

July 9, 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, July 9, 2018.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Members Absent: Ms. Flanagan

Staff Present: Harry Holbert and Beth Gunderson

Mr. Friedmann stated Case 2018-12P2 would move up to first on the agenda due to the large number of members of the public present for that particular case.

Mr. Friedmann then stated that he was alerted by the Township of a letter received by the attorney for the applicant claiming a member of the Board had a conflict of interest for this case.

Mr. Kronenberger read a statement in response to the applicant's attorney's request that he should recuse himself. Mr. Kronenberger stated that he has no financial interest and will not be recusing himself from the case.

Mr. Friedmann instructed the crowd to refrain from clapping and shouting out during the hearing so that the hearing may run more smoothly.

Item 3. – New Business

2018-12P2

Capital Investment Development Group LLC

7887, 7901, 7919, 7937, 7953, 7969 and 7987 Kenwood Road;

7990, 7982, 7974, 7966, 7958, 7950, 7951, 7975, 7983, 7991, 7967, 7959 Festive Court;

4735, 4765 and 4797 Happiness Way

PUDII

Mr. Holbert presented the case and case history in a Power Point presentation. He explained the project in detail; pointing out it would be a mixed use development with office, retail, a hotel, parking and multi-family residential. He then pointed out the adjacent zoning districts and outlined the area of the proposed development. Mr. Holbert showed photos of the existing conditions on the property beginning with the properties along Kenwood Road, then heading up Happiness Way from Kenwood Road and ending with the properties on Festive Court.

Mr. Holbert then showed a google aerial photo of the subject properties and adjacent properties. Mr. Holbert again explained the structures proposed and pointed out the property is in the Special Public Interest District - Suburban Center/Corridor Kenwood/Montgomery Road Corridor Overlay. He discussed the purpose of the overlay district and its permitted uses.

Mr. Holbert then showed the proposed site plan for the development. He pointed out the parking stall size does not meet the zoning resolution and would require relief from the Board if approved. He showed the landscape plan noting the streetscape buffer is lacking along Kenwood Road.

Next, Mr. Holbert reviewed the site layout plan noting the locations of the proposed buildings and detention pond. He noted the locations of the five story and four story multi-family residential units and showed the elevations. Mr. Holbert reviewed the land use for each portion of the proposed development and spoke about the landscape requirements for each land use. He reviewed in detail the buffers that do not comply with the requirements of the Zoning Resolution. Mr. Holbert pointed out some of the streetscape buffer on Kenwood Road and Happiness Way is in the right of way.

Mr. Holbert stated he had received a response to the Staff Report from the applicant. He brought this response up in his Power Point noting the applicant had addressed many of the items the staff report had noted as not enough information. He then reviewed the applicant's responses for the Board.

Mr. Holbert stated the point of a PUD is to allow development that will be good for the community, therefore there is flexibility in a PUD. He said it is up to the Board to decide if they want to grant relief to the items which are not consistent with the Zoning Resolution.

Mr. Holbert noted the staff report had not included any responses from outside agencies regarding the plans submitted. He said the applicant had provided outside agency comments to staff today and went on to review those comments. He spoke about the Hamilton County Engineer and ODOT having comments/concerns based on the traffic study that was done.

The Board asked questions of Mr. Holbert.

Mr. Mees asked about the comments from Hamilton County and ODOT on the traffic study, specifically if there were comments that differed from the conclusions that Woolpert came to.

Mr. Holbert stated there were 17 comments from Hamilton County about the Traffic Impact Study. He then reviewed them stating a lot of it is asking for clarification and noting there are recommendations for turn lanes to comply with the 2020 plan. ODOT also had comments about light cycles and timing and widening of the road that is recommended but unable to be funded at this time.

Mr. Kronenberger asked about the elevation drawings and asked for clarification on the building heights.

Mr. Holbert reviewed each elevation but deferred to applicant for details.

Mr. Kronenberger asked about how the height compared to the height of the existing structures.

Mr. Holbert stated he doesn't have that information but estimated the existing structures are probably 35 to 40 feet in height.

Mr. Roos asked about the buffer adjacent to Frolic.

Mr. Holbert reviewed the landscape buffer requirements.

Mr. Barrick asked if Mr. Holbert interprets the applicant's vague responses to the staff report to mean they will comply with Zoning Resolution.

