

January 14, 2019

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. Barrick called the regular meeting of the Zoning Commission to order at 7:00 p.m. on Monday, January 14, 2019.

**Item 2. – Roll Call of the Board**

Mr. Mees called the roll.

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

Members Absent: Mr. Friedmann

Staff Present: Harry Holbert, Jessica Daves

**Item 3. – Approval of Minutes**

Mr. Barrick stated the first order of business is the approval of the December 10, 2018 meeting minutes.

Mr. Mees moved to approve the December 10, 2018 meeting minutes.

Mr. Roos seconded.

Ms. Flanagan – AYE  
Mr. Barrick – Abstain  
Mr. Friedmann - Absent  
Mr. Kronenberger – Abstain  
Mr. Mees – AYE  
Mr. Roos – AYE

**Item 4. – New Business**

2018-20Z

Brian Doll, Cincinnati United Contractors  
11693, 11687, 11683, 11673, and 11663 Solzman Road; 7956 and 7944 East Kemper  
Zone Change

Mr. Holbert presented the case and case history in a Power Point presentation.

Mr. Holbert said the case number 2018-20Z is a request for a zone change "A" single family to "OO" planned office. The proposed use is a forty foot tall, 52,957 SF recreation facility with approximately 196 parking space provided. The site characteristic are as follows the site is approximately 3.82 Acres. The frontage along E. Kemper Road is about 170ft, the frontage along Solzman Road is about 268ft, the topography is sloping southeast, the proposed ISR is unknown, and the existing ISR is unknown. The existing development is single family homes. The proposed is zoned "A" single family next to "OO" office, the magenta is industrial, DD multifamily across the

road. The proposed south elevation which faces East Kemper Road, way he gave a height of 40ft. That was based on the tallest point on the building. The main part of the building is 33ft. Our code does permit 35ft as of right. There is signage on the south elevation, also need on the west and the eastern elevation. The proposed parking lay out of buffering. This is not considered a corner lot, however it has two front yards. Kemper is front and Solzman is also front. The buffering requirements are based off the classification of the proposed and residential. They extended parking and they proposed onto an adjoining property in addition to dumpster enclosure. The layout does comply with our zoning resolutions for size, drive aisles, and the distances back to the first stall. They have a lot of interior landscaping. Part of our requirements are the tree aisle ends on any type of interior. Along Kemper and Solzman since they are front yards require what is called streetscape buffer. The primary floor plan is as follows shows multiple recreational area, office, so on. The lighting plan meets the requirement except the area between adjoining property owners. Any of the other areas which face residential area to the east and the north would be required to be shielded. If the commission is inclined to recommend approval the following conditions should be added to ensure the original spirit and intent of the 97 approval is adhered to. The only thing that is additional is item number 10. The applicant is to apply for and be granted a major adjustment to a PUD to modify the existing/proposed additional parking area being added to 7900 E. Kemper Rd.

The Board asked questions of Mr. Holbert.

Mr. Mees ask Mr. Holbert to address access to Solzman road.

Mr. Holbert said they have a secondary access on Solzman which does comply with our requirements for the access. Based on staff review and the input I received from the residents, they are concerned with one of the areas. Staff does not feel it is an area of concern with regards to the occupancies of the space.

Mr. Mees asked Mr. Holbert about multiple curb cuts.

Mr. Holbert answered correct.

Mr. Mees asked Mr. Holbert if there was a light at the main entrance Kemper.

Mr. Holbert answered there is a light.

Mr. Mees asked Mr. Holbert if the property to the north to remain there.

Mr. Holbert referred to the applicant.

Mr. Mees asked Mr. Holbert is the zone change request regarding the home to the north?

Mr. Holbert answered.

Mr. Mees asked Mr. Holbert is the graphics of the basketball considered signage to us?

Mr. Holbert stated he did not consider it as signage.

Mr. Kronenberger asked Mr. Holbert to explain the parking. In the staff report 208 is required. The 201 that Mr. Holbert specified included those parking spaces that are actually not on their property.

Mr. Holbert answered it is and he address in the staff report about having an easement agreement.

Mr. Kronenberger asked Mr. Holbert if the 201 requires that correctly.

Mr. Holbert answered.

Mr. Barrick asked Mr. Holbert is the 201 only within boundary of the proposed site on the existing site?

Mr. Holbert answered no.

Mr. Roos asked Mr. Holbert the egress on the parking lots are they continue with them being a shared parking lot they will still have two accesses out onto Kemper Road right? Even if you got rid of the Solzman?

Mr. Holbert referred to applicant.

