

October 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 7:06 p.m. on Monday, October 9, 2018.

Item 2. – Roll Call of the Board

Ms. Flanagan called the roll.

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

Members Absent: Mr. Mees, Mr. Barrick and Mr. Kronenberger

Staff Present: Harry Holbert and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedmann stated the first order of business is the approval of the September 10, 2018 meeting minutes. However, he stated the Board will postpone the approval until the next meeting date when more members are present.

Mr. Friedmann stated he would change the order on the agenda and hear the continuation of Case 2018-13MA before the Zoning Resolution text amendments.

Item 4. – Old Business

2018-13MA
Tutoring Properties, LLC
8810 & 8812 Montgomery Road
Major Adjustment to a PUD

Mr. Holbert presented the case and case history in a Power Point presentation. He stated the plans for this case had been revised. He noted the revised proposal is for two, 4,434 single story office buildings and therefore the ISR has changed to .495 and .456. He showed the revised site plan noting the parking lot and dumpster locations.

Mr. Holbert stated one of the conditions of the original 2008 approval was that the parking lot be fully screened from residential. He pointed out the parking lot must be fully screened from the adjacent DD multifamily residential district. Mr. Holbert then reviewed property details submitted by the applicant. He said the applicant reduced the roof height to about 21 median roof height and 30 feet overall height. He reviewed areas where the landscape plan is lacking.

Mr. Holbert then showed the lighting plan noting a foot candle chart was not submitted. He noted the applicants said they would comply with lighting requirements.

Mr. Holbert noted the Board's concerns regarding the ISR were met as the revised ISR for both parcels are below what was approved for the previous development. Mr. Holbert stated he

believes the outside agencies should review the revised plans submitted by the applicant and resubmit comments. Mr. Holbert noted he does not know if the applicant intends to do a lot consolidation of the two parcels.

Mr. Holbert noted the applicants' comments regarding sidewalks. He then reviewed the next steps for the case and the development to be approved. He pointed out the applicant has met with the neighbors to discuss their concerns. Mr. Holbert discussed storm water management plans to ensure the development meets the requirements of Hamilton County Storm Water. He went on to note a few items still needing clarification such as lighting and signage.

Mr. Holbert again discussed landscaping stating the drive aisle causes a challenge with interior landscaping. He stated the property across the street is residential, therefore the streetscape needs more shrubs to screen parked vehicles. Mr. Holbert reviewed other items for which the applicant is requesting a variance.

The Board asked questions of Mr. Holbert.

Ms. Flanagan commented that some of the issues would be resolved if there was a consolidation of the parcels.

Ms. Flanagan asked what staff suggests as far as conditions.

Mr. Holbert suggested conditions regarding boundary and streetscape buffers.

Mr. Roos asked about landscaping between the two buildings.

Mr. Holbert answered the applicant could provide landscaping between the two buildings up to the parking lot. He said the applicant's logic regarding the sidewalk makes sense because it is true that a sidewalk there would be isolated.

Ms. Flanagan asked about the material requirement.

Mr. Holbert said brick and stone are preferred materials noting this property is just outside of the overlay district where 75% preferred materials is the requirement.

Mr. Roos asked if the signs were in compliance.

Mr. Holbert answered that is unknown noting the Board could have a condition that the sign must be compliant with zoning resolution.

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

Ms. Amy Hebert and Mr. Stephen Hebert, the applicants, of Tutoring Properties, LLC, 7780 Campus Lane, Montgomery, OH 45242, addressed the Board. Mr. Hebert thanked the Board for allowing the continuance. Mr. Hebert then addressed questions raised by staff.

Mr. Hebert stated they are not ready to make a decision as to whether to consolidate the two lots because they just heard of it. He went on to discuss landscaping and the lighting plan. He pointed out the proposed freestanding sign will be six feet by four feet and have a brick or stone base. Mr. Hebert said the fence is not theirs and they are not seeking credit for the fence.

Mr. Hebert stated the sidewalk on the north can be removed as it is not needed now that some parking is underground. He said the streetscape and boundary buffer requirements are really confusing. Mr. Hebert went on to discuss the previous approval for the property and stated he will comply with the requirements that make the most sense for the development and the neighbors.

Ms. Hebert asked if 75% of the building has to be brick or stone.

Mr. Holbert said this was brought up because it was a condition in the 2009 resolution.

Mr. Hebert addressed the questions about ODOT and gave the Board a copy of a document he received from ODOT regarding sight triangle safety. He noted ODOT requires a 20 feet sight triangle and they are compliant with that. He then discussed ODOT's requirements for the curb.