Mr. Holbert deferred to the applicant but noted this is a preliminary plan.

Mr. Friedmann asked about if the size of the site is 7.2 acres and pointed out the dwelling units per acre does not include the office/retail and hotel.

Mr. Holbert answered that is correct.

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

Mr. C. Francis Barrett, attorney for the applicant, of 120 E. 4th St. Suite 1201, Cincinnati, OH 45202, addressed the Board. Mr. Barrett first stated he objects to Mr. Kronenberger refusing to recuse himself from the Board for this case. Mr. Barrett then introduced those in attendance representing the applicant.

Mr. Barrett spoke about the SPI Overlay District taking precedence over underlying zoning. He stated the proposed development is fully in compliance with the land use plan.

Mr. Barrett said the applicant does intend to comply with Township requirements in those areas where not enough information was provided.

Mr. Barrett spoke about meetings with and comments from outside agencies.

Mr. Barrett then presented a slide presentation to the Board. He noted the site has 1950's construction on a prime site for Sycamore Township in general. He stated the proposal is for a high quality development to the benefit of the Township. Mr. Barrett pointed out the area is in the SPI Overlay District which he noted was adopted in order to bring attractive development to the Township.

Mr. Greg Fusaro, the applicant, of Capital Investment Group, Inc., 226 East 8th St., Cincinnati, OH 45202, addressed the Board about the project. He showed the site plan that had been revised since the neighborhood open houses were held in response to concerns of the neighbors. He noted the building has been pulled back 32 feet more from Duneden Ave. and an 8-10 feet tall fence had been added along the southern and western borders. Mr. Fusaro said he suggested a tree easement to put trees on neighboring properties adjacent to the site. He said Capital Investment Group has signed a contract for the two properties that originally were not in the plan noting that would be the location of the proposed detention pond.

Mr. Fusaro stated he does not have enough information about the hotel and restaurants/retail that will be in the development to request a specific sign package yet but would expect signage, materials, lighting etc. to be approved by the Township Boards in the future. His hope is for a preliminary approval and then to move forward with more details and have those approved as the project takes shape.

Mr. Fusaro stated the heights of buildings adjacent to residential properties have been reduced from five stories to four stories. He said one of the neighbors' concerns is traffic from this development coming through their neighborhood. Mr. Fusaro recommended closing off Happiness Way at the end of their development, but he said he is willing to do whatever the Township and residents think is best. He spoke about the recommendations that came about from the traffic study. He said the County asked them to project traffic in the year 2040 using a three percent increase per year even though traffic hasn't increased on Kenwood close to that rate. Mr. Fusaro said that calculation shows an increase from 20,000 to 36,200 noting things will have to change to help mitigate traffic. He said there will only be a net increase of 800 cars because the cars currently parking at the mall will be moving over and there are already some cars parked on the properties.

Mr. Fusaro discussed property values stating there have been studies that homes near upscale developments actual increase in value partially because of increased walkability which is desirable.

Mr. Fusaro then discussed the benefits to the Township in terms of JEDZ taxes, hotel taxes and money for Deer Park Schools. He noted it also eliminates Mercy's need to build a parking garage on their site.

Mr. Barrett asked Mr. Fusaro to review how traffic will flow throughout the development. Mr. Fusaro explained all the access points and traffic flow. He then spoke about the traffic impact on Kenwood Road and went into possible ways to keep traffic out of the Holiday Acres neighborhood, pointing out their number one recommendation is to have Happiness Way dead end at the end of the development.

The Board asked questions of the applicant.

Mr. Kronenberger said he is trying to understand what the Board is voting on. He noted he did not see anything in the submitted drawings about closing off Happiness Way.

Mr. Fusaro said that is their recommendation but it is not their decision.

Mr. Kronenberger said he is struggling with voting on a recommendation versus a submission.

Mr. Fusaro said he is attempting to come up with the best way to address the concerns of the residents about traffic in Holiday Acres in a collaborative fashion. He said he feels it is not their decision but noted they will do whatever makes the most sense.

Mr. Kronenberger said he did not see the fence in the submittal either.

Mr. Holbert stated he was not aware of it.

Mr. Fusaro said it is in the drawings and pointed out he spoke with the neighbors from the beginning about it.

There was discussion about the fence and buffering in response to questions from Mr. Barrick.