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

Mr. Brian Doll, Cincinnati United Contractors, 7143 E. Kemper Rd Cincinnati, OH 45249, addressed the Board.

Mr. Doll said they do plan on having mechanical screening which is in the back elevation. They don't have the mechanical units designed but if you look at the north elevation the roof does slope back to that north elevation. They are going to be screening those mechanical units. Shared dumpster enclosure with wood gate around where both properties would have access. The building height is 33 ft. with the majority front elevation, however they do have 40 ft. section in the middle, which is an architectural feature to call more attention to the front entrance and break up that elevation. The 40ft is not untypical of what was done on the old Kid's First Center sports site. There is on the front elevation an architectural feature that does raise up and goes about 38 ft. If there is a relief needed for that they will request that as well. They will request a relief for any kind of setbacks for parking, or for the building. Easements are no problem and they will set up for shared parking, and anything required. The parking will be asphalt and dentition will be taken care of by a large detention basin on E. Kemper road. They plan on enlarging and if for some reason it is not capable of handling all the water, there is another dentition basin on the northern part of the property. As for wheel stops and curbs they are figuring 6 in. by 6 in. concrete curbs throughout. They are seeking relief from Illumination spilling over the property line under the existing parking lot. As free standing signs they are complying with the regulations. You mentioned having 2 signs per building and we are showing three. They are showing signs on the south, west, and east elevations all less than 100 square feet. The recommendation is the trash being collected between seven and nine. They will work out an agreement for the lighting and assure it is adequate. Parking stalls along the buffer areas reduced from 19 to 16.5 foot depth. They would like the 19 ft. to remain for the clientele that comes with large families, trucks, large SUVs, and mini vans. They feel 16.5ft by depth would be deterrent. There are no cell communication towers on site. A shared parking agreement will be in place and a proposed dumpster enclosure will be filled under separate application. No lights are permitted on north elevation of the building as proposed.

Mr. Holbert answered no lights are permitted on the north elevation of the building and proposed lights on the east and the south are to be shielded.

Jeff Metzger, Founder of Kids First Sport Center

Mr. Metzger said he has done a lot of work on the egress and full disclosure. It is not a deal breaker, but they would like to have it because it offers better flow and convenience to their clients. He calculated they have about 1500 clients a week that travel to the northern suburbs on either Solzman or Snider Roads. If a curb cut was done anyone traveling north is like to take Solzman as opposed to Snider. The clients coming from the north would have the inconvenience of taking a right turn onto Kemper Road and right into the Kids First lot. That would be putting traffic onto Kemper Road that wouldn't be necessary. During a business week they are open 12 hour days and have more clients in the evening hours rather than morning. They are only 20 percent of their clients would take the northern routes.

Mr. Barrick said if there is a parking issue they were going to defer the count.

Brian Doll stated the 201 is a net number so they are extending the parking and connecting it to the existing. So the parking stalls taken away were replaced, and are not taking anything away from current facility. They subtracted it and added them back in to get the numbers. Net wise between the two parking lots this building has a 201 additional parking stalls.

Mr. Barrick asked Mr. Holbert do you agree to the 201. If so we are still short 7 is that correct?

Mr. Flanagan said more than 7.

Mr. Doll said they are short more than 7. They calculated only needing 188 but they did it based upon their understanding of the square footage we require.

Mr. Mees asked if the discrepancy in calculation can be netted out the gross area.

Mr. Doll answered yes. They took the square footage of only the basketball and volleyball courts area because since there were no numbers in the chart and used that number to come up with 188 for required parking stalls.

Mr. Mees asked Mr. Holbert if that is how our code is calculated.

Mr. Holbert answered our code does not specify it just says a net number.

Mr. Metzger said looking at square footage is an indication of the parking lot. The time when this part of the facility will be used is in the evening. We are willing to add more parking spaces if needed and it can be done without sacrificing the landscaping issues. It is far less than typical office density.

Mr. Kronenberger asked what is going on in the plan in the building. It looks like multiple courts.

Mr. Metzger stated volleyball or basketball. During the daytime pickle ball and camps, with basketball and volleyball the driving force. The use will be similar to what they have already.

Mr. Kronenberger asked Mr. Metzger if there are league games.

Mr. Metzger answered.

Mr. Kronenberger asked what prompted the recommendation to reduce the depth of the parking places.

Mr. Holbert answered the code allows it, the reduction from a 19ft stall to a 16.5ft stall with a 2.5ft overhang. Second, it helps to provide more green space for landscaping and absorption of water.

