

March 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, March 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 February 12, 2018 meeting minutes.

Mr. Friedmann asked for any corrections to the February 12, 2018 minutes.

Ms. Flanagan moved to approve the February 12, 2018 meeting minutes.

Mr. Mees seconded.

Ms. Flanagan - AYE
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

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert noted per Resolution 2014-144 which approved the PUD for Case 2014-13P2 for Texas Roadhouse, the restaurant is permitted up to three (3) building signs with a maximum combined area of 100 square feet. Per the Zoning Resolution, the building would be permitted two (2) building signs with a maximum combined area of 84 square feet. Mr. Holbert then stated the applicant requests two building signs with a maximum total area of 148.38 square feet. He noted the restaurant has an existing 99.58 square feet sign and proposes an additional 48.8 square feet building sign. He then showed the proposed sign and explained how the area is measured.

Mr. Holbert said should the Board be inclined to approve the request for 148.38 square feet of signage, staff recommends the Board require the signage to be shared between two signs.

The Board asked questions of Mr. Holbert.

Mr. Mees asked, should the request be approved, if it would be particular to Texas Roadhouse or if it would apply to any business there.

Mr. Holbert stated should the property changed hands, there would be another modification to the existing PUD required.

Mr. Friedmann asked if the Texas Roadhouse logo really pushes the square footage up.

Mr. Holbert answered yes because, per code, staff draws a box around the entire sign to measure it.

Mr. Barrick suggested limiting any one sign to 100 square feet if the Board chooses to approve the request.

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

Mr. Benjamin Yoder, attorney for the applicant, of Frost Brown Todd, 9277 Centre Pointe Drive, West Chester, OH 45069, addressed the Board. He stated also present was Robin Gildersleeve, managing partner of the Texas Roadhouse. Mr. Yoder stated the applicant has no problem with the staff report and gave some background on the restaurant. He noted the site is a little awkwardly located and does not have any frontage along Montgomery Road. He noted as a condition of the initial approval, Texas Roadhouse agreed to remove the sign cabinet for the restaurant along I-71 where the IHOP sign is. He said those travelling northbound on I-71 are able to see the existing sign on the building, but those travelling southbound cannot see the sign in time to exit onto Montgomery Road.

Ms. Robin Gildersleeve, managing partner for Texas Roadhouse, 7860 Montgomery Road, Cincinnati, OH 45236, addressed the Board. Ms. Gildersleeve stated all of their marketing is grass roots, noting they don't do any mass media. She said they deliver bread to the community to get their name out and many people comment they were not aware there was a Texas Roadhouse in their location. She also stated many times guests arrive at the restaurant and tell them they had trouble finding the restaurant tucked back off Montgomery Road. She noted they do \$3.5 million at that location and the average Texas Roadhouse does \$5 million.

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

No response.

Mr. Friedmann entertained a motion.

Ms. Flanagan made a motion to consider Case 2017-17MA with the condition that two signs are allowed with the maximum permitted combined area of 150 square feet and the area of any one sign is limited to 100 square feet.

Mr. Barrick seconded.

Mr. Kronenberger commented that, in general, it is important for the Board to adhere pretty strictly to the sign code so that the Township is not "over signed" as some of its sister Townships are. Secondly, he pointed out that Texas Roadhouse was approved fairly recently, and since then not much has changed. Therefore, he is bothered by them coming back before the Board so quickly for more signage. He said there was a reason in 2014 why the signage was set the way it was.

Ms. Flanagan said she agrees with Mr. Kronenberger that over signage is a concern, but she pointed out this property is somewhat unique and looking at it historically in our community, there have been many restaurants in that location that have failed to succeed. She said it makes sense to her that people on the highway passing through need to know where the restaurant is and be able to find it.

Mr. Kronenberger said he understands that and may be more swayed if there was compelling evidence that signage was the reason that the property is struggling.

