was anyone present from the public who wished to comment on the case.

No response.

Mr. Friedmann closed the floor to comments and the Board discussed the issues brought before them.

Mr. Friedmann entertained a motion.

Ms. Flanagan made a motion to consider Case 2018-01P1 with the conditions suggested by staff.

Mr. Barrick seconded.

Mr. Barrick asked if the Board wanted to acknowledge that the billboard is on the property.

Mr. Wesley said he does not own the billboard, stating it was sold by the previous owner.

Mr. Barrick amended the motion to include acknowledgement of the legal non-conforming billboard on the site.

Ms. Flanagan seconded

Mr. Kronenberger said he appreciates the applicant responding to concerns from the last meeting.

Mr. Friedmann agreed.

Mr. Mees called roll.

Ms. Flanagan - AYE

Mr. Barrick – AYE

Mr. Friedmann - AYE

Mr. Kronenberger – AYE

Mr. Mees - AYE

2018-02Z

Reztark Design Studio LLC

8663, 8727, 8755 and 8765 Montgomery Road

Zone Change

Mr. Holbert presented the case noting it had been continued from the January meeting to allow the applicant to meet with the neighbors regarding their concerns. Mr. Holbert clarified that

8765 Montgomery Road is the zone change, the other addresses are already zoned EE and, if the zone change were approved, the vacant lot would become part of the PUD double letter district.

Mr. Holbert reviewed adjacent conditions and showed an aerial of the property in question.

Mr. Holbert then reviewed the revisions based on discussions with neighbors.

He said the existing wood fence will be replaced and the newly rezoned phase would be screened by landscaping only with the fence removed from the plan.

He said he parking stalls now conform to zoning resolution standards.

Mr. Holbert showed the previously submitted landscape plan and compared that with the revised landscape plan. He said the boundary buffer now exceeds the zoning resolution standards.

He then pointed out a number of items that had been addressed per specific requests made by adjacent residents.

Mr. Holbert noted the revised plan includes additional streetscape buffering and mounding along Montgomery Road. He said the parking lot is recessed into the hillside and therefore is 15 feet below grade. He said the adjacent properties would be able to look down on it and noted that the applicant has taken painstaking efforts to provide screening.

Mr. Holbert said the interior landscaping also exceeds the required. He showed renderings of the five year growth projection of all the landscaping.

He then reviewed the sign proposal noting the applicant had cleaned up the drawings so that they were very clear and easy for him to review.

Mr. Holbert spoke about the renovations to the existing building and traffic flow.

Mr. Holbert then pointed out the lighting plan saying the bollard style lights are three to four feet tall.

He then went over some items that were unclear in the initial submittal but that had since been clarified. He said the intent is not to disturb the existing trees but pointed out the applicant is not counting existing trees toward their tree count and still the plan exceeds the requirement.

Mr. Holbert said they are requesting a variance for one of the blade signs with the Mercedes logo.

Mr. Holbert said he would defer to the applicant and owner about how they are addressing the horn honking problem because it is technical.

The Board asked questions of Mr. Holbert.

Mr. Mees asked for clarification on the total square feet of signage proposed.

Mr. Holbert clarified.

Mr. Friedmann asked if the applicant was present and wished to speak.

Mr. Gene Allison, the architect, of Reztark Design Studio, 601 Main Street, Suite 200, Cincinnati, OH 45202, addressed the Board.

Mr. Ed Keady, the General Manager of the Mercedes dealership, addressed the Board saying he appreciated the opportunity to spend time with the neighbors and thinks the revised plan is actually better. He said the bollard lights are a big improvement.

Mr. Allison said the actual bollard sample is plugged in and lit up outside for neighbors and the Board to see.

Mr. Allison said they met with neighbors on January 18th and decided to move the retaining wall on the north side south three feet to accommodate additional landscaping. He also pointed out that they have done as much as they can to create a landscape frame around the dealership. He said the old fence behind the dealership will be replaced. He said is taking away a light and repositioning another to accommodate a request by one of the neighbors that came up today.