Mr. Christian Dial, of Capital Investment Group, Inc, 226 E. 8th St., Cincinnati, OH 45202, addressed the Board regarding the proposed fence.

Mr. Barrick said he sees conflicting information about a detention pond versus retention.

Mr. Brian Smallwood, engineer for the project, of Woolpert, 1203 Walnut St., Cincinnati, OH 45202, addressed the Board. He said there is detention for the development and also a retention pond which will be a water feature for the development.

Mr. Barrick asked about the streetscape in the right of way.

Mr. Smallwood noted because of the proximity of the buildings to the right of way, some of the streetscape does encroach into the right of way. He said they have been able to come close to the number of trees and shrubs required.

Mr. Barrick said typically the Board does not allow any plantings in the right of way. He then asked if the applicant had any renderings to show what the buildings would look like from adjacent residences.

Mr. Fusaro said the western facing elevation is apartments noting the architecture is consistent around the entire building. He spoke about this being a quality high end development but answered he had no such rendering prepared.

Mr. Friedmann asked about the parking agreement with Mercy Health.

Mr. Fusaro said they have a letter of intent signed with them showing the hospital is committed to it.

Mr. Friedman asked about an agreement with Kenwood Place for egress.

Mr. Fusaro said he is working on that but does not have it yet.

Mr. Friedmann asked if the hotel tax figure Mr. Fusaro gave was the total paid to Hamilton County or just the portion the Township gets.

Mr. Fusaro answered he believes that figure is the township's portion.

Mr. Holbert requested a recess.

Mr. Friedmann stated there would be a five to ten minute recess.

After the recess, Mr. Friedmann stated the public may now make comments and ask questions.

Ms. Becky Ganis, of 4687 Largo Drive, addressed the Board stating she is opposed to the project. Ms. Ganis said the proposal is premature noting the best use does not have to have everything. She pointed out there is already a hotel close to the hospital. She spoke about calls to police for hotels being high which is not good so close to residences. She spoke about the proposal on the other side of Kenwood Road that was before Zoning Commission recently. She stated the square footage of the buildings proposed is too large. Ms. Ganis stated there are traffic problems already and will be worsened with this development. She stated it is too big and there needs to be time taken to figure out the best use for the property.

Ms. Kathleen Kuzniczci, of 7675 Styrax Lane, spoke against the proposal. She said the applicant only spoke to neighbors within 200 feet but noted more people will be affected by this development. She spoke about traffic and speeding problems that already exist and will be made worse. She stated she is concerned about people cutting through her neighborhood to

avoid traffic on Kenwood Road. She said the development is too much, noting there are already enough hotels near Kenwood Towne Center. Ms. Kuzniczci asked that the Board think about the neighborhood when making their decision.

Mr. John Rising, 7918 Frolic Drive, addressed the Board against the proposal. He spoke about all the mature oak trees behind the houses on Frolic that will be lost to this development. Mr. Rising reiterated comments about traffic and congestion noting Kenwood Road and Galbraith Road is already a dangerous intersection. Mr. Rising said he wants existing vegetation saved because he does not want to look at the back of a large development.

Mr. Ethan Rising, 7918 Frolic Drive, reiterated comments about the mature trees. Mr. Rising said he has not felt that the applicant has done sufficient outreach to the neighbors.

Ms. Donna Oblack, of 4697 Duneden Avenue, addressed the Board saying she is opposed to the project because it is too massive and tall.

Mr. Mike Herrel, of 4713 Duneden Avenue, spoke about wanting to have more idea of what this would look like to the residents. He asked where the dumpsters would go for this massive development. Mr. Herrel agreed it seems to be a big development pointing out he is not resistant to any development but wants it to be the right development.

Mr. Jack Pflum, of 7541 Hosbrook Road, Sycamore Township, OH 45243, addressed the Board and presented handouts to staff and the Board members. He then presented a Power Point presentation. Mr. Pflum said he has experience in areas of land planning and traffic engineering and has looked into the proposal as a concerned resident of the Township.

Mr. Pflum noted the Hamilton County Engineer had 18 mitigating comments which shall be addressed if project goes through. He said ODOT had three comments and TEC engineering had five comments. He discussed his involvement with the development of the Township Land use Plan in 2002 and spoke about the three principles which guided their work. He said the most important principle is to support and protect residential neighborhoods. He stated the applicant did not provide complete information and the applicant does not comply with PUD standards. He noted the site is identified as mixed use in the 2008 Land Use Plan map; however, it does not comply with the definition of mixed used as transitional. He stated the proposed development is too large, intense and dense for the area and therefore does not comply with the land use plan.