Mr. Friedmann said he agrees with Mr. Kronenberger about the idea of over signage but what Ms. Flanagan said is true that this property is different than other properties since it is tucked back there away from Montgomery Road. He noted some of the issue is how the Zoning Resolution requires that the sign be measured. He stated he does not see the sign as being an intrusion. Mr. Friedmann said he liked that Ms. Flanagan added that any one sign be limited to 100 square feet. He noted he is more concerned about Mr. Kronenberger's point about sign shopping and applicants coming back before the Board for more signs, however, he has no reason to doubt that the restaurant's sales performance may somehow be tied to where it is located.

Mr. Mees called roll.

Ms. Flanagan - AYE

Mr. Barrick – AYE

Mr. Friedmann - AYE

Mr. Kronenberger – NEA

Mr. Mees – AYE

Mr. Friedmann noted the case will be heard by the Board of Trustees.

Mr. Holbert said most likely on April 5, 2018.

Item 5. – New Business

2018-05P2

Taz Fresh, LLC

7331 Kenwood Road

PUDII

Mr. Holbert presented the case and case history in a Power Point presentation. He reviewed the site characteristics. He noted the existing and proposed impervious surface ratio. He said the applicant seeks PUD2 approval to redevelop the site with a new restaurant concept with a drive thru. Mr. Holbert reviewed the adjacent zoning districts. He noted he believes the parcels on the property may be consolidated for tax purposes but he does not show that they have been consolidated by plat. He showed existing conditions on the property noting it is currently a

Burger King which is in operation, with a drive thru. Mr. Holbert said, if approved, they will be razing the building and redeveloping the site.

Mr. Holbert pointed out a way to adjust the parking stall length in order to allow for some more green space on the property.

Mr. Holbert then reviewed the proposed elevations of the building. He noted a lot of the staff report had to do with unknowns. For instance, he thinks it looks like the building meets the 75% preferred building materials required by the overlay district but he does not know that for sure.

Mr. Holbert pointed out the staff recommended conditions should the Board choose to approve the request. He went on to discuss some of the deficiencies in the landscape plan.

The Board asked questions of Mr. Holbert.

Mr. Kronenberger asked Mr. Holbert to point out where there is a change that is increasing the ISR from .54 to .76

Mr. Holbert said he couldn't figure that out either and deferred to the applicant.

Mr. Kronenberger asked if the stacked parking meets the code for the drive thru.

Mr. Holbert said per the applicant it is not so much a drive thru as a pickup area. He said because there is room for two way traffic, it should work but there could be challenges in other areas of the lot where the drive aisle width is only 12 feet.

Mr. Barrick asked for clarification on the conditions in the power point versus what was noted in the staff report.

Mr. Holbert said the items that he wasn't sure about, such as mechanical screening, he itemized on the Power Point as having to meet the Zoning Resolution.

Mr. Barrick asked if they lose parking stalls to gain stacking spaces in the drive thru would they still be compliant.

Mr. Holbert said he doesn't know because he doesn't have the sheet.

Mr. Friedmann asked if the access road behind the restaurant is a dedicated public street.

Mr. Holbert answered yes noting this site does have access to that public road.

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

Mr. Jason Williams, of Phoenix Architecture, 9467 Kenwood Road, Blue Ash, OH 45242, addressed the Board. He also introduced the civil engineer and property owners. Mr. Williams said the proposed drive thru is not a true drive thru more of a pickup window. He stated the building materials are 90% brick, stone or glass, saying it does have some wood. Mr. Williams noted the ownership feels if they take down the pole sign and put up a compliant monument sign, the restaurant may be at a disadvantage to other restaurants who have pole signs.

Mr. Craig Abercrombie, of Abercrombie & Associates, 3377 Compton Road, Cincinnati, OH 45251, the Civil Engineer for the project, addressed the Board. Mr. Abercrombie had Mr. Williams confirm that they will meet zoning requirements for the screening of the mechanicals. He then asked about the dumpster having to meet the building setback per code.

Mr. Holbert said the proposed location of the dumpster makes sense but would require a variance from the Board.

Mr. Abercrombie said they are willing to put additional landscaping there if the Board allows the dumpster to remain in that location. He said there are three stacking spaces on the drive thru noted as three rectangles on the drawing.

Mr. Holbert pointed out the stacking spaces have to be from first point of contact.