Mr. Flanagan asked Mr. Holbert do we have an ISR.

Mr. Holbert answered I do not.

Mr. Doll answered 61.23 is the ISR.

Mr. Mees asked if the intention is to keep the two properties separate.

Mr. Metzger answered that is my hope, yes sir.

Mr. Mees asked Mr. Metzger are you as an operator comfortable there is enough parking. Given both of the two facilities working at peak times, are you not concerned with pushing parking onto the adjoining properties or could you work out a deal with the office building.

Mr. Metzger answered they had done so but not in some years.

Mr. Mees asked Mr. Metzger in your experience with the existing facility does it max out or do people have trouble finding a parking spot.

Mr. Metzger answered no. The problem is vehicle circulation caused by not being able to turn left onto Kemper Road.

Mr. Mees said he assuming they are not intending on closing the access parking on Kemper from the existing facility.

Mr. Metzger answered yes, they would like that to stay.

Mr. Mees asked Mr. Metzger if they would have access to stay.

Mr. Metzger answered yes.

Mr. Barrick said regarding the easement if we do proceed with approvals on this defined the shared parking should be in your easement. From a building perspective if there is any reason the new building would be sold to a future owner your easement should have provisions to the required dimensions? The west are unbuildable because you need a buffer between a property and code required distances. That would basically become a no build area for the west property. Regarding the parking requirements he would like to see the staff and the applicant sit down in the future if we do proceed so we can have a correct count. You have one sign facing Solzman, one facing Kemper, and the third sign faces your internal parking correct.

Mr. Metzger answered yes. Our motive is directional signage not market.

Mr. Barrick said regarding the two parcels to the north, one is included in the zone change request and one is not. Can you elaborate a little more on the reasoning for that and what your intention maybe for those parcels.

Mr. Metzger answered the one to the east is property I own, and is residential property. The one to the left we don't have any reason to ask for rezoning.

Mr. Barrick asked Mr. Metzger the one you own would have a "OO" classification with no proposed use at the moment rather than being zoned properly. If you did come up with a use you would come back in front of us to do modification.

Mr. Metzger answered yes.

Mr. Mees asked Mr. Metzger is there a panhandle that goes back.

Mr. Metzger answered there is.

Mr. Mees asked Mr. Metzger is the property you own to the northeast separated from the property that is colored in on the plan by that panhandle or is it by easement.

Mr. Metzger answered the property line is contiguous.

Mr. Doll answered the northwest corner property touches the OO district to the existing facility. It is not contiguous with the proposed development but it contiguous with the existing.

Mr. Mees asked so there is a strip of land is the driveway.

Mr. Doll answered yeah this is the driveway coming back.

Mr. Barrick asked Mr. Metzger if I recalled that is a fire department egress route and out to Solzman from that direction is that correct.

Mr. Metzger answered I am not sure on that.

Mr. Mees asked are you asking to rezone a portion.

Mr. Doll answered no.

Mr. Mees asked if there is a need to rezone the northeast piece of property now, since it is completely separate and there is really not a development plan we are looking at right now.

Mr. Metzger answered no.

Mr. Kronenberger stated if we do we are going to have the same discussion later that we have with the property that is along the Montgomery Road. We approved it as a "OO" and now they want to break it back up again and we had discussions about how we could break it up because it's a "OO" and we approved. So I'm struggling to understand why we would include that in this "OO" approval without a development plan at all.

Mr. Barrick asked if anyone from the public wished to speak.

Larry Knapp, 11854 Whittington

Mr. Knapp said one concern is we have retention ponds on our side of the street. They have detention ponds and they are adding a lot of black top. Do they have adequate detention ponds so it doesn't affect our retention ponds. Our retention ponds store heavy rain and fill up. So that is one question we have and the second is along our side of Solzman we not only have the tree shown there is a 4 to 5 foot embankment. We would appreciate having all the traffic lights of your facility plus the car lights having that same 5ft embankment with the trees planted on top of the embankment. The third, I represent 100 families and Gary represents 99 families and we are against the curb cut entrance. It would affect our community more than anybody. At certain times of the day this actually backs up past where you are going have your cut. That is going to facilitate people cutting through your facility. Duke Energy which is right have over 100 trucks coming out of their facility. The first cut into the community Somerset Chase is a private non dedicated street. Do we have to put up gates to keep your customers out? The second cut is Trotters Chase which is a Township street. We can have Eric and the sheriff put up signs that say no through traffic and start ticketing your customers.

Mr. Metzger asked for clarification.

Mr. Knapp clarified.

