

February 11, 2019

Mr. Roger Friedmann – Chairman
Mr. Rich Barrick – Vice-Chairman
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 7:01 p.m. on Monday, February 11, 2019.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Members Absent: Mr. Barrick

Staff Present: Harry Holbert and Jessica Daves

Item 3. – Approval of Minutes

Mr. Friedmann stated the first order of business is the approval of the January 14, 2019 meeting minutes.

Mr. Mees moved to approve the January 14, 2019 meeting minutes.

Ms. Flanagan seconded.

Ms. Flanagan – Aye
Mr. Friedmann
Mr. Mees – Aye
Mr. Roos – Aye

Item 4. – New Business

2019-01P1
Larry Hatfield, Northshore CDS
7741 School Road
PUDI

Mr. Holbert presented the case in a Power Point presentation. He reviewed the existing conditions on the site and stated the proposal is to construct a 25,870 square feet building addition to the existing 168,349 square feet warehouse and manufacturing facility. The applicant is seeking a PUD1 approval based on the current zoning and a proposed maximum ISR of 0.65. Mr. Holbert noted this case will not be heard by the Board of Trustees; the final decision will be made by the Zoning Commission.

Mr. Holbert pointed out the adjacent zoning districts and showed the proposed elevations and floor plans. He then noted the setbacks from School Road and the property lines. Mr. Holbert said the plans show a detention pond with overflow that will be regulated by Hamilton County. The applicant has provided a parking analysis and lighting plan.

Mr. Holbert pointed out there was no landscaping plan submitted so it is unclear if they meet the requirements. He said required landscaping could also affect their ability to meet the parking requirements. He stated they are surrounded by green space and may have an adequate amount of buffering however it needs to be noted on the plan.

Mr. Larry Hatfield, of Combined Containerboard, 4568 School Haven, Batavia, OH 45103, addressed the Board. Mr. Hatfield said in 2011 they presented a PUDI for this project, noting this is basically a continuation. He then discussed the history of the 2011 case.

Mr. Hatfield stated Combined Containerboard gets corrugated paper in large rolls which are 4 or 5 feet in diameter and 4 or 5 feet tall and weigh several thousand pounds. The paper is then turned into cardboard. He explained they are expanding their corrugation line which will result in the need for more storage space. They will be increasing their employee count by six people most of whom will be in the manufacturing portion of the facility.

Mr. Hatfield submitted copies of an aerial photograph and 2011 PUDI submittal.

Mr. Hatfield stated the street scape buffer and boundary buffer on the south and the east are still intact. This building will be wrapped in metal siding to match the existing building and will be approximately 600 feet from School Road. Seventy percent of that addition won't be visible from the street and there will be no mechanical equipment on the roof. There will be 5 feet by 5 feet small air handler located on the ground in front of the building with metal to match the rest of the facility.

Mr. Friedman ask if anyone had any questions for Mr. Hatfield.

Mr. Roos asked if there would still be green space north of the building after the addition is built.

Mr. Hatfield answered it is going to stay the same.

Mr. Friedman asked if anyone wishes to speak on behalf of the applicant or contrary to the applicant.

Mr. Pflum asked if there was any possibility of lowering the ISR and if the manufacturing is a noisy operation.

Mr. Friedman answered he is not aware of anyone having raised that issue.

Ms. Kathy Kugler, of 7106 Tenderfoot Lane, Sycamore Township, OH 45249, addressed the Board. Ms. Kugler said she is interested in the Cleve McDaniel Park, Stewart Elementary School, and the children that live in High Point. She asked if there would be a side walk as a part of this development. Ms. Kugler requested the trees and shrubs be native to mitigate the effect on wildlife and birds and also apply for a certified wildlife habitat. Ms. Kugler asked about any emission from this manufacturing process.

The applicant answered steam and noted there are no unregistered emissions.

Ms. Kugler said I do live close enough that at night if there is a stamping process I might be able to hear it. She asked how long during the day there would be a noise and at what decibel.

The applicant answered it is 24 hours a day and at the highest point in the facility it does not break 90 decibels. He noted the employees barely have to wear protection inside the facility. The associates in the office don't have to wear any hearing protection.

Ms. Kugler asked if people in High Point would be able to hear.

The applicant answered no.

Mr. Philip Wenger, Vice President of Combined Container Board, of 7700 Currant Road, 47906, addressed the Board. Mr. Wenger said they are putting in another corrugated line much smaller than what they have currently. He said it is a 9.5 million dollar project. Mr. Wenger stated they will actually have 14 employees on three shifts on this machine as well as six employee starting 1st shift right away. He noted currently they are at about 69 employees and about 26% of them live in Sycamore Township.

