

November 15, 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 7:05 p.m. on Thursday, November 15, 2018.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Members Absent: Mr. Barrick

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 and October 9, 2018 meeting minutes.

Ms. Flanagan moved to approve the October 9, 2018 meeting minutes.

Mr. Roos seconded.

Ms. Flanagan – YES
Mr. Barrick – ABSENT
Mr. Friedmann - YES
Mr. Kronenberger – ABSTAIN
Mr. Mees – ABSTAIN
Mr. Roos – YES

Ms. Flanagan moved to approve the September 10, 2018 meeting minutes.

Mr. Mees seconded.

Ms. Flanagan – YES
Mr. Barrick – ABSENT
Mr. Friedmann - YES
Mr. Kronenberger – YES
Mr. Mees – YES
Mr. Roos - ABSTAIN

Item 4. – New Business

2018-17MA

VGA Properties LLC

8800 Montgomery Road

Major Adjustment to a PUD

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert noted the proposal includes conversion of the existing single family home into an office. Mr. Holbert described the existing property. He then reviewed the original 2008-03Z approval, noting it had a .51 ISR. He stated the applicant proposes to expand the existing driveway and add landscaping and signage. He then discussed the new retaining wall, sidewalk and parking plan. Mr. Holbert stated a free standing sign is proposed and reviewed the floor plans and site plan. He noted there would be boundary buffers and an eight feet tall fence is proposed along the southern property line.

Mr. Holbert went on to note items that would either require a variance or the applicant did not submit enough information.

The Board asked questions of Mr. Holbert.

Mr. Friedmann asked if the sidewalk mentioned in the staff report meant the sidewalk along Montgomery Road.

Mr. Holbert answered yes.

Mr. Friedmann asked what sense it makes to put a sidewalk on one lot.

Mr. Holbert said he is just noting that it was a requirement of the original PUD.

Mr. Mees asked if there is an expiration on a PUD.

Mr. Holbert answered this case was a zone change so there is no expiration.

Mr. Friedmann suggested looking at adding an expiration date for a PUD to the Zoning Resolution.

Ms. Flanagan asked if the Board granted variances for the Tutoring Properties LLC case.

Mr. Holbert answered yes.

Mr. Roos asked for clarification on the parking variance.

Mr. Holbert said the variance refers to the parking setback not the number of stalls.

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

Mr. and Mrs. Ryan and Veronica Bonaventura, the applicants, of 10326 Giverny Blvd., Evendale, OH 45241, addressed the Board. Mr. Bonaventura stated he plans to use the building for his financial planning business. He said, based on the staff report, he has addressed some issues he missed in the initial submittal. He noted the hours of operation for the business, discussed trash collection and stated the mechanicals would be screened. He pointed out that he is requesting

the variance to the parking lot setback to minimize changes to the concrete and avoid causing issues with an underground tank.

Mr. Bonaventura stated the south property line is an issue because the driveway ends at the property line making it difficult to landscape along that property line. Mr. Bonaventura asked about the berm mentioned in the staff report.

Mr. Holbert explained.

Mr. Bonaventura stated he is able to comply with installing a berm along the rear property line and installing any landscaping that is missing. Mr. Bonaventura noted he would prefer not to install a fence but is unsure what to do about the issue with the south property line.

There was discussion about the south property line and a possible agreement with the adjacent property owner to share costs and landscape on that property adjacent to the driveway.

Mr. Mees reviewed the variances requested: the parking lot setback, the south landscape buffer, the sidewalk, the cross easement and the minimum lot width.

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

Mr. Stephen Hebert, of Tutoring Properties LLC, 8810 and 8812 Montgomery Road, Sycamore Township, OH 45236 addressed the Board in favor of the project.

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

Mr. Friedmann suggested a written agreement between the applicant and the property owner to the south regarding the landscape requirement including a deadline to have it completed.

Mr. Holbert pointed out an agreement is required and that a final approval for this project would not be given without the landscaping being completed.