Mr. Williams said there will be no menu board just a speaker so that people can let the restaurant know they are there for their pick up order.

Mr. Mees asked if customers would call in orders or order online.

Mr. Matthew Warren, operating partner for Taz Fresh, LLC, of 11160 Kenwood Road, Blue Ash, OH 45242, addressed the Board. He said there are two main ways to order for carryout – online or call.

Mr. Mees ask if there will be an order board.

Mr. Warren said there are Taziki's that have that set up where you can order at an order board and drive to the next window to pick it up and said he would like that possibility in the future.

Ms. Flanagan asked about hours of operation.

Mr. Warren answered they will serve lunch and dinner and be open from 11:00 a.m. to 9:00 p.m. Monday through Friday and Sundays 11:00 a.m. to 8:00 p.m.

Mr. Abercrombie said lighting will comply with the code. He said they will do a final landscape plan and will be able to accommodate the landscaping per code. He said staff had recommended make north stalls a little shorter to allow for additional buffering, he had the thought to shorten stalls on the south to do that.

Mr. Holbert said that would make sense if they can shift the site because they are always looking for ways to get more green space so however that can be accomplished would be good.

Mr. Kronenberger noted an issue with shortening the stalls on the south.

Mr. Holbert agreed because the stalls are slanted shortening them will not work on the south side.

Mr. Abercrombie pointed out the .54 is the acreage not the current ISR. He said the proposed plan will have a .76 ISR noting they haven't calculated the existing ISR.

Mr. Kronenberger asked if they would be removing any appreciable part of green space.

Mr. Abercrombie answered no, stating, if anything, they will be adding green space he would guess it's about .8 existing ISR.

Mr. Mees asked about the elevations and requested the architect walk the Board through the building materials.

Mr. Williams explained and noted the materials on the elevation drawings.

Mr. Mees asked if there is an outdoor eating area.

Mr. Williams said there is a covered outdoor seating area and noted the outdoor seating is part of the square footage for calculating the required parking.

Mr. Williams stated 39 parking stalls are required and they propose 42 not including stacked spaces for the drive thru.

Mr. Mees asked if the roof is flat for mechanicals.

Mr. Williams answered yes, saying there would be parapets there to hide the mechanicals.

Mr. Friedmann entertained a motion.

Mr. Kronenberger made a motion to consider Case 2018-05P2 with the conditions as noted in the power point with modifications to Item #2 to allow for approval of the refuse location per the submitted drawing and Item #3 to add the requirement of a minimum 75% preferred building materials.

Mr. Mees seconded.

Mr. Barrick said he is concerned about the stacking since the owner said he may consider having a true drive thru with an order board in the future.

Mr. Friedmann said he is wondering if the ordering location could be changed to the southwest corner as opposed to the northwest corner.

Mr. Barrick noted an issue with that idea.

Mr. Williams said the proposed stacking is the same as the current stacking operation at the Burger King.

Mr. Barrick said if the Board limited the drive thru to pick up only, he would be ok with the plan as is, but if the applicant wants a true drive thru, they would need to have a better proposal.

Mr. Kronenberger agreed and amended his motion to add to item #4 on the Power Point to limit the drive thru to pick up only.

Mr. Mees seconded the amended motion.

Mr. Mees called roll.

Ms. Flanagan - AYE

Mr. Barrick - AYE

Mr. Friedmann - AYE
Mr. Kronenberger – AYE
Mr. Mees – AYE

Mr. Friedmann said the case will go before the Board of Trustees in early April.

Item 6. – Trustees Report

Mr. Holbert stated he will send a copy of the new revised Zoning Resolution to the Zoning Commission Members for their review. There was discussion about the process to review and approve the new Zoning Resolution.

Item 7. – Date of Next Meeting

Mr. Friedmann noted the date of the next meeting is Monday, April 9, 2018.

Item 8. – Adjournment

Mr. Mees moved to adjourn.

Ms. Flanagan seconded.

All voted yes.

Meeting adjourned at 7:58 p.m.

Minutes Recorded by: Beth Gunderson
Planning & Zoning Assistant