

May 14, 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 6:00 p.m. on Monday, May 14, 2018.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Members Absent: Mr. Kronenberger

Staff Present: Harry Holbert and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedmann stated the first order of business was to approve the April 9, 2018 meeting minutes.

Mr. Friedmann asked for any comments or corrections to the April 9, 2018 minutes. No response.

Ms. Flanagan moved to approve the April, 2018 meeting minutes.

Mr. Barrick seconded.

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

Item 4. – New Business

2018-08Z

Robert Beck, RDB Ventures
7808 E. Kemper Road
Zone Change

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert noted the request was for a zone change from "A" single family residential to "OO" Planned Office to allow for the construction of two office buildings and a storage building. Mr. Holbert showed the proposed layout of the site including the landscape plan and renderings of the elevations. Mr. Holbert reviewed the foot candle chart submitted with the lighting plan. He then showed photos of existing conditions surrounding the property in question.

Mr. Holbert read for the Board the items staff suggests be considered should the Board decide to recommend approval of the request. He then reviewed the buffering requirements.

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

Mr. Bob Rothert, engineer for the project, of 3377 Compton Road, Cincinnati, OH 45251, addressed the Board. Mr. Rothert said he would plan to meet the code requirements on the lighting plan. He then noted the storage building will be taller than permitted to allow for it to match the architecture of the existing buildings in the front. He stated for the boundary buffer on the east along 7830 E. Kemper they propose a six feet privacy fence in lieu of landscaping. He said in the area upfront by the driveway at 7830 E. Kemper Road they would install landscaping.

Mr. Friedmann asked what the accessory structure would be used for.

Mr. Robert Beck, RDB Ventures, LLC, 4981 Bridge Lane, Mason OH 45040, addressed the Board. Mr. Beck answered it would be for a future use stating there is no immediate plan for it.

Mr. Friedmann asked if it is possible it could be used as office building.

Mr. Beck answered that is unlikely, noting his business, which will occupy first office building, needs storage.

Ms. Flanagan asked about the traffic aisle width where the two way traffic is.

Mr. Rothert said the access drive is 20 feet wide and the two way traffic aisle in the parking lot is 24 feet which is compliant.

Mr. Holbert said the access drive also has to be 24 feet wide therefore it is not compliant.

Mr. Friedmann asked what the required parking would be.

Mr. Rothert answered he calculated they would need 19.5 spaces and they propose 28 spaces.

Mr. Barrick commented if the access drive width is increased that will increase the ISR which is now at .64 and the staff notes say it should not go above .65.

Mr. Rothert agreed if the access drive is increased to 24 feet it would increase the ISR.

Mr. Friedmann asked if there was anyone present from the public who wished to comment of the case. No response.

Mr. Roos said he was concerned about the width of the drive aisle.

Mr. Mees asked if the drive aisle at 20 feet is a dangerous situation.

Mr. Holbert said he doesn't know that it's dangerous but it is not compliant with the code for two way traffic.

Mr. Barrick said he thinks the Board should require the drive aisle to be the compliant width.

There was discussion about the width of the driveway and how that would affect the ISR.

Mr. Friedmann entertained a motion.

Ms. Flanagan made a motion to consider Case 2018-08Z with the conditions listed in the staff report with the exception of allowing the ISR to exceed .65 so that the driveway may be 24 feet wide with the additional width being added on the building side and maintaining the five feet of green space adjacent to 7830 E. Kemper Road.

Mr. Roos seconded.

Mr. Mees called roll.

Ms. Flanagan - AYE

Mr. Barrick – AYE

Mr. Friedmann - AYE

Mr. Mees – AYE

Mr. Roos – AYE

Mr. Friedmann said the case will go before the Board of Trustees on June 7th.

2018-09Z

The Myers Y. Cooper Company

8248, 8270, 8284, 8306 Kenwood Road

Zone Change

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert pointed out he would go through some of the previous cases for the subject property to note items important to the residents. He then showed an overview of the property and surrounding areas.

Mr. Holbert said previously, per the consent decree from a previous case, the Hills was permitted 19,000 square feet of building area. He noted this proposal is for two 15,000 square feet, ranch style office buildings with 115 surface parking stalls on the south and east and no underground parking. He noted the building setbacks from surrounding residences.

Mr. Holbert showed the topography on the site noting the watershed concerns. He said the latest proposal for the single family homes from last year had water retention at to the northeast by Marieview Court. The proposal before that had retention at the rear of the lot and also directed water toward Marieview Court. The current proposal proposes to shed the water a good distance away from residents and direct water away from Marieview Court towards the adjacent Myers Cooper development and a much larger stream.

Mr. Holbert said new proposal has increased the buffering as it gets closer to the homes. He said the buffering is well above what is required by code.

M. Holbert then reviewed the photometric plan noting there is a condition in the consent decree from 2008 that it has to be zero foot candles along the north and east property lines. This proposal exceeds requirements of consent decree for the lighting plan requirements.