Don Kruse, 8076 Somerset Chase

Mr. Kruse said he would just like to clarify to the board so they have a good understanding of their fear. Once the Kids First new building opens we would have much more traffic coming that way to go home. Our fear is at 1500 cars a week, some in the evening, and we have quite a few residents that walk. Even though there is a walking path along Trotters many of them chose to walk down the street. Our fear is that the safety of those residents would be compromised with more traffic then what currently have on Trotters.

Mr. Mark Macke, 8035 Paddington Lane

Mr. Macke said we have many seasoned citizens that walk in the neighborhood all day into the evening. My question would be what consideration has been given to this point or what studies have been done about how that will affect our neighborhood. This is going to add to the traffic of our neighborhood and potentially this could change the value of our homes. What has been done to date to study the possible ramifications.

Jack Pflum, 7541 Hosbrook Road, Member of the Sycamore Township Civic Association

Mr. Pflum presented a document to the members of the board and went over the document with them.

Ms. Linda Pritchard, 116 Somerset.

Ms. Pritchard asked Mr. Metzger did you mention you were going to have tournament play.

Mr. Metzger answered yes.

Ms. Pritchard asked Mr. Metzger so your expansion is probably going to increase the number of tournaments.

Mr. Metzger answered not necessarily, no.

Ms. Pritchard asked Mr. Metzger do you know what age group.

Mr. Metzger answered there is nothing on the books at the moment.

Mr. Metzger said I can't say. Their expertise is in the younger age group, but we do have tournaments for the older age group.

Ms. Pritchard said my thinking is we have teenagers driving through our community which is also a concern.

Mr. Metzger answered it would be no different than the activity we have now.

Ms. Pritchard said I am concerned about that aspect as well for the parking, I don't think you could have enough parking.

Mr. Doll responds to comments on traffic patterns.

Mr. Doll stated regarding easements we have spoken to Hamilton County Regional Planning Commission and they did suggest easements for the development of that parcel on the corner of Solzman and E. Kemper to allow some kind of access easement. We are aware of that, no additional right of way is required.

Mr. Doll responded to communication with Eric Beck, Hamilton County Engineer.

Mr. Barrick closed the floor to comment from the public and the board discussed the issues brought before them.

Ms. Flanagan made a motion to consider case 2018-20Z with the exception of the Parcel 11693 Solzman Rd. with the following conditions and variances:

- 11693 Solzman Road is not included in the zone change
- Unless listed as an item of relief, all aspects of the Sycamore Township Zoning Resolution be adhered to.
- Dumpsters and related trash handling areas shall be restricted to pick up times between 7:00 AM and 9:00 PM.
- Sign and site lighting levels shall be reviewed by staff after installation of signage and parking lot lighting. If the lighting levels are determined to cause a nuisance to surrounding property owners, the light levels shall be lowered as required by staff.
- All parking stalls along buffer areas to be reduced from 19' to 16.5' in depth and the quantity of parking stalls be approved by staff.
- No cell or communication towers on site.
- A Shared Parking Agreement must be put in place and recorded and remain a no build area.
- Proposed dumpster enclosure be filed under a separate application for the property at 7900 E. Kemper Road.
- The proposed curb-cut and secondary entrance from Solzman Road be removed.
- No lights are permitted on the north elevation of the building and proposed lights on the east and south elevations be shielded to prevent any glare.
- The applicant to apply for and be granted a Major Adjustment to a PUD, to modify the existing/proposed additional parking area, being added to 7900 East Kemper.
- The signs be limited to those on the south and the west sides only.



Mr. Mees seconded.

Mr. Barrick asked Ms. Flanagan to clarify the parcel 11693 that is the one that is proposed for the zoning.

Ms. Flanagan answered yes.

Mr. Barrick clarified.

Mr. Barrick asked Mr. Mees discussion.

Mr. Mees answered no comments.

Mr. Kronenberger asked Ms. Flanagan to clarify her mentioned items of relief.

Ms. Flanagan answered the first item as I understood is that the requirements buffer. I believe the west side of the project could be granted as designed. In other words they did not have a buffer. I think it was a zero buffer and there were also lighting spilling over they were seeking relief from any requirements. I was accepting it in my proposal.

Mr. Kronenberger said the buffer on the western boundary is one.

Mr. Kronenberger asked Ms. Flanagan to repeat the other.

Ms. Flanagan answered the lighting limits on that same side spilled over onto the adjoining property and I did not have a problem.

Mr. Kronenberger asked Ms. Flanagan if part of the buffer the zero lot line on the western edge.