Mr. Friedmann entertained a motion.

Mr. Mees made a motion to consider Case 2018-017MA with the following conditions/variances:

1. A variance for front yard parking lot setback of 20 feet.
2. A variance is granted for the 80 feet lot width.
3. A variance is granted for the omission of the sidewalk.
4. A variance is granted waiving the requirement for cross access easements.
5. Relief from landscaping along south property line is granted subject to a written landscaping agreement with the adjacent owner to the south. If landscaping per this agreement is not installed within one year of Board of Trustees' approval of this case, a fence must be installed as buffer.

The Board members reminded Mr. Mees about the berm to the rear.

Mr. Mees added the condition that a landscape berm be installed along the rear (east) property line.

Mr. Roos seconded.

Ms. Flanagan – AYE

Mr. Roos – AYE

Mr. Friedmann – AYE

Mr. Kronenberger – AYE

Mr. Mees - AYE

The case will be heard at the Board of Trustees hearing on December 6th at a time to be determined.

2018-18MA

Christopher Kidd & Associates

Southwest Corner of Frolic Dr. & Galbraith Rd. (600-0210-0870-00)

Major Adjustment to a PUD

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert stated the proposed use is 100% medical office and went on to describe the property and adjacent zoning districts. He showed photos of the existing conditions on and around the property. Mr. Holbert reviewed the previous proposal for two office buildings noting phase one was constructed but the proposed phase two building was never built. He showed the proposed building elevations and reviewed the sign plans.

Mr. Holbert stated there would be 134 parking stalls and noted the building footprint and ISR have increased a little from the original phase two approval. He then reviewed the site topography and proposed landscape plan. He stated there is a proposed eight feet tall fence as in the original plan. He reviewed the floor plan noting most of it would be occupied by one tenant. Mr. Holbert pointed out the lighting plan meets zero foot-candles on the side adjacent to residences but not on the other sides. He showed the rendering of the building and said the lights are shielded and LED therefore there should not be any light shedding on the adjacent properties.

The Board asked questions of Mr. Holbert.

Mr. Roos asked how the height compares to the building next door.

Mr. Holbert deferred to the applicant noting the proposed heights have changed over various approvals. He pointed out there is no egress/ingress on Frolic Drive with this plan.

Mr. Friedmann asked about the dumpster enclosure.

Mr. Holbert said it meets the code as of right.

Ms. Flanagan asked about the awning.

Mr. Holbert stated he does not have details on the awning.

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

Mr. Christopher Kidd, the applicant, of N48W16550 Lisbon Road, Manomonee Falls, WI 53051, and Mr. Doug Smith, the civil site engineer, of 3700 Park 42 Drive, Suite 190B, Cincinnati, OH 45241, addressed the Board.

Mr. Kidd stated the front awning projects from the building 11 feet and gives patients cover from the weather while awaiting pick up. He pointed out many of the patients will be in wheelchairs. The smaller awning at the delivery door projects 48 inches. Mr. Kidd says the base and accents on the building are stone veneer not brick. He said the light fixtures are all shielded and stated the few areas that exceed the foot-candle requirements can be adjusted to comply. He stated there is some light spillage from the adjacent property. He apologized about the delay in getting the dumpster enclosure details in to staff.

Mr. Smith said the ISR was 68% in the 2008 approval and they run 68.8%. He stated the intent is to meet the landscaping requirement in the original 2008 approval and said he will get with landscape architect to remedy any areas that fall short. He noted the eight feet fence is the exact same as the existing fence installed in phase one.

Mr. Friedmann asked about a shared parking agreement with the adjacent building.

Mr. Smith said there may already be one but, if not, it is his understanding one will be put in place. He discussed the retaining wall along Frolic which averages 3.5 feet tall and will be made of segmental block.

Mr. Friedmann asked how much the awning is setback from Galbraith Road.

Mr. Smith answered 64 feet.