Mr. Friedmann asked if there were any comments or question from the board.

Mr. Mees made a motion to consider case 2019-01P1.

Ms. Flanagan second.

Mr. Friedmann asked if Mr. Mees had any further comments.

Mr. Mess asked Mr. Holbert if there were any staff conditions or recommendations.

Mr. Holbert answered no.

Ms. Flanagan stated the plan seems pretty straight forward, noting it is pretty much like what they have already and it is basically surrounded by industrial sites. She said she does not think it is an issue.

Mr. Roos commented it has enough trees and the building is not going to create that big of a problem or any problem at all.

Mr. Friedmann said he would tend to agree. He said in terms of the size of the building, the addition is a relatively modest addition and there is more native growth around than we typically find around some developments.

Mr. Mees called roll.

Ms. Flanagan-Aye
Mr. Roos-Aye
Mr. Mees-Aye
Mr. Friedman-Aye

2019-02MA
Midland Atlantic Development Co., LLC
7747 Kenwood Road
Major Adjustment to a PUD

Mr. Freidman said Mr. Mees has indicated that he would like to recuse himself from the hearing for Case 2019-02MA.

Mr. Holbert reviewed the case and case history in a Power Point presentation. He said there would be no changes to the ISR, no change to the 2,309 square feet tenant space, no change to the existing frontage along Kenwood Road and no change to the existing building height. The applicant is proposing a modification to the existing PUD to allow the space of the former Orange Leaf Yogurt to be used by Vinaigrette Salad Kitchen. Mr. Holbert stated the tenant proposes baking in a vent less oven and warming of soups on a hot plate. He stated the current zoning of the site is "EE" Planned Retail and then reviewed the zoning of surrounding properties. He noted the tenant panel in the existing monument sign would be changed and the only change to the frontage on the building would be the sign. Mr. Holbert then reviewed the floor plan and noted there would be no change to the existing site and landscape plans as the building footprint is not changing.

Mr. Holbert pointed out the proposed 48 square feet building sign exceeds the limit of 31 square feet permitted for the tenant space and would require relief.

Ms. Flanagan asked if the previous Orange Leaf sign was in compliance.

Mr. Holbert answered yes.

Ms. Flanagan asked why no restaurant could be there given that Dewey's is so close.

Mr. Holbert answered Dewey's was a second appeal and they were also a Major Adjustment. He stated the main reason was the fumes from a restaurant since it is so close to a residential district. He said the residents voiced concerns about the smell of a restaurant and the waste coming from the restaurant so one of the conditions that was added to Dewey's approval was a refrigerated dumpster would be required.

Mr. Roos asked if their intent is to use the same dumpster for their waste.

Mr. Holbert answered he will defer to the applicant.

Mr. Friedmann said if there are no other questions, if anyone is here for the applicant, they may address the Board.

Ms. Nichole Chimento, the applicant, of Midland Atlantic Development Company, 8044 Montgomery Road, Cincinnati, OH 45236, addressed the Board.

Ms. Chimento said they are replacing the Orange Leaf restaurant with this restaurant. They will be using the existing refrigerated dumpster. The only onsite cooking would be the proteins for their salads and they use a vent less Combi oven. She noted it will be a small restaurant with seating for 53 people.

Ms. Susan Sizemore, Vinaigrette Salad Kitchen owner, of 141 E. 4th St. Lexington, KY 40508, addressed the Board giving more details about the restaurant and distributing a menu to the Board members.

Ms. Sizemore said 70 percent of their traffic happens during lunch usually between the hours of 11:30 a.m. and 2:00 p.m.

Ms. Flanagan asked about the sign and the possibility of bringing it down to within the requirement.

Ms. Sizemore answered that is something I can take to our architects and have redone.

Ms. Sizemore asked the requirements.

Mr. Holbert answered.

Mr. Friedman asked we would round it up.

Mr. Holbert answered no comment.

Mr. Friedman said we would.

Mr. Friedman asked how many people the Orange Leaf could seat.

Ms. Sizemore did not have that answer.

Mr. Roos asked how late they would be open.

Ms. Sizemore said they are open until 9:00 p.m. in Lexington, but they base that on sales with the latest being 10:00 p.m.

Mr. Friedman followed up on Ms. Flanagan's question saying he was sure that the sign designer or architect can find a way to get the sign to fit within the sign parameters.

Mr. Jack Pflum, of 7541 Hosbrook Road, Sycamore Township. OH, 45243 addressed the Board.

Mr. Pflum said he supports this application. He stated he thought the Township would put a sign on the property every time there was a zoning change or a consideration of any project that went through the Zoning Commission.