Mr. Pflum then spoke about Kenwood Road as a major arterial and noted the submittal does not dedicate right of way as required by the Hamilton County Thoroughfare Plan. He stated the applicant has done little to mitigate traffic issues. He spoke about more traffic going into an already congested Kenwood place, if they come to a cross easement agreement. Mr. Pflum spoke about other traffic issues such as the intersection of Kenwood and Galbraith and traffic flow. He noted a project of this magnitude should pay more attention to these issues. He spoke about the 2040 forecast for Kenwood Road including lane expansions and noted the applicant has to be a part of the solution to traffic problems. Mr. Pflum concluded this should be a transparent, collaborative effort with the applicant, municipalities and residents. He noted attention should be given to other potential developments in the region.

Mr. Dwayne Pedrick, of 4689 Duneden Avenue, addressed the board against the proposal. He noted the intensity of the proposal is too much for the land size available. He reiterated concerns about traffic.

Dr. Paul Sohi, of 7230 Kenwood Road, addressed the board and distributed handouts to staff and the Board members. He said he is opposed to the project. He echoed traffic concerns and urged Sycamore Township to complete Kenwood Corridor improvements. He said long term improvements providing relief to the businesses on the east side of the Kenwood Road median have not yet been completed. He spoke about safety issues in regards to the Kenwood Road median.

Mr. Jeff Booth, of 7169 Irwin Avenue, addressed the Board regarding traffic concerns in his neighborhood. He said his father is directly impacted and he does not agree that this will increase his property value; he believes it will have a negative impact on it.

Mr. Billy David Booth of 4712 Duneden Avenue, spoke against the proposal saying a lot of his concerns have already been expressed. He stated the project is too large.

Ms. Sheryl Martin, of 7983 Frolic Drive, addressed the Board stating the proposal is too large. She said the project is unclear and incomplete. She asked about the reasons for the retention pond. Ms. Martin said she doesn't understand why the applicant moved the building back from Duneden Ave. but not from Frolic Dr.

Ms. Ruth Steele, of 4681 Largo, spoke about going from the current two story buildings to four story buildings looking down on current residences. She said this will cause property values to decrease. She said she is also concerned about traffic which is already bad.

Ms. Judith Myers, of 4720 Duneden Avenue, addressed the Board against the project. She agreed the proposal is too intense. She spoke about features at the adjacent Kenwood Place development which protect the residential community. She spoke about noise and light spilling out into residential areas.

Ms. Cheryl Bonyng, of 4622 Largo Drive, addressed the Board against the project stating it is too big of a project and the plan is not complete.

Mr. Ervin Moermond, 4704 Duneden Avenue, addressed the Board against the project stating if approved he would like a condition that there are no balconies or porches facing residences.

Ms. Tracy Hughes, of 4705 Duneden Avenue, addressed the Board. Ms. Hughes submitted handouts to the Board members and staff and presented a Power Point. She said she is not against any development but this one is too large and dense. She said the scale and scope of the project needs to be compatible with the surrounding neighborhood. Ms. Hughes said the standards for a PUD are not addressed in this proposal. She said Sycamore Township should do their own traffic study. She agreed it does not comply with the land use plan nor does it protect neighborhoods from incompatible traffic. She said money to Deer Park Schools should not be considered. Ms. Hughes concluded she is not opposed to development if it is in scale.

Ms. Kathy Kugler, of 7106 Tenderfoot Lane, addressed the board saying she is interested in clean air and clean water. She also spoke about the development displacing residents living in affordable housing. She also spoke about negative effects on trees, wildlife and green space.

Mr. Michael Schwartz, of 5159 Bayberry Drive, commented if the Board is considering approval, they should not take any action tonight to give time to digest concerns and come up with conditions. He stated there is a procedural issue because of the possible adoption of a new Zoning Resolution and noted he doesn't know if this plan has been reviewed against the new Zoning Resolution.

Ms. Jean Bresnen, of 4687 Happiness Way, addressed the Board stating the buildings currently in Holiday Acres are well maintained. She said it is unacceptable to displace residents for a four to five story building. She spoke against more parking lots. Ms. Bresnen noted traffic and safety are a major concern.