Ms. Flanagan answered yes that would be one of the reliefs they sought.

Mr. Kronenberger asked Ms. Flanagan about signage.

Ms. Flanagan answered I was accepting of the conditions above in the staff report which dealt mainly with the lighting levels and shielding lighting. But in addition I added that there should only be two signs and that was on the west and south side for Kemper road traffic predominately.

Mr. Kronenberger said I have two comments with the conditions proposed. The first one is I'm concerned about the parking. I am concerned enough that I think we need to review the parking. I don't want to leave it to staff and I say that because there still seems to be confusion on what is actually required. The larger issue is the interface between one game ending and another game starting where you have basically double the amount of people in the lot simultaneously. My concern is unless we really dig into the parking, what's going to end up happening is sometimes people are going to be forced to park across Kemper road and be walking across Kemper road. I am concerned so rather than leaving the parking up to staff and the applicant, we need to actually do a fairly in depth analysis. We need the applicant to do that and come back with a proposal that can address some of these concerns. The second one is the water retention, detention, and that type of thing. I am concerned because of the ISR, and when I look at what the elevations are all that runoff water is going to run downhill right into

those parcels that are on the corner on Kemper and Solzman. Those residential parcels are going to get the water that runs off unless it is very heavily detained on that property.

Mr. Holbert answered since the county has the agency that will do the review of the development. It would not be approved by them unless they retained or detained their own surface water.

Mr. Kronenberger asked Mr. Holbert why we see other developments come through where they have clearly planned that out and had it approved ahead of time.

Mr. Holbert deferred that to the applicant.

Mr. Kronenberger said I am concerned enough about water retention that I would like the applicant to go through that process and bring it forth, so as not to rely on some agency after the fact.

Mr. Barrick said just to clarify that is really outside of our realm as far as zoning.

Mr. Kronenberger said I agree they are required to comply but if the compliant says you need to have a retention pond of X amount I want to know where it is, that's the point.

Mr. Barrick said in their presentation if they say they are going to modify the two existing detention ponds, we expect to see If something beyond happens they are going to have to come back to us with a modification.

Ms. Flanagan said they have apparently provided a preliminary plan. We have the letter that addressed Mr. Doll. I am understanding this is something that is being reviewed.

Mr. Kronenberger said I wouldn't be nearly as adamant about this if the ISR was a whole lot less.

Ms. Flanagan said I agree.

Ms. Flanagan said I am trying to work toward decrease the ISR in ways we can, but recognizes this is a good business and give them some relief.

Mr. Kronenberger said overall it's a nice addition and generally I am supportive of it I just want to make sure the impact on the surrounding properties is addressed.

Mr. Holbert addressed the zoning part.

Mr. Kronenberger said I totally agree. I am not claiming they can't solve it; I just want to see what could be the potential impact

Mr. Rich Barrick said regarding staff proposed condition one, the boundary buffer was under designed on boundary and under designed on streetscapes.

Mr. Holbert explained.

Mr. Barrick said regarding the parking count, I suggested earlier the staff and applicant work it out if we proceed. If they are undercounting square footage and our code clearly states square footage, I think they should add a parking spot or two to comply. As for the traffic on Solzman entrance, the motion suggests that we would eliminate the entrance on Solzman Drive.

Mr. Mees asked if the height of that architectural feature exceeds the maximum.

Ms. Flanagan answered I added that as a third item of relief.

Mr. Barrick said regarding that Solzman entrance if for any reason the applicant wanted to pursue that and come back before the board, I would expect to a traffic report.

Mr. Mees said but as of right now it is on your list to be eliminated.

Ms. Flanagan said I did not bring up the easement for the four parcels, but I am bringing it to your attention if someone has a different thought.

Mr. Mees said you have got four separate property owners that all would need access. So it would be a requirement for future access to the light.

Mr. Mees said I thinks it makes good sense to include it.

Mr. Mees proposed that we amend the motion that is on the floor to include any additional condition that the four properties at the intersection be granted access across this property since they have access to the proposed light at East Kemper.

Ms. Flanagan seconded that amendment.

Mr. Barrick entertained a motion.

Ms. Flanagan –AYE

Mr. Roos – AYE

Mr. Friedmann –Absent

Mr. Mees – AYE

Mr. Barrick–AYE

Mr. Kronenberger–No

2018-21P2

Rob Painter, RVP Engineering LLC

11908 1<sup>st</sup> Avenue

PUD II

Mr. Holbert presented the case and case history in a Power Point presentation.