Mr. Hebert then discussed the plans for Storm Water Management noting he met with Hamilton County regarding that. He noted they are still reviewing options and were told to meet with Hamilton County to finalize plans once zoning approval has been received.

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

Mr. Paul Wordeman, 8801 Lyncris Dr., Sycamore Township, OH 45242, addressed the Board. Mr. Wordeman said he much prefers something like this over a project encompassing all five lots. He discussed the compromise for the five lots to be rezoned OO office in 2009 and commented it would make sense for the properties to revert to a residential district since the 2009 development was never constructed.

Mr. John Misali, of 8829 Lyncris Drive, Sycamore Township, OH 45242, addressed the Board. Mr. Misali spoke in support of the project saying he is happy to work with the applicants and this is the best alternative for this property he has seen.

Mr. Ryan Bonaventura, of 10326 Giverny Blvd., Evendale, OH 45241, addressed the Board saying he and his wife recently purchased the property located at 8800 Montgomery Road. He said he has been talking to Mr. Holbert about keeping the existing house for his financial planning business. Mr. Bonaventura spoke in support of the Hebert's plan.

Mr. Friedmann entertained a motion.

Ms. Flanagan made a motion to consider Case 2018-013MA with the following conditions/variances:

1. Compliance with boundary buffer requirements
2. Compliance with streetscape buffer requirements
3. Variance granted for the omission of the sidewalk
4. The building must be composed of preferred building materials
5. Anything not specifically noted in the plan must comply with the requirements of the Zoning Resolution and Hamilton County.

Mr. Roos asked if Ms. Flanagan was suggesting building materials should be compliant with the overlay.

Ms. Flanagan clarified the building materials should be to the satisfaction of staff.

Mr. Roos seconded.

There was further discussion regarding the building materials and the percentage to require as well as the possible consolidation of the parcels.

Ms. Flanagan moved to amend her motion to require 50% preferred building materials and the boundary buffer between the two properties is not required should the applicant choose to have the parcels consolidated.

Mr. Roos seconded.

Ms. Flanagan said the proposal is a nice plan and she would like to see it be constructed.

Ms. Flanagan – AYE

Mr. Friedmann - AYE

Mr. Roos – AYE

Mr. Friedmann said he appreciates the applicants' efforts to address concerns from the Board and neighbors.

2018-11T

Sycamore Township

Text Amendments to Zoning Resolution

Mr. Friedmann stated the Board will discuss the chapters 10-12 this evening.

Mr. Holbert stated per the request of a couple residents he has a spreadsheet up on the screen for those in attendance to view.

Ms. Kathy Kugler, of 7106 Tenderfoot Lane, addressed the Board requesting that the text being discussed also be up on the screen for the public to view.

Mr. Holbert complied.

Mr. Holbert then discussed sections of Chapter 10 for which he had received public input. Those items included the addition of regulations for electric vehicle charging stations, satellite dishes, container regulations such as dumpsters and donation boxes, and proposed changes to the regulations for fences.

Mr. Holbert noted the changes to Section 10-7.1 is a hot topic because the Board of Zoning Appeals hears a lot of cases regarding fences on corner lots. Mr. Holbert reviewed the proposed changes to this section noting it allows for four feet, 75% open style fencing in the front yard with the exception of chain link or chicken wire.

There was discussion regarding what style and height of fences should be permitted and where and how to make the language of that section less confusing.

Mr. Jack Pflum, of 7541 Hosbrook Road, Sycamore Township, OH, asked why we are permitting fences in the front yard.

Mr. Holbert stated there are many cases going before the Board of Zoning Appeals for fences in their front yard. He noted many of the cases are requests by residents who had fences in the front yard prior to that rule and want to replace them.

Mr. Pflum said that is the purpose of the Board of Zoning Appeals to approve variances when there is a hardship. He said if the Township allows front yard fences it will change the look of the Township.

There was further discussion regarding fences in the front yard with Ms. Kugler pointing out safety issues and suggesting landscaping is a good idea to camouflage them.

Ms. Kugler then asked about sight line of satellite dishes noting they can be unsightly.

Mr. Holbert stated in residential districts most satellite dishes are about 20 inches in diameter and are placed in certain locations for reception. He stated he would have to talk to Township legal counsel about requiring something to camouflage them.