Mr. Friedman said as he recalled that was part of the discussion about amendments to the overall Zoning Resolution. I don't know that we have reached the point yet where we have voted on or amended the Zoning Resolution.

Mr. Pflum said he thought we would go ahead and do it because it was very easy to do, there are signs apparently in the store room. He said it would help if we could vote on it or discuss the final redline version.

Mr. Pflum asked Mr. Holbert are there signs in the warehouse or in your office.

Mr. Holbert answered the Zoning Inspector has signage.

Mr. Friedman said he thinks all of us supported the idea of putting out notification but he just didn't think we have reached a point where we formally adopted yet.

Ms. Tracy Hughes, of 4705 Duneden Ave., Sycamore Township, OH 45236. Ms. Hughes said she lives within 200 feet and she did not get a notice this was on the agenda. Ms. Hughes said she did not know who got notices.

Mr. Friedman said the board does not send out the notices.

Mr. Holbert explained.

Mr. Friedmann said I don't think it is going to a vote.

Mr. Friedmann said he thinks the revisions to the Zoning Resolution are going to address the signage on the site.

Mr. Mike Herrel, of 4713 Duneden Avenue, Sycamore Township, OH 45236 addressed the Board saying he has no objections to Vinaigrette Salad Kitchen.

Mr. Friedmann said if there are no further comments the Board will discuss the issue.

Ms. Flanagan made a motion to consider case 2019-02MA with the condition that the sign be in compliance and a maximum of 32 Square feet in area.

Mr. Friedmann asked about the use of the refrigerated dumpster as a condition.

Ms. Flanagan added the condition that they would use the refrigerated dumpster.

Mr. Friedmann seconded.

Mr. Friedman took roll.

Ms. Flanagan-Aye
Mr. Roos-Aye
Mr. Friedmann-Aye

Mr. Friedmann said this goes to the trustee.

Mr. Holbert answered yes.

Item 5. – Old Business

2018-21P2 (continued to 03/11/2019 per applicant's request)
Rob Painter, RVP Engineering LLC
11908 1st Avenue
PUD II

2018-11T
Sycamore Township
Text Amendments to Zoning Resolution

Mr. Holbert said this is a review of the comments and additional staff comment in regards to Chapters 1-24 and the appendix.

Mr. Holbert stated there were no proposed changes to Chapter One.

Mr. Holbert stated for the definition of building height in Chapter Two he would suggest the height be measured at the peak and be varied depending on the Zoning District. He noted this would address concerns from residents about tear down and rebuilds in residential districts being too tall.

Mr. Holbert said the State of Ohio requires bee keepers to register their bee hives so he is not recommending they register with the Township.

Mr. Holbert addressed Section 3.2 noting there will still be PUDs but the site plan review will simplify the process and allow for more in depth review.

Mr. Holbert said in regards to Section 3.73, compost bins, it was decided a simple way of setting the setback would be to match the side yard setbacks for the particular zoning district.

Mr. Holbert discussed Section 3.94, setbacks for pet and livestock enclosures. Mr. Holbert recommended the Township follows the setback that Hamilton County has which is 60 foot from the property line. He added as far as fire pits, staff does not think we need to address this because it is regulated by the Fire Department. He said an outdoor living area or fireplace structure would be considered an accessory structure.

Ms. Kugler asked Mr. Holbert if a burn barrel is considered a fire pit and asked about burning trash.

Mr. Holbert answered he would have to check with the Fire Department but burning trash is not permitted.

Mr. Tom James asked if there would be an exception to the setback requirement for agricultural accessory uses such as compost bins if there were a six feet fence.

Mr. Holbert answered the compost bins are usually not unsightly unless the person who has the compost bin doesn't understand the intent of what they are for. He does not think there would be an exception if you have a six feet fence.

Ms. Flanagan asked Mr. Holbert if the Township receives many complaints about dog house location.

Mr. Holbert answered he does not get that many.

Mr. James asked then why add a regulatory burden on property owners.

Mr. Holbert answered we are not adding it is already there and asked Mr. Pflum about it.

Mr. Pflum answered the text originally came from the Hamilton County Zoning Resolution.

Mr. Pflum brought up how technical changes are made to the resolution and, after some discussion, he noted the SPI districts have become somewhat controversial and the redline version eliminated three of the SPI districts. He stated that is more than a technical change.

Mr. Holbert answered that is what we are proposing.

Mr. Pflum said he would not think we should eliminate the three SPI districts.

Ms. Kugler asked Mr. Holbert about his earlier statement that the Township would follow the Hamilton County ordinances on chickens, noting Mr. Holbert said a 60 feet setback and the County requires only twenty feet.