He then reviewed all the items in the plan that are compliant with the consent decree and pointed out those that either aren't compliant or need more information.

Mr. Holbert said the original consent decree was for three addresses and this proposal also includes an additional address at 8248 Kenwood Road. He then read a list of things staff suggests the Board consider should they decide to recommend approval of the submittal.

The Board asked questions of Mr. Holbert.

Mr. Friedmann asked about the note that Mr. Holbert had about the parking meeting the requirement of the consent decree and asked how that could be since the buildings are larger.

Mr. Holbert said the parking meets code, noting the consent decree didn't say a number, it just said the parking has to be compliant.

Mr. Barrick asked what the increase in land area is with the addition of the property at 8248 Kenwood Road.

Mr. Holbert deferred to the applicant.

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

Mr. Jeff Baumgarth, of the Myers Y. Cooper Company, 5050 E. Galbraith Road, Cincinnati, OH 45236, addressed the Board. Mr. Baumgarth said they have met with staff to get history on project, met with neighbors, and notified all outside agencies. He stated they have tried to address all the neighboring residents' concerns. Mr. Baumgarth noted the plan is consistent with the land use plan as transitional office. He said the plan has a residential design and will address storm water issues by sending storm water south away from residents.

Mr. Baumgarth said he has a more detailed landscape plan and gave staff a flash drive to show the plan on the screen to those in attendance. Mr. Baumgarth pointed out the landscape berm buffering the property from the residential neighbors. He said the landscape plan exceeds the requirements in most areas by 200%.

Mr. Baumgarth stated he had met with the Hamilton County Engineer's Office to discuss the curb cuts. He noted the proposal removes three of four existing curb cuts leaving only one curb cut with no left turn from the development onto Kenwood Road. He said there will be a left turn into the development. Mr. Baumgarth said the plan has 115 parking stalls on the west and south shielded from neighbors by the building. He pointed out that all activity will be in front of the buildings thus shielding neighbors from that activity. He said the lighting plan will have 14 foot poles with shielding similar to the adjacent buildings on Galbraith Road.

Mr. Baumgarth reviewed the storm water plan noting the two locations for retention and pointing out that water would be directed south. He said comparatively, this plan is better than previous for the neighbors and the Township.

Mr. Barrick asked Mr. Baumgarth about the increase in site area for this plan versus the previous plan that did not include 8248 Kenwood.

Mr. Baumgarth said the additional lot adds ½ acre.

Mr. Mees asked if there would be signs on the building.

Mr. Baumgarth answered yes, pointing out the proposed signs on the building are referred to in the color renderings.

Mr. Mees asked about the notches in the roof on the rear of the building.

Mr. Baumgarth answered those are emergency overflow spillways which are typical for a mansard roof.

Mr. Mees asked if the storm water that runs to the south ends up in the same creek where it would eventually flow if it flowed to the north.

Mr. Baumgarth answered yes eventually the creeks join together further to the east.

Mr. Friedmann asked if the company had purchased the property at 8248 Kenwood Road.

Mr. Baumgarth answered the property is under contract.

Mr. Friedmann asked if the applicant had been told the consent decree would be applicable to his company as well.

Mr. Baumgarth said the Township has let them know that the consent decree is applicable to three of the parcels. He said they are developing four parcels and stated they are applying the principles of the consent decree as much as possible while trying to meet the requirements of the "O" – Office zoning.

Mr. Friedmann asked if Mr. Baumgarth was aware that another proposal had come before the board previously for all four properties.

Mr. Baumgarth answered yes.

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

Ms. Kathie Albrecht, of 4884 Marieview Court, addressed the Board saying she is concerned about the drainage pushed to south because a creek runs along Marieview Court and joins up with southbound flow of that creek. She said her biggest issue with the project is that rezoning should not apply to this residential area. She is concerned about the cutoff from business to residential. Ms. Albrecht noted there are lots of empty office buildings and asked how many office buildings we need. She said the cutoff for commercial should be at Galbraith Road.

Mr. Hasmukh Shah, of 4875 Marieview Court, addressed the Board saying he has three kids and this is a great neighborhood. He stated the zone change should not be approved because there are already too many office buildings with vacancies asking why we need new development. He stated he is concerned about traffic and cars going down Marieview Court to turn around. Mr. Shah said he is strongly opposed to the development.

Ms. Darlene Chadwell, of 4512 E. Galbraith Road, addressed the Board saying she is concerned about more traffic being routed to Galbraith Road.

Mr. Dick Russell, of 8379 Frane Lane, addressed the Board saying he is a 30 year resident who has been around for many proposals for this site. He said the applicant has done good job of addressing residents' concerns but increasing the buildings to 30,000 square feet when the consent decree approved 19,000 square feet with the addition of a ½ acre lot doesn't make sense.