Ms. Kugler addressed Section 10-5.1 asking if a permit is required for donation boxes and noting they do a great good for the community. She asked what the zoning recourse is for dealing with them if they become unsightly. Ms. Kugler suggested requiring a permit for donation boxes and making owners responsible for emptying them in a timely fashion.

Mr. Holbert said it is very difficult to keep up with them and enforce the maintenance. He said it is difficult to find the owner and reviewed the challenges with regulating them.

There was discussion about other ways to regulate them, compromises and the difficulty of enforcement.

Mr. Holbert went on to discuss electric fencing, LED lights, height of detached structures, medical marijuana and food trucks.

Ms. Kugler asked if there is anything about flood lights.

Mr. Holbert explained lighting requirements. He discussed changing the height limit of a detached structure to 16 feet overall height instead of a mean height.

There was discussion regarding prohibition on medical marijuana cultivators and dispensaries.

Mr. Holbert explained the reasoning for proposing to allow food trucks as a conditional use. There was discussion regarding food trucks. Mr. Friedmann suggested allowing both conditional and temporary uses. Mr. Pflum asked how this compares to the City of Cincinnati's food truck ordinance and suggested narrowing places where they are allowed to specific locations.

Mr. Holbert moved on to discuss Chapter 12.

Ms. Kugler asked about the possibility of allowing pavers that are pervious as alternatives to pavement. Mr. Holbert stated that would be allowed if approved by the Zoning Commission.

Mr. Holbert discussed proposed changes to parking requirements, drive aisle width and regulations for commercial vehicles in residential districts.

Mr. Holbert talked about Section 12-6.4, Interior Landscaping, and how to increase the tree count without infringing parking. Mr. Pflum stated the City of Montgomery has a tree ordinance about replacing trees lost during construction. Mr. Holbert said that is addressed in Chapter 14. Mr. Pflum suggested consolidating landscaping requirements into one location in the code. Mr. Holbert said there are mixed feelings about that and explained the reasoning for landscaping being addressed throughout the Zoning Resolution.

Ms. Kugler brought up the importance of sidewalks and improving walkability.

Mr. Holbert stated in Section 12-10, Table 12-3, the Township looks at requiring less parking per development and incentives for shared parking. There was discussion about fractional parking requirements. Mr. Pflum explained how the 1.5 parking spaces came about and said it is kind of obsolete. He stated he thinks demand for parking is going down and the Township should not be increasing parking requirements.

Mr. Holbert then reviewed some general questions he has received. One of those questions was in regards to the timing of the proposed text amendments. Mr. Holbert explained the liability issues with the current Zoning Resolution. He reviewed ways the Township is looking at being proactive and addressing things like EPA and public transit.

Ms. Kugler asked what zoning regulations could be put into place to promote public transportation specifically if there could be a regulation to allow for a bus stop with a bench and a cover.

Mr. Holbert stated, if it is in a right of way and on a County or ODOT Road, it would have to be a conversation with Metro.

Mr. Pflum said local jurisdictions have little control of those benches.

Mr. Holbert addressed issues with the maintenance of the benches and what the Township has done regarding benches in the right of way.

Mr. Holbert stated he had a comment about a benchmark for the zoning resolution and the readability of the document. He stated the red lined version is the benchmark and that is the reason for the discussions at the Zoning Commission hearings.

Mr. Holbert again discussed citizen input and suggested the residents talk to each other as neighbors and agree on what is important to them as a group.

Mr. Pflum asked if he could have five minutes to address the Board. Mr. Pflum distributed handouts to the Zoning Commission members which contained the text of an email he sent to Mr. Holbert with his comments on the proposed changes to the Zoning Resolution. He discussed the creation of the current document and went on to state the difficulties he found in reading and understanding the redlined version. Mr. Pflum said there should be a benchmark of what we are trying to achieve. He used the Capital Investment Group project as an example of tensions between residential and commercial. He said our zoning ordinance is not prepared to address properties in Kenwood that are ripe for development such as the former Taco Bell site. Mr. Pflum said the Zoning Resolution has outlived its use stating, at the time it was enacted, it was very pro-development and it needs to be reined in. He requested the Board read the handout he distributed and stated he would like to be involved in the process.

Item 5. – Trustees Report

No report.

Item 6. – Date of Next Meeting

The date of the next meeting is Tuesday, November 13, 2018.

Item 8. – Adjournment

Mr. Roos moved to adjourn.

Ms. Flanagan seconded.

All voted yes.

Meeting adjourned at 9:50 p.m.

Minutes Recorded by: Beth Gunderson
Planning & Zoning Assistant