Ms. Flanagan asked about the staff report stating the access is not met for the parking stalls.

Mr. Holbert said the dimension was not on the plan.

Mr. Smith said it is seven feet noting the original approval was five feet.

Ms. Flanagan and Mr. Friedmann asked about the signage plan.

Mr. Kidd said the primary tenant would have the marquee sign and the rest of the panels would be for the other tenants on the monument sign. There would also be building signs.

Mr. Smith stated the building height in the rear is 32 feet, eight inches which is less than the adjacent building and the previous approval.

Mr. Kronenberger asked where that measurement was taken.

Mr. Smith answered that is the mean roof height.

Mr. Kronenberger asked what the actual height would be.

Mr. Smith stated it is 36.5 feet. Mr. Kidd noted the height is driven by the attempt to hide mechanicals. Mr. Smith said it is very similar to the 2008 approved plan with minor changes most notably the access to Frolic Drive has been removed.

Mr. Kronenberger asked if the fence would tie into the existing fence.

Mr. Kidd answered yes.

Mr. Kronenberger asked about the rear landscape berm.

Mr. Smith said the berm will be removed and hauled off site.

Mr. Kronenberger asked if it was possible to move the dumpster away from the residential properties.

Mr. Smith stated that is the location approved in 2008 which has the furthest setback from residences without putting it in front yard.

Mr. Kronenberger asked for the square footage of the proposed building signs.

Mr. Kidd answered the marquee sign for Cincinnati Home Dialysis is 31 square feet, the building signs for the tenants are 15 square feet each and the monument sign is 36 square feet per side.

Mr. Holbert clarified what would be permitted as of right noting the square footage is compliant but the number of signs exceeds the permitted two signs per building for office districts.

Mr. Kronenberger asked what the rationale was for the location of the sign close to Frolic Drive.

Mr. Smith answered the northeast corner is best for visibility and because of a water meter pit they had to move it close to the right of way which is still 30 feet from the edge of pavement.

Mr. Kronenberger said he has concerns the location of the sign will make people think the entrance to the development is on Frolic Drive. He went on to ask for clarification about the existing retaining wall and the proposed additional retaining wall as it relates to the landscaping.

Mr. Smith clarified.

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

Ms. Carol Martini, of 8098 Merrymaker Lane, Sycamore Township, OH 45236 addressed the Board. Ms. Martini pointed out her property is adjacent to the property in question and proceeded to ask questions of the applicants. Ms. Martini asked about the property owner, dumpster, noise pollution, number of tenants, number of employees, number of parking spaces and also stated she believes the number of signs proposed is excessive. She requested a color rendering of the portion of the building facing her property stating she does not like the look of it.

Mr. Kidd and Mr. Smith answered some of Mrs. Martini's questions.

Ms. Harman Kaur, of 5133 Autumnwood Drive, Cincinnati, OH 45242, addressed the Board. Ms. Kaur stated normal hours of operation will be 8:00 a.m. to 5:00 p.m. She said patients' lives depend on the treatment so in some cases, as happened today when there was no electricity, they must stay open late. She said it is important for her to keep the property clean. Ms. Kaur said there will be ten employees at this location. She noted most patients live in the Township within a two to five mile radius. She said the second floor will be medical office but she cannot get leases signed until project approved. Ms. Kaur stated the majority of business will be five days a week but for patients who have on site dialysis, they may be either Monday, Wednesday, Friday or Tuesday, Thursday, Saturday from 8:00 a.m. to 5:00 p.m.

Mr. Kidd said he can prepare an elevation from the rear for the neighbors to view.

Mr. Smith pointed out where the parking areas are.

There was discussion about the dumpster, the parking requirements and landscaping on the residential side of the fence. Mr. Smith said he is happy to work with the neighbors and staff on a landscape plan noting landscaping on Ms. Martini's side of the fence is already on the plan.

Ms. Donna Oblack of 4697 Duneden Ave., Sycamore Township, OH 45236 addressed the Board saying she is also concerned about the placement of the sign. She said people may think they can access the development from Frolic Drive. She suggested putting it by the entrance to the development.

Mr. Holbert discussed the sign location and the landscaping.

Mr. Kidd stated they would be amenable to moving the sign by the driveway to avoid a directional issue.

Ms. Flanagan said she is ok with the variances for the awning and ISR. She said it doesn't seem necessary to have so many building signs.

Mr. Friedmann agreed limiting the building signs to two is sufficient. He said he would like to ensure the landscape plan abutting the residences is satisfactory.

Mr. Kronenberger said he thinks this is a better plan than what was approved previously. He appreciates the applicant listening to the neighbors regarding the sign location. He would like to see architectural modifications to ensure it fits in with the residential character of the area. He also expressed concerns about the dumpster location.

Mr. Mees agreed regarding the awning and sign limitation but stated the design is nice. He said he understands the dumpster location and pointed out there is a fence there, landscaping and the masonry enclosure.

Mr. Friedmann entertained a motion.

Ms. Flanagan made a motion to consider Case 2018-8MA with the relief for the front awning to project 11 feet from the building and relief for the ISR.

Mr. Roos seconded.

There was discussion about the landscape plan and the possibility of the applicant meeting with the neighbors to discuss the landscape plan.

Ms. Flanagan added a condition that a landscape plan be submitted and approved by staff with input from the neighbors and a condition that a signed shared parking agreement be submitted.

Mr. Roos seconded the amended motion.

Ms. Flanagan – AYE

Mr. Roos – AYE

Mr. Friedmann – AYE

Mr. Kronenberger – Nay

Mr. Mees - AYE

The case will be heard at the Board of Trustees hearing on December 6th at a time to be determined.

Item 5. – Old Business

2018-11T

Sycamore Township

Text Amendments to Zoning Resolution

Mr. Holbert presented a document on the screen detailing the sections of the Zoning Resolution on which he had received input from the public and noting he had added staff comments to help make the review go more smoothly.

Mr. Holbert said Hamilton County did not see a lot of changes from the current Zoning Resolution in the text amendments to Chapter 13. He said there is a limit to what the Township can regulate in regards to signs based on a U.S. Supreme Court Case.

Mr. Holbert reviewed each section in Chapter 13 in which he had received comments. He suggested a rewrite of the section addressing flashing signs. Mr. Holbert went on to discuss regulations for billboards noting he had received a comment asking how to get rid of them in the Township. He noted that is something that should be brought up to state and federal government and said the billboards that exist now are grandfathered.

Mr. Holbert suggested rewriting some of the text in 13-17.1 (Enforcement) for clarification.

Mr. Holbert went on to discuss Chapter 14 addressing concerns from a resident about protecting trees. He noted the buffer and landscape requirements have been put in place to do just that. He said someone commented we should restrict property owner's right to remove trees on their own property. Mr. Holbert said the Township does not have the authority to do that unless the tree is part of an approved landscape plan. He went on to note it is in the best interest of developers to choose types of trees that will thrive.

Ms. Flanagan commented she understands concerns about mature trees being lost for development.

Mr. Holbert discussed a conversation he had with an environmental attorney about younger trees versus older trees and their benefits to the environment.

Mr. Holbert stated someone pointed out the removal of the Regional Planning Commission was noted in Chapter 16 so he has left the writer a message about that omission. Mr. Holbert stated he also had received two comments about the legality of 16-6 (Referendum) being removed from the Zoning Resolution. Mr. Holbert stated he is looking into that with the writer and Township legal counsel as well.

Mr. Holbert stated he had received comments regarding publicizing public hearings on the township website. Mr. Holbert noted the Township already lists public hearing information on the website. He stated he had also received about Section 16-6.2 asking if the Township could increase the distance for notification to residents for public hearings from 200 feet to 300 or even 500 feet. Mr. Holbert said he will look into this with Township legal counsel and the Board of Trustees.