Mr. Keady said the honking option can be taken out as a setting while the car is in their possession and that will become part of their standard operating procedure. He said they have also limited delivery times and have asked for trucks not to come at night noting he has sent these requests to Mercedes and gotten a positive response. Mr. Keady's trash and rubbish pick up has been given the same guidelines.

Mr. Allison pointed out bollard lights turn off at closing and will be on motion sensors so they will come on if someone walks by. He pointed out they will be changing out all the lights on the property to LED convex fixtures which have less glare.

Mr. Friedmann asked if any bollard lights would be on all night.

Mr. Allison answered no.

Mr. Friedmann asked about the rendering of the projected five year growth of the landscaping.

Mr. Jon Henney, the landscape architect for the project, of 101 S. 5th Street, Cincinnati, OH 45202, addressed the Board. Mr. Henney said there will be evergreens at a height of five to eight feet at the time of installation. He said they selected as many fast growing species as possible noting the rendering is actually depicting a five to ten year growth. He said moving the wall allows for more and staggered landscaping. Mr. Henney stated he picked two species the neighbors felt would be most appropriate. He noted the plan will also have both understory and canopy deciduous trees for variety and texture.

Mr. Mike Russell, general contractor with Matrix Development, of 8005 Vinecrest Avenue #2, Louisville, KY 40222, addressed the Board. Mr. Russell said the new plan includes the installation of an irrigation system to sustain the new plantings and they will replace any that do not survive.

Mr. Friedmann asked if there was anyone present from the public who wished to comment on the case.

Ms. Jane Mueller, of 7725 Highgate Place, Cincinnati, OH 45236, asked if the spruces would be five to eight feet.

Mr. Henney answered all the spruces would be eight feet minimum at time of installation.

Ms. Mueller asked about the free standing sign if there would be more than one and how big the signs will be.

Mr. Holbert said the six feet by six feet Mercedes symbol is attached to the building which is 35 feet tall.

Mr. David Peterson, the property owner, of Mercedes Benz Cincinnati, 8727 Montgomery Road, Cincinnati, OH 45236, addressed the Board saying the sign is designed to be friendlier to the community because it is cut into the building. He said, by design, it has to be taller than the roofline to be visible. He noted it is called a blade sign and is standard for all Mercedes dealerships at present.

Ms. Mueller asked how tall the current pylon sign is.

Mr. Allison said the existing sign is 18 feet and will be replaced by a monument sign.

There was discussion about the height of the current pylon sign compared to the height of the proposed blade sign.

Mr. Peterson said it will be eight feet above the height of the building.

Ms. Mueller said she just doesn't want to be able to see the blade sign from her house and then asked about lights on the proposed monument sign.

Mr. Allison answered the sign will be internally illuminated.

Ms. Mueller asked if all the light poles will be the same height of 15 feet and if the fencing will remain the same style.

Mr. Allison answered yes.

Ms. Mueller asked the Board what impact this zone change would have on the properties across the street.

Mr. Friedmann said he can't answer that he can only speak about what is before the Board tonight, noting that there is no precedential value.

Ms. Karen Carle, of 7748 Highgate Place, Cincinnati, OH 45236 addressed the Board. Ms. Carle said she could not see that there was a condition about delivery times. She then spoke about one light being removed and another moved that are closest to her house. Ms. Carle said she is concerned about the construction process harming the existing pine trees in her yard and asked how they would be safeguarded. She also asked what would happen if any of the landscaping failed and if the irrigation system would make a sound.

Mr. Gene Wood, of 8801 Montgomery Road, Cincinnati, OH 45236, addressed the Board. Mr. Wood thanked the Board for suggesting the applicants get together with neighbors and work with them and said he will be delighted to have them as a new neighbor.

Mr. Henney addressed some of Ms. Carle's questions. He spoke about how they can protect the root system of existing trees. He said new plantings are guaranteed first growing period and owner will replace anything that doesn't survive noting the irrigation system will help.

Mr. Russell said the irrigation system will be quiet noting it is more of a mist.

Mr. Kronenberger commented that once the applicant submits a zoning compliance plan they have to replace any dying landscaping because that is what is approved.

