

December 10, 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, December 10, 2018.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Members Absent: Mr. Barrick and Mr. Kronenberger

Staff Present: Harry Holbert, Jessica Daves and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedmann stated the first order of business is the approval of the November 15, 2018 meeting minutes.

Ms. Flanagan moved to approve the November 15, 2018 meeting minutes.

Mr. Mees seconded.

Ms. Flanagan – AYE
Mr. Barrick – ABSENT
Mr. Friedmann – AYE
Mr. Kronenberger – ABSENT
Mr. Mees – AYE
Mr. Roos – AYE

Item 4. – New Business

2018-19P2
Brett Nevaril, Infinity Engineering Group, LLC
7796 Montgomery Road
PUDII

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert stated the applicant proposes to raze the existing building and construct a new 7,691 square feet banking/financial institute offices. He then reviewed the existing conditions on the property and showed the site plan for the proposed development. He reviewed items on the site plan that are not compliant with the Zoning Resolution. He noted there is a proposed retaining wall in the front yard; the setback requirement from the right-of-way to the parking lot is not met; the clear site triangle is not met; and the monument sign is not ten feet back from the right-of-way.

Mr. Holbert then reviewed the elevations and the sign plan. He stated he is not sure if the proposed elevations are correct considering the topography and deferred to the applicant for more information. Mr. Holbert noted a total of four signs are proposed where two are permitted. He then reviewed the proposed floor plans and sign locations.

Mr. Holbert showed the landscape plan noting the boundary buffer requirement is not met in the side and rear yard. He pointed out part of the streetscape is in the public right-of-way.

Mr. Holbert then reviewed comments from outside agencies. He stated the Hamilton county Engineer's Office expressed concerns about the right-of-way dedication per the Hamilton County Thoroughfare Plan.

Mr. Holbert stated the lighting plan exceeds the foot-candles permitted. He noted they did submit light fixture information.

The Board asked questions of Mr. Holbert.

Mr. Mees asked about the right-of-way dedication.

Mr. Holbert stated it was not indicated on the plans.

Ms. Flanagan asked for the square footage of the existing building.

Mr. Holbert answered he did not know.

Mr. Roos asked for the current ISR.

Mr. Holbert stated he does not have the exact number but noted the existing ISR is pretty high with minimal green space.

Mr. Roos asked about the building setback on the west and south.

Mr. Holbert clarified.

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

Mr. Brett Nevaril and Mr. Dick LaRosa, of Infinity Engineering Group, LLC, 1208 E. Kennedy Blvd., Suite 230, Tampa, FL 33602, addressed the Board. Mr. Nevaril gave some clarification on the questions Mr. Holbert had regarding the elevations. He said they will be using retaining walls and do not intend to have a basement. The site is extremely difficult to develop because of the slope. He explained the grading plan noting it will be ADA compliant.

Mr. Nevaril stated when concept plans were submitted to Hamilton County, they never mentioned the right-of-way dedication. He said they are currently working with the County on that and hope the issue goes away. He pointed out if the right-of-way dedication is required, it would cause them to lose the front row of parking so the entire project would have to be redesigned. Mr. Nevaril stated the code permits two monument signs; in lieu of that they chose to add an additional wall sign.

Mr. Nevaril noted the existing site is 100% non-compliant and this plan is much improved.

Mr. Mees asked for clarification on the right-of-way dedication.

Mr. LaRosa said it would amount to about 22 additional feet.

Mr. Mees asked if this was just along Montgomery Road or Kenwood Road also.

Mr. LaRosa answered as far as they know just along Montgomery Road.

Mr. David Rutter, of the development group, 3609 Bellwood Avenue, Nashville, TN 37205, addressed the Board. He said the Hamilton County Thoroughfare Plan requirements only apply if they were redeveloping with a greater intensity. He said he believes they will be exempt from this requirement.

Mr. Mees asked how much of the foundation would be exposed on the front elevation because of the slope and asked about the elevation of the parking stalls there.