Mr. Holbert stated the case number 2018-21P2, Combined Container Board Incorporated the request is for an administrative PUD II, by the applicant is RVP engineering LLC. The case unit is 11908 1<sup>st</sup> Ave. The proposed use is a paved parking lot. The site statistics are .122 acres, .68 proposed ISR, unknown the existing ISR. They have about 60 feet of frontage along 1<sup>st</sup> Ave. about 101 feet of frontage along School Road. The applicant is requesting a PUD II planned unit development in order to convert an existing vacant lot into a paved parking lot. To the north is "C" single family. Retail is where we are looking at the property in question. The area to the west and also to the south is industrial. This basically is a residential property however it is zoned "E" retail. They are going for a lot of variances which they did list in their letter of intent. In the variance they are requesting a continuous curb cut along the property. It includes same parcel parking, setbacks for the parking, the parking requirements, the buffering requirements, landscaping requirements, interior landscaping requirements, and also lighting.

The Board asked questions of Mr. Holbert.

Mr. Barrick asked Mr. Holbert to clarify what is driving the applicant, is it a zoning violation.

Mr. Holbert answered it is in violation

Mr. Mees asked Mr. Holbert is the proposed solution going to correct the violation.

Mr. Holbert answered It would correct the violation.

Mr. Mees asked Mr. Holbert what is the complaint.

Mr. Holbert answered the complaint is they are parked on an unpaved surface.

Mr. Mees asked Mr. Holbert is it the issue that cars are parking there or is it that they are parking on an unpaved surface.

Mr. Holbert answered unpaved parking.

Mr. Kronenberger asked Mr. Holbert what prevents them from paving it and being done with it, complaint over, no need to designate PUD, or is there something more going on here.

Mr. Holbert answered nothing more going on but if they were to pave it automatically that triggers another violation because now they have paved it without getting a permit. It is an "E" retail area, where now they should have went through the PUD II process based on their ISR numbers.

Ms. Flanagan said trying to do the right thing they have now put them in a spot where they have to comply not just with paving but with other conditions as well.

Mr. Holbert answered correct.

Mr. Mees asked are there other places on their property that they could accomplish this parking.

Mr. Holbert refers to applicant.

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

Mr. Rob Painter, of RVP Engineering LLC, 6230 Centre Park Drive, Suite C West Chester, OH 45069, addressed the Board.

Mr. Painter said they have an existing gravel lot they are trying to fix and bring into compliance and follow all the rules associated with paving a parking lot. The first desire is to use this space and to bring it into compliance. There are a number of variance for which they are asking. They are going to provide continuous curb, provide asphalt paving, and they will comply with Hamilton County Engineers office requirements. They will not access 1<sup>st</sup> Ave. They ask for a variance from all those buffer requirements that would basically make it unusable.

Mr. Kronenberger asked Mr. Painter about buffering. Mr. Holbert indicated there is a fence.

Mr. Painter answered the fence is not on their property.

Mr. Kronenberger asked Mr. Holbert what does code require from a retail to retail boundary, what is the buffering, and any requirements.  
Mr. Holbert answered.

Mr. Kronenberger said you mentioned fencing as being an authorized buffer.

Mr. Holbert explained.

Mr. Kronenberger asked Mr. Painter about fencing between the property and adjacent property.

Mr. Painter answered we could put in some fencing.

Mr. Mees asked Mr. Painter about any available additional parking areas behind the property.

Mr. Painter said I think for them it is more about location.

Mr. Mees said he recognized there is a detention or retention pond and he was wondering if the parking could be expanded there by pavement.

Mr. Painter said in addition to that surface pond there is also an underground piping system.

Mr. Mees asked does the road see a lot of traffic.

Mr. Barrick answered traffic is better than previously.

Mr. Painter answered they do have parking spaces and an aisle between school road and the spaces.

Mr. Barrick asked Mr. Painter is it not wide enough to take the stalls you have on the north side and flip them around to the east.

Mr. Painter said we were trying to separate the tractors from the passenger cars.

Ms. Flanagan asked Mr. Painter did you try determining if you could work with any kind of buffer.

Mr. Painter answered really on School road we don't have much opportunity for buffering.

Mr. Barrick said he would like to see a small curb cut.

Mr. Mees asked Mr. Painter are there docks on west and the east side of the facility.

Mr. Painter said the dock is on the south end on western side.

Mr. Mees asked Mr. Painter is there another place tractor trailers could wait to go pick up their trailers.

Mr. Painter answered I am sure there is, but this is their first choice.

Mr. Painter said there are other places they can look, however they are already there and are just trying to bring it into compliance.