Mr. Holbert said he recommends a more restrictive 60 feet setback for the property line for chicken coops.

Mr. Pflum asked Mr. Holbert if he could be convinced to move it to 20 feet.

Mr. Holbert answered no, but said Mr. Pflum could try to convince the Trustees. He noted that he recommends what he thinks is in the best interest of the residents.

Mr. Pflum asked Mr. Holbert where in this list would somebody find out that it is 60 feet setback for chicken coops.

Mr. Holbert answered it is in the red line version.

Mr. Pflum said his copy does not have that.

Mr. Holbert noted in Section 7-2.3, Procedures, readability was very challenging, therefore, he thinks that section is going to be a rewrite.

Mr. James inquired about receiving notifications other than agendas through email blasts.

Mr. Holbert discussed Section 8-1.9 with regard to the SPI area being modified as noted.

Mr. Pflum said the SPI should stay in because it is a macro change not a technical change.

Ms. Kugler asked if the parks in Sycamore Township are protected from development.

Mr. Holbert answered they are protected but noted any property could be sold.

There was continued discussion about parks and natural resource areas.

Mr. James said there is a flaw in 8-1.9.

Mr. Holbert reviewed and agreed there was a mistake noting it should say three categories and not four.

Mr. James said it is inconsistent in the structure.

Mr. Holbert said he would note that.

Mr. Holbert discussed Section 9-4.2, non-conforming lots, saying there was a recommendation from the board to look at that and use minimum side yard setbacks as a percentage. He stated Section 10-1 accessory use had been modified as noted. He said we added recycling containers and donation boxes and guidelines to go along with those.

Mr. Holbert said Section 11-1, Temporary uses, was modified as noted. He noted the time frame for portable storage containers, PODS, had been extended to 21 days instead of 14 days.

Mr. Holbert said shared parking in Chapter 12 was modified as noted. He said we have rounded to whole numbers; the same thing with our tree counts. He also stated we have widened access drives to 24 feet.

Mr. Pflum asked Mr. Holbert what it was before.

Mr. Holbert answered 20 feet.

Mr. Pflum asked Mr. Holbert why the Township would increase parking surface area when the trend is to reduce parking.

Mr. Holbert answered in this case it is not parking it is a drive aisle so it will be safer for people to get in and out of two way traffic.

Mr. Pflum said it is part of the parking surface area.

Mr. Holbert said not necessarily.

Mr. Mees said you are saying it is a part of the pervious area.

A member of the public asked about Section 12-7.2, Illumination, asking if that was an increase in permitted foot candles at the property line.

Mr. Holbert answered no, saying it was always 0.5 at the property line. He said now it is broken out 0.0 fc for residential and 0.5 fc for non-residential remains.

Mr. Holbert said Jacobs has one of the leading sign experts and they have a legal group they use. He noted there are a lot of things that we can't even regulate anymore as far as the signage regulations.

Mr. Mees asked Mr. Holbert if this is a cumulative red line version.

Mr. Holbert answered yes.

Mr. Mees asked if this is the same red-lined version that we reviewed before and if Mr. Holbert was going through a summary of things we have already reviewed.

Mr. Holbert answered yes.

Mr. Mees asked if the changes had been made in the document.

Mr. Holbert answered no stating the document will be submitted as written. He said the Zoning Commission recommendations will be submitted to the Trustees as an attachment to the proposed Zoning Resolution.

There was a lengthy discussion regarding the red-lined version and how the Zoning Commission recommendations would be recorded.

Ms. Kugler and Mr. Pflum asked about the comments from the public made directly to Mr. Holbert and during the hearings.

Mr. Holbert noted he has recorded public input on spreadsheets.

Ms. Kugler asked Mr. Holbert if another section could be added to include all the comments that were made about all these things.

Mr. Holbert said he already did that in the first review.

Mr. Pflum stated one of the comments from the citizens had to do with this front yard fence and asked Mr. Holbert how that gets into the document that will be provided to the Zoning Commission, which will ultimately end up with the Trustees.

Mr. Holbert answered all public comments have been given to the Zoning Commission members.

Mr. Pflum again asked how his written comments will get into the version that will be brought before the Zoning Commission for them to review and approve, and forwarded to the Trustees.

Mr. Holbert answered I have already reviewed those items for each chapter.

Ms. Flanagan commented that, having heard public comments, the Board will either agree with those recommendations or not, noting the Board might decide to go with what is on the redline document.

Mr. Holbert answered correct.

Ms. Flanagan asked Mr. Holbert will they see your chart, your other spreadsheet.