Mr. Holbert said that is correct, they will have to maintain the buffer even if the property or business is sold to a new owner.

Ms. Carle asked for clarification on which lights on the lighting plan are 15 feet tall.

Mr. Keady clarified items on the lighting plan.

Mr. Friedmann closed the floor to comments from the public.

Mr. Friedmann entertained a motion.

Mr. Kronenberger made a motion to consider Case 2018-02Z.

Mr. Barrick seconded.

Mr. Friedmann asked if Mr. Kronenberger had any other conditions to add.

Mr. Kronenberger said he would like input from the Board on that saying he appreciated Ms. Carle's suggestion to add a delivery time frame to the list of conditions.

Mr. Friedmann noted he had seen those limitations on revised documents from the applicant.

Mr. Barrick clarified it is the resubmittal dated February 2nd with attachments which refers to delivery times etc. which should all be included as part of the approval.

Mr. Holbert said if the proposal is approved by the Board of Trustees, the applicant would have to submit a Zoning Compliance Plan for review and approval by staff.

Mr. Holbert then spoke about the time restraints put on Rumpke noting those are different than delivery by Mercedes. He asked if there was an additional constraint being put on Rumpke more stringent than the Township's existing noise resolution.

Mr. Friedmann said certainly at the minimum Rumpke needs to comply with the Township's noise resolution but the applicant should encourage them to pick up within the more stringent time.

Mr. Kronenberger said his motion is to consider the case which should include the document Mr. Barrick referred to dated February 2nd.

Mr. Friedmann agreed saying that document addresses the residents' concerns and is included in their approval.

Mr. Holbert said he will review the Zoning Compliance Plan for those items, if the proposal is approved by the Board of Trustees.

Mr. Kronenberger asked Ms. Gunderson to read the conditions discussion back to the Board.

There was additional discussion about the two bollards closest to the Carle property which was a change made that day.

Mr. Barrick seconded the amended motion.

Ms. Flanagan – AYE

Mr. Barrick – AYE

Mr. Friedmann - AYE

Mr. Kronenberger – AYE

Mr. Mees – AYE

Mr. Friedmann said he appreciates the neighbors' willingness to meet and the owner and applicant for taking extraordinary steps to work things out.

Mr. Peterson said his word is his bond but he understands that it must be in writing and thanked the residents.

Item 4. – New Business

2018-04P1

Prime AE Group

11461 Northlake Drive

PUDI

Mr. Holbert presented the case and case history in a Power Point presentation. He said the proposal includes an expansion of the parking lot to increase available parking for new employees. He said the impervious surface ratio (ISR) will increase from .54 to .57 and the use will remain office. He then reviewed the surrounding zoning districts. He said the property in question is at the intersection of Northlake Drive and Goldcoast Drive. He showed the site plan of the property and pointed out the areas in which new parking stalls are proposed.

Mr. Holbert said the parking spaces required are 32 and there are currently 48 parking stalls. The applicant is proposing a net increase of 17 parking spaces. He reviewed the landscape plan noting some of the species chosen are not recommended.

He showed two suggested conditions if the Board chooses to approve the request:

1. Revise the proposed landscape plan to meet the requirements of the Zoning Resolution
2. Require all wheel stops to meet the requirements of the Zoning Resolution

The Board asked questions of Mr. Holbert.

Mr. Barrick asked for clarification on some of the notes in the staff report as far as setbacks for the parking stalls.

Mr. Holbert showed the area along Goldcoast Drive where the clear sight triangle is a problem.

Mr. Barrick asked if the required thirty feet setback is from the property line or curb.

Mr. Holbert answered it is whichever is the greater distance.

Mr. Barrick said the Board should not approve something in violation of the clear sight triangle because it is a safety issue. He then asked if the interior landscaping proposed is a Zoning Resolution requirement.

Mr. Holbert answered they are required 418 square feet of interior landscape saying the applicant proposes 543 square feet but the plan doesn't meet the minimum plant size or tree size requirement.