Mr. David Kameron, of 8362 Frane Lane, addressed the Board. He said he is worried about traffic and people pulling into Marieview Court. He also spoke about vacancies in office buildings.

Mr. Hank Wordeman, of 8320 Kenwood Road, addressed the Board saying his lot is adjacent to the property in question. Mr. Wordeman said he is a fifty year resident. He said what the developer says is not necessarily what you're going to get. Mr. Wordeman submitted a photo to the Board he took that morning of the grass on the property in question showing the grass 24 inches tall. He noted the owner is not showing care for his property letting the grass grow like that.

Mr. Holbert said he noticed the overgrown grass also and sent an inspector out to take photos. He said the Township will make sure it gets cut.

Mr. Shah spoke again saying the Township should buy the property and make it a park to show the Township is pro-residential.

Mr. Rob Bartley, of 5980 Kugler Mill Road, addressed the Board saying he is concerned about the creep of non-residential properties up Kenwood Road. He also is concerned about traffic on Kugler Mill Road due to the proposed right turn only out of the development onto Kenwood Road.

Mr. Frank Geiser, of 8347 Frane Lane, addressed the Board saying he is a 29 year resident. He thanked the Township for the way previously proposed developments on the site had been handled to date. He asked if this is really what the Township wants as far as the land use plan. He said he is also concerned about drainage noting the applicant said he hope it addresses this issue. Mr. Geiser said hope is not good enough it has to be based on expertise. He is also concerned about the size of the building. He said the applicant has prepared better than previous applicants but the increase from 19,000 square feet to 30,000 square feet in building area is too large.

Mr. Mike Friedberg, of 4883 Marieview Court, spoke about his basement leaking and asked if the plan would really help the drainage. He said Mr. Cooper has been a good neighbor to him noting he can see Cooper's current office building from his property and he has been responsive.

Mr. Friedmann entertained a motion.

Mr. Mees said the applicant has done a nice job alleviating the concerns of residents, however, he is concerned about the size of the buildings noting he is not sure this meets the spirit of the land use plan as transitional office.

Ms. Flanagan said the size is the big issue. She noted the plan is beautiful with increased landscaping and the lighting plan. Ms. Flanagan said there is already a park is close by, Bechtold Park, and pointed out a park would also come with parking lots and traffic. She said perhaps a smaller project would be more palatable.

Mr. Barrick said the bump in acreage is 20% therefore a proportional increase in size of the buildings from the 19,000 square feet approved in the consent decree would be 22,800 square feet. He said he was involved with the development of the land use plan and recalls going back and forth quite a bit over this area. He said quite a few residents have expressed concerns about commercial creeping up Kenwood Road and at the time they understood that and

looked for some way to stop it. He said this site was a rough stopping point and when a land use plan is done, they do not know what proposals for a site will come in and when. They did know there could be a use other than residential appropriate for this property due to its location. Mr. Barrick stated Mr. Wordeman's property is a challenge since it is adjacent to the proposed plan and said there may be a better way to treat that corner.

Mr. Friedmann said the applicant always does a great job and has kept his word. He pointed out this is the fifth hearing on this property since he has been chairman of the Zoning Commission all previous proposals have not been approved except the residential development because of the size. Mr. Friedmann said clearly there was a give and take with the consent decree to come to a compromise on size of the buildings, therefore, if anything is approved it should be a proportional increase to the increase in acreage. He noted some of the good points about the proposal but said the bottom line is it is too much of a development for this property.

Ms. Flanagan made a motion to consider Case 2018-09Z.

Mr. Mees seconded.

Mr. Barrick said there is a lot of good attributes to this plan compared to previous plans noting there is progress but we are not quite there.

Mr. Mees called roll.

Ms. Flanagan - NEA
Mr. Barrick – NEA
Mr. Friedmann - NEA
Mr. Mees – NEA
Mr. Roos – NEA

Mr. Friedmann said the case will go before the Board of Trustees on June 7th.

2018-10Z
Capital Investment Development Group LLC
7887-7987 Kenwood Road;
4797, 4735, 4765 Happiness Way;
7990, 7982, 7974, 7966, 7958, 7950, 7975, 7983, 7991 Festive Court
Zone Change

Withdrawn by applicant.

Item 5. – Trustees Report

Mr. Holbert reported the Trustees have been trying out a change in the meeting schedule by having two workshops and only one evening meeting per month for three months.

Item 6. – Date of Next Meeting

Mr. Friedmann noted the date of the next meeting is Monday, June 11, 2018.

A resident spoke about being out of town for the next meeting.

Mr. Friedmann said residents may send comments via email or mail.

Item 7. – Adjournment

Mr. Mees moved to adjourn.

Mr. Barrick seconded.

All voted yes.

Meeting adjourned at 7:28 p.m.

Minutes Recorded by: Beth Gunderson
Planning & Zoning Assistant