Mr. Standish Fortin, of 12137 McCauley Road, spoke about wanting to have chickens. He said he has two children and knows what can happen because of development and cut through traffic. He said this development is the cart before the horse, noting the Township has to get the reins and get things under control.

Ms. Betsy Neel, of 7982 Frolic, addressed the Board. She said at first she was thrilled people were going to renovate the apartment buildings along Kenwood Road because they have been going downhill. Ms. Neel said an eight feet fence will not help and said she thinks the project is too large. She also said she is confused about the parking areas and egress. She said the board does not have enough information to make a decision.

Mr. Barrett addressed the Board again stating they are committed to making the best development and will take all comments into consideration. He said he hopes this is a matter of details not substance. Mr. Barrett rebutted Mr. Pflum's claims that the proposal is not in agreement with the 2008 Land Use Plan and noted they will take into consideration all comments about traffic.

Mr. Friedmann closed the floor to comments from the public and entertained motion.

Mr. Mees made a motion to consider Case 2018-12P2.

Mr. Barrick seconded.

Mr. Mees said he likes the project and pointed out that communities need to evolve. He said there are lots of good things about the project. Mr. Mees stated the Board heard over and over again that the project is too big and will cause too much traffic. He said those are legitimate concern and he is sympathetic to the neighbors. He stated there is a process to allow for landscaping and lighting details to be worked out in the course of the project. Mr. Mees pointed out too big is a vague complaint. He stated it would be helpful to have site sections and spoke of the complexities of traffic in the area noting no one, including the developer, wants to see traffic issues. He said there is more work to be done to pull all details together.

Mr. Kronenberger said there has been lots of discussion about what the SPI Overlay District and PUD allow, but the Board has to ensure the development does not create a detriment to neighboring properties. He said the Board has always spent a lot of time and effort looking at things like buffering. Mr. Kronenberger said he appreciates comments made by the neighbors who clearly stated they believe this development will be a detriment to neighboring properties. He said the Board needs to provide a high level of oversight and attention to detail noting what was presented by the applicant is insufficient. Mr. Kronenberger said there is a lot of "we'll figure that out later" and asked his fellow Board members to vote no.

Mr. Roos said the project is too large noting he is concerned that it is four floors high.

Mr. Barrick said he likes the idea of the project but where it sits on the fringe of residential neighborhoods means it has special needs. He stated it is a good type of project but does not fit the neighborhood yet. Mr. Barrick stated four stories is too tall and the right of way and traffic

issues need to be resolved. He concluded this is on the right track but there is still a long way to go.

Mr. Friedmann stated this proposal is too large for the property. He said mixed use does not have to include everything. He noted there have been good points brought up about traffic. Mr. Friedmann said the applicant does not have an agreement yet with Kenwood Place, pointing out that Kenwood Place is a much smaller development and that caused traffic issues; this development is five times larger. He said the Hamilton County Engineer has legitimate concerns and the applicant cannot have the development right up to the right of way when that is going to be widened in the future. Mr. Friedmann said he thinks there is a plan that could work as mixed use on this site but there is too much involved in this proposal.

Mr. Holbert stated the Board cannot make a decision based solely on traffic because the Township must rely on Hamilton County Engineer for traffic issues.

Mr. Friedmann said traffic is a legitimate concern among others which he listed.

Mr. Mees called roll.

Mr. Roos – Nay
Mr. Barrick – Nay
Mr. Friedmann – Nay
Mr. Kronenberger – Nay
Mr. Mees – AYE

Item 4. – Approval of Minutes

Mr. Friedmann stated the Board must now approve the June 11, 2018 meeting minutes.

Mr. Friedmann asked for any corrections to the June 11, 2018 minutes.

Mr. Mees moved to approve the June 11, 2018 meeting minutes.

Mr. Kronenberger seconded.

Mr. Barrick – AYE
Mr. Friedmann - AYE
Mr. Kronenberger – AYE
Mr. Mees – AYE
Mr. Roos - ABSTAIN

Item 5. – New Business Continued

2018-11T
Sycamore Township
Text Amendments to Zoning Resolution

Mr. Friedmann asked if there was anyone from the public present to comment on the extensive text amendments to the Zoning Resolution.

Ms. Kathy Kugler stated it is too much to review and comment on at once and would be better to review by section.