Mr. Barrick said he'd rather forgo some of the interior landscaping to have the parking stalls clear of the sight triangle.

Mr. Holbert said this is industrial so it is not as critical to break up the parking lot with interior landscaping as it would be in a retail district.

Mr. Friedmann asked if the applicant was present and wished to speak.

Mr. Shawn Mason, the applicant, of Prime AE Group, 7870 E. Kemper Rd. Suite 130, Cincinnati, OH 45249, addressed the Board.

Mr. Randy Bernhardt, of First Star Logistics, 11461 Northlake Drive, Cincinnati, OH 45249 addressed the Board saying the company has been in the building about a year and a half and would like to hire more people which is why they need more parking.

Mr. Mason said he understands additional trees and plants may be required. He noted the streetscape has twenty years of growth and is pretty significant so there may not be room to plant much more.

Mr. Mason then addressed the clear sight triangle noting there is at least a full car length in which to stop and look both ways before pulling out.

Mr. Holbert showed the area on the street view. He pointed out the mature pine trees will remain.

Mr. Friedmann asked if there was anyone present from the public who wished to comment on the case.

Ms. Kathy Kugler, of 7106 Tenderfoot Lane, Cincinnati, OH 45249, addressed the Board. Ms. Kugler asked about water runoff caused by the increase in ISR.

Mr. Holbert said that is reviewed by Hamilton County agencies who regulate storm water noting the applicant would have to meet whatever county standards are in place.

HH said Hamilton County will regulate the plan to be designed appropriately. It is up to the County to decide if the applicant has to do something additional to accommodate water runoff because of the additional 17 parking spaces.

Ms. Kugler commented that's a non-answer but that's ok.

Mr. Friedmann closed the floor to comments and the Board discussed the issues brought before them.

Mr. Friedmann entertained a motion.

Mr. Mees made a motion to consider Case 2018-04P1 with the staff recommended conditions.

Mr. Holbert reminded the Board this is a PUD1 therefore the Zoning Commission has the final decision.

Ms. Flanagan seconded.

Mr. Friedmann said he would prefer to see in the conditions to cut back on landscaping a little bit to allow for parking.

The applicant said circulation wide the area is tight.

Mr. Barrick said if the applicant removed one stall near the smaller landscaped area and eliminated that landscaping, he could have one less stall on Goldcoast Drive and be compliant with the clear sight triangle.

There was discussion about the parking lot layout and turning radiuses.

Mr. Mees amended his motion to include staff conditions and to eliminate the angled parking space closest to Goldcoast Drive but allow the applicant a variance to eliminate the 165 square feet interior landscape bed closest to the building to allow for one parking space there to remain.

Ms. Flanagan seconded.

Mr. Mees called roll.

Ms. Flanagan - AYE

Mr. Barrick – AYE

Mr. Friedmann - AYE

Mr. Kronenberger – AYE

Mr. Mees – AYE

Item 5. – Trustees Report

Mr. Holbert said the zone change for case 2018-02Z will go before the Board of Trustees at a date and time to be determined.

Ms. Kathy Kugler addressed the Board again asking about the Land Use Plan and how to start the process to have the Land Use Plan updated.

Mr. Holbert said that process was started about a year ago.

Ms. Kugler said she did not see that on the Township website and asked how she could get involved.

Mr. Holbert said there will be information posted on the website soon for the public to review and comment. He said once the Township gets feedback from residents, the formal process of adopting the new Land Use Plan and Zoning Resolution will begin.

Ms. Kugler asked where the information will be on the website, how she may comment and if there will be public meetings on it.

Staff explained the process.

Ms. Kugler then spoke about cut through traffic problems on Tenderfoot and how she is interested in friendlier pedestrian and bicycle opportunities and green space areas.

Item 6. – Date of Next Meeting

Mr. Friedmann noted the date of the next meeting is Monday, March 12, 2018.

Item 7. – Adjournment

Mr. Mees moved to adjourn.

Mr. Kronenberger seconded.

All voted yes.

Meeting adjourned at 8:57 p.m.

Minutes Recorded by: Beth Gunderson
Planning & Zoning Assistant