Mr. Nevaril and Mr. Rutter explained.

Mr. Mees asked if there were concerns about coming off a busy road and into a steep grade.

Mr. Nevaril stated it meets the requirements for a commercial driveway. Mr. Rutter said it will function better than it does today.

Ms. Flanagan asked about staff's comments on commercial awnings.

Mr. Holbert pointed out on the elevations what he considers awnings and noted they project into the setback.

Mr. Jose Perez, the architects, of 945 N. Pennsylvania Ave., Winter Park, FL 32729, answered the projection is about 30 inches for both awnings.

Ms. Flanagan asked if there would be a drive thru.

The applicant answered no, pointing out the ATM is in the building in a 24 hour vestibule.

Mr. Roos asked about the grade of the parking stalls.

Mr. Nevaril clarified.

Ms. Flanagan asked if they knew how long it would be until they heard back from the County on the right-of-way dedication.

Mr. LaRosa said they do believe they are exempt, but if not, there is an appeals process that could be an option.

There was discussion about the right-of-way dedication and if it is premature to recommend an approval or denial without a definitive answer on that.

Mr. Friedmann asked about the clear site triangle and if that is an issue because of the slope.

Mr. Nevaril answered there will be a line of site with the eight percent drop. He noted the difference is less than a couple feet.

Mr. Mees asked about the parking count.

Mr. Nevaril answered there would be 21 spaces and 19 is the code requirement.

Mr. Friedmann asked if both sides of the monument sign would be for Bank of America.

Mr. Bill Arnold, Bank of America, 3177 Berwin Drive, Stow, OH 44224, addressed the Board saying it will read Bank of America on the monument sign and Merrill Lynch on the building sign.

Mr. Roos asked if the landscape plan would change if they had to dedicate more right-of-way.

Mr. Nevaril said in that case, they would have to withdraw the case and reevaluate the site plan.

Mr. Rob Gould, of 7790 Montgomery Road, Cincinnati, OH 45236, addressed the Board. Mr. Gould stated he owns the Verizon building next door. Mr. Gould asked the applicants a variety of questions about the proposed development that may affect his property. He was concerned about the flow of water, the egress on Montgomery Road and patrons or employees parking in his parking lot. Mr. Nevaril and Mr. Perez answered Mr. Gould's questions.

Mr. Jim Stagge, the owner of the property, of 7796 Montgomery road, Cincinnati, OH 45236, addressed the Board. He stated he realizes they have an eyesore on the corner of Kenwood and Montgomery Roads and noted he has been trying to get this redeveloped since 2006. He said this has been by far the best and most prestigious offer he's had for this property. Mr. Stagge said he'd like to see it done in his lifetime and noted if this project isn't approved, that eyesore is going to be there for a long time.

Mr. Mees asked if the landscaping will be able to be accomplished if it's not permitted in the right-of-way.

Mr. Nevaril discussed the challenges with the site noting they will do what they can to keep as much landscaping as possible.

Mr. Roos asked if the footprint of the new building is smaller than the existing.

Mr. Nevaril said it is about the same but it will have two floors current building has three floors.

Mr. Friedmann entertained a motion.

Mr. Mees made a motion, seconded by Mr. Roos, to consider Case 2018-19P2.

Mr. Mees said he likes the project and agrees current site needs improvement. He noted he knows it is a challenging site.

Ms. Flanagan stated she doesn't see a need for four building signs. She said she is concerned about the Engineer's letter saying we could be putting the cart before the horse.

Mr. Friedmann said he shares that concern. He said he is curious if the Engineer is concerned about Kenwood Road also. Mr. Friedmann said this would be a good addition to that area of the Township and agrees it is a difficult site to develop. He agreed with Ms. Flanagan about the signage and stated the building materials were not discussed much but they were noted in the staff report as not meeting requirements.

Mr. Holbert stated staff can reach out to the Engineer's office.

Mr. Friedmann stated the applicant could request a continuance to the January meeting or the Board could make a decision tonight.

Mr. Nevaril and Mr. Arnold asked for clarification on the sign allowance. Mr. Holbert explained.

Mr. Mees amended his the motion to include a condition about signage.

Mr. Holbert pointed out the proposed monument sign is not compliant.

Mr. Mees amended his motion again with the following conditions

1. Two code complaint building signs only are permitted
2. One monument sign as presented, placed in a location a compliant distance from the right-of-way
3. The applicant must submit confirmation that no additional right-of-way is needed on either the Montgomery or Kenwood Road sides of the development.

There was discussion about the monument sign not being visible if it meets the ten feet setback requirement.

Mr. Mees amended his motion to allow the monument sign to be setback five feet from the right-of-way.

Mr. Roos seconded.

Mr. Mees called roll.

Ms. Flanagan – AYE

Mr. Roos – AYE

Mr. Friedmann – NAY

Mr. Mees - AYE

The case will be heard at the Board of Trustees hearing on January 17th at a time to be determined.

There was a five minute recess.

Item 5. – Old Business

2018-11T

Sycamore Township

Text Amendments to Zoning Resolution

Mr. Friedmann stated the next order of business is the continuing discussion of the proposed amendments to the Zoning Resolution.

Mr. Holbert stated we would be reviewing Chapters 17-20 this evening.

Mr. Holbert reviewed the comments he had received beginning with Chapter 17. He stated there were comments about grammatical errors. He said there was a comment asking if the

Township could increase the notification distance to 500 feet for Conditional Use and other cases. Mr. Holbert discussed the current process for notification.

Mr. Friedmann asked if members of the public would like to comment.

Mr. Tom James, of 5784 Whitechapel Drove, Cincinnati, OH 45236, addressed the Board. He stated there is an upcoming open house about a possible zone change and the 200 feet distance for notification touched very few houses. He suggested the Township place a sign on the property with the date and time of any open houses or zoning cases. He said people don't pay attention and putting a sign there would help. He would also suggest the Township increase the notification to 500 feet.

Mr. Holbert asked Mr. James if he suggests that for any kind of case or just a zone change.

Mr. James stated he would like to see it for any kind of zoning cases.

Mr. Friedmann suggested putting the onus on the applicant to put a sign on the property.

Mr. Holbert stated there are also email subscriber lists that residents can sign up for to be notified.

Mr. James stated he is on those lists and it is just for agendas. He suggested the notices should go out via email subscriber lists as well.

Mr. Jack Pflum, of 7541 Hosbrook Road, Sycamore Township, 45236, addressed the board in regards to notification. He said there are a lot of communities who put up signs for zoning cases and the community pays for it, not the applicants. He suggested checking with other jurisdictions to inquire how they do that.

Mr. Holbert stated other communities do have those signs that they reuse by changing the dates.

Mr. Pflum referenced a letter he submitted to the Board previously stating that we need to look at areas in which we can be more transparent and generate more resident involvement. He suggested instituting a more robust coordinated site review process so that residents may be more aware of what's being proposed and the applicant is better informed.

Mr. Holbert stated applicants are required to submit to outside agencies for all Zoning Commission and now Conditional Use case before the board of Zoning Appeals. Mr. Holbert pointed out the open house is for the benefit of the residents as it allows them to have input and get involved with the process. Mr. Holbert discussed the challenges with increasing notification distance from 200 feet to 500 feet.

Mr. Pflum suggested hiring additional staff because of the importance of notifying the residents.

Ms. Kathy Kugler, of 7106 Tenderfoot Lane, Sycamore Township, OH 45249, addressed the Board. She stated the Township should notify renters as well as owners of properties. She said the agendas are not clear about what is actually being discussed.

Mr. Pflum passed out a letter regarding Case 2018-11T addressed to the Board of Trustees from the Sycamore Township Civic Association.