Ms. Flanagan said absolutely nothing has been proposed to make it better other than just putting down asphalt.

Mr. Painter said maybe they should come back and present you with some buffering.

Mr. Mees said I would agree with that.

Mr. Barrick said granting some relief on some of these conditions would be more tolerable.

Mr. Painter requested continuance.

Mr. Barrick entertained a motion.

Mr. Mees made a motion, Ms. Flanagan seconded by, to continue Case 2018-21P2.

Mr. Mees called roll.

Ms. Flanagan –AYE

Mr. Roos – AYE

Mr. Friedmann – Absent

Mr. Mees – AYE

Mr. Barrick–AYE

Mr. Kronenberger–AYE

The case will be heard at the Board of Trustees hearing on February 7 at a time to be determined.

#### **Item 5. – Old Business**

2018-11T

Sycamore Township

Text Amendments to Zoning Resolution

Mr. Barrick 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 21-24 this evening.

Mr. Holbert discussed chapter 21 variances and there were not a lot of proposed changes. The variance shall be filed with the administrative official. We changed PUD to site plan review. That is one of the mark ups for authorized variances. We received comments asking if 21-4 and 20-2.1 should be the same procedure and the answer was yes. 20-2.1 requires a form to be filled out 21-4 does not. It makes sense for use to have a standard set of submittals. Chapter 22-4.3 went from officer to an official. This is the redline from the previous code instead of life of property to life or property. In the revision it went from 120 days following the filing of a notice of appeal and reduced it to 60 days.

Mr. Kronenberger asked Mr. Holbert if it mentioned 120 days in that same paragraph. Does that need to be changed or am I misreading.

Mr. Holbert answered your correct.

Mr. Holbert said getting back to the comments by the residents per 22.4.4 notice the distance from the proposed changed to the property owner. Right now we do 200 ft. Mr. Holbert has checked with other municipalities and they do the same 200ft. We rely on our website to notify property owners. We also have signs and we are going to look into having larger signs made and put on the property.

Audience Member asked Mr. Holbert which municipalities he spoke to.

Mr. Holbert explained.

Audience Member said I would like to state for the record that the Kugler Mill the developer put out the sign before Sycamore Township.

Mr. Pflum said 21-4.2 it presently says 200ft. We have had this discussion a lot. I thought we agreed we would do 500 ft, since it seems 200 ft. isn't enough. If we are going to do a sign I think we should put it in the zoning resolution and it should be a large sign. There wouldn't be anything wrong with including in the actual verbiage of the resolution it would 500 ft. and a large sign.

Mr. Holbert responds.

Mr. Barrick said he would be inclined to go to the 500ft.

Mr. Barrick said regarding the sign there was reference to having the applicant pay for that sign was that part of the discussion last month.

Mr. Holbert answered not that I am aware of.

Ms. Flanagan said I think it may have come up.

Mr. Holbert said if we get into paying the cost for the signs the application fee increases to the applicant. We are trying to look at a generic way.

Mr. Mees said communities generally provide the sign to the applicant. It really just says this property is the subject of a zoning matter and it had a phone number. So it can be relatively generic but it puts people on notice.

Mr. Barrick asked Mr. Mees do they put the date of the hearing.

Mr. Mees answered I think they have that.

Mr. Pflum said that is pretty effective.

Mr. Mees said it sounds like it was in the Kugler case.

Mr. Holbert said we rely heavily on the residents and the HOAs and those type of groups. That was a big part of the notifications that went out for the proposal on Kugler Mill and both HOAs were involved.

Mr. Pflum-The HOA really only became aware of it after the fact. Then the little network goes out. Using this example of Solzman and East Kemper it was an accident that we found the sign. The community didn't know anything about it until they saw that sign. The first notice was the sign in each case on Kugler Mill and then on Solzman.

Mr. Holbert said I think the first notice was actually when we received it from the applicant and then we did an email blast.

Mr. Mees asked Mr. Holbert isn't the sign posted plus or minus as the application is made.

Mr. Holbert answered.

Mr. Pflum said an open house is really critical

Mr. Holbert agreed.

Mr. Pflum said there is a lot of exchange of ideas with the developer.

Mr. Kronenberger asked Mr. Holbert about a proposed standard text. Why don't we just have text that are put together and we can all agree.

Mr. Holbert answered.

Mr. Barrick asked Mr. Holbert for this case are you going to put in that 200 or 500.

Mr. Holbert answered between 200 -500.

Mr. Barrick asked Mr. Holbert are you going to let us decide.

Mr. Holbert said sure it is your recommendation.