Mr. Holbert answered yes.

Ms. Flanagan commented the Trustees will see the spreadsheet and they will see that someone does not like the idea of front yard fences.

Mr. Pflum asked for a copy of that spreadsheet.

Mr. Holbert answered it will be on our website.

Ms. Kugler and Mr. Holbert continued discussion about comments.

Mr. Friedmann said the process in place is that we have been hearing comments over quite a few months that are raised both in the meeting and through submittals that have come into Mr. Holbert. He said we have considered those comments and in some situations we have indicated we would like to see a change made based on a comment that was raised. He stated in other cases, we did not feel that the Zoning Resolution needed to be modified in any fashion just because that comment was made. As far as the Zoning Commission is concerned, we haven't yet finished looking at all the proposed changes and we haven't finished going through the charts Mr. Holbert has prepared. My understanding what he has done as the Administrator is to try to get together all the suggested and proposed changes. Our deliberative process is going to be to get the final version that will be presented to the Trustees. He stated we are going to suggest making those changes and as we do in other matters we give our recommendations to the Trustees as the final say.

There was continued discussion about the process and public comments.

Mr. Pflum said he thought as we were going through that process, that some of those comments were going to be incorporated into a blue line version, which would be an update or revised redline version which incorporated those comments.

Ms. Flanagan said I think that is potentially true for some but not necessarily for all.

Mr. Pflum asked so you are going to go back through those comments again and compare them to this redline version and determine one by one whether you think the comments have merit or did not have merit.

Mr. Friedmann said he believes we were coming to a type of conclusion with regard to comments as we were going through them and I think it bears on us to perhaps have further discussion with Mr. Holbert and make sure that everybody is on the same game plan of what we are going to do with the Zoning Resolution. He stated that he was certainly not in a position this evening to take a vote to recommend it one way or the other to the Township Trustees.

Mr. Pflum said we are a long way from voting on a new Zoning Resolution.

Mr. Friedmann said it is certainly not going to occur this evening.

Mr. Holbert went on to discuss Chapters 14, 15 and 16 noting he had not received many comments and the ones he did receive did not make sense. He stated the amendment part of Chapter 16 didn't work because of our timelines with Hamilton County Regional Planning. HE said once they submitted their application we had to go through a process and by state law we had to hear it by a certain date. Mr. Holbert said based on the previous Zoning Resolution it was impossible to meet these timelines that were required by the state. He noted there is new legislation that no longer involves regional planning for a zone change.

Mr. Holbert discussed Section 16.6-2, noting there has been a lot of discussion about notification distance of either 200 feet, 300 feet, or 500 feet. He said at this point he is proposing no changes to the 200 feet distance.

Ms. Flanagan said she thinks she remembers Mr. Barrick recommending increasing it.

Mr. Holbert answered he did.

Ms. Flanagan asked for us to assist them as Zoning Commission members, before they do vote if they could have those sections of the minutes put in one document and email to them.

Ms. Flanagan said we do have the comments and if we go back to the minutes that will be reflected in our discussions. Those were things we did discuss.

Mr. Holbert stated Chapter 17, conditional use, was modified as noted. He said we have increased the timelines on when the decision will be out which helps the applicant too. He noted as far as telecommunication, they are untouchable at this point.

He stated he did receive comments for Chapter 18, Site plan review, regarding PUD being changed to site plan review. He said Chapter 20, Zoning Certificate, was modified noting we removed the fee schedule so it is not part of the Zoning Resolution and will be a resolution that the Trustees pass.

Mr. Holbert said Chapter 21, Variance process, is pretty much the same as it was and Chapter 24 had no changes. He stated for the Appendix we went through and had all the landscape species reviewed by a local landscape architect to ensure they are native to this region and the architect recommended a lot of different species.

There was discussion about getting the minutes from previous hearings compiled for the Board to review.

Mr. Mees asked Mr. Friedmann if he thought armed with the redline version, plus all those staff and public comments recorded in the meeting minutes, the Board can make a recommendation.

Mr. Friedmann said we believe further modifications are needed I would expect those suggestions by us would be included if we are going to make a recommendation to the board.

Mr. Mees asked once that process is done would the actual document be updated with some kind of way to discern what Jacob's recommendation was and what was layered on after that.

Mr. Holbert answered he would rather keep them separated.

Mr. Mees said what goes to the Trustees is a redlined of what we are proposing as Zoning Commission, as compared to where the code was before we started this.

Mr. Holbert said the second version would be any modification that Zoning Commission now wants added or changed that version would then go to the Board of Trustees, then we have the redline version from Jacob's which would also