Mr. Kronenberger said I think that is fine, but I would put in signage. I am fine with you putting in the size of the sign determined by the size of the lot. Let's put in some verbiage.

Mr. Barrick said to include a quantity based on frontage or length if you have more signs.

Mr. Kronenberger said we have talked about this enough let's just put it in the proposal.

Ms. Flanagan said let them look from there.

Mr. Holbert said it has come up several times in our zoning resolution.

Mr. Pflum asked are you recommending 500, plus a sign.

Ms. Flanagan said we haven't done our recommendation yet.

Mr. Pflum asked Mr. Holbert about 21-2 A variance as he understands it is if a property owner or developer already has zoning but they want to do a couple of different things either ISR. A building height, they comply with the overall zoning, but want to make a few changes under this chapter 21 that a variance correct.



Mr. Holbert answered not necessarily because if it is already been in front of an "OO" district that has gone through a different set of laws.

Mr. Pflum said in chapter 19 you have a table that defines the decision making responsibilities. It actually has the SPI plan review here and variances. The SPI plan review is the responsibility of the zoning commission not the trustees. The variances is the responsibility of the BZA not the trustees and not the zoning commission. I am have a little trouble trying to figure out where these different pieces fit into the puzzle and then I will always go back to our favorite project which is capital investments. It was a variance as Greg Bickford wrote to the County Engineers this is not a zone change it's a variance. So according to this if it's a variance it goes to the BZA not the trustees. I must be wrong, there must be something wrong here that I am missing but it is certainly not consistent. Chapter 21 and chapter 19 are not consistent with the experience that we have had or my understanding of the variance procedure.

Mr. Holbert said as far as the SPI it has its own set of regulations and review process. With a variance that is definitely under the Board of Zoning Appeals but if you have a variance and it is in the SPI overlay district the SPI overlay district is going to be the one that dictates the process.

Mr. Pflum said again using Capital as an example they have variances within the SPI district. Why does table 19-1 say if it has variance it goes to BZA.

Mr. Holbert answered because our standard application deals with variances and conditional uses and those both go in front of the BZA.

Mr. Barrick said as a stand-alone.

Mr. Holbert answered correct.

Mr. Holbert if you have a much larger item the ISR, that ISR is not just getting a stand-alone variance for that ISR. In most cases you are getting relief from here is where you are and here is what the code says you can do. It's is a process. So based on that ISR you either have it as of right or you have got zoning commission or board of trustees.

Mr. Pflum said if you violate or exceed that it's a variance.

Mr. Holbert answered.

Mr. Pflum said that is not clear.

Mr. Barrick said Jack if we reference chapter 21 would that solve.

Mr. Pflum said I think we need to address it.

Mr. Barrick stated, Mr. Pflum you were trying to address variance according to table 19.1 and I asked if you referenced chapter 2. On that line that it would take away all the other things you seem to bring up and focus that table only on one chapter.

Mr. Holbert said 19.1 is the decision making responsibilities.

Mr. Barrick said variances only occur in chapter 21

Mr. Holbert answered yes and what is granted is relief.

Mr. Pflum said in the zoning resolution I don't think the term relief is every used.

Mr. Holbert said it is ok.

Mr. Pflum said no it is not.

Mr. Barrick said the first line of chapter of 21 says the BZA may vary the provisions. It is not relief it is vary the provisions.

Mr. Holbert is going to address what Mr. Pflum brought up under trustee report.

Mr. Holbert discusses chapter 24 dealing with enforcement.

Mr. Mees said we have talked about 24 chapters we have input from people who have also read it in addition to us and we have taken those comments. You are going then come back with specific language for all the parts we have reviewed and ultimately we would get to a point where we are all comfortable. We would make a recommendation to the Board of Trustees and they would also have the opportunity to make certain changes.

Mr. Holbert responds.

Mr. Barrick asked Mr. Holbert about a time frame.

Mr. Holbert said he will have it ready for the next meeting.

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

#### **Item 6. – Trustees Report**

Mr. Holbert stated the trustee did talk about forming a land use board.

Mr. Barrick asked Mr. Holbert a permanent board

Mr. Holbert said to get our land use plan reviewed and put in place.

#### **Item 7. – Date of Next Meeting**

The date of the next meeting is Monday, February 11, 2019.

#### **Item 8. – Adjournment**

Mr. Mees moved to adjourn.

Mr. Roos seconded.

All voted yes.

Meeting adjourned at 10:00 p.m.

Minutes Recorded by: Jessica Daves  
Planning & Zoning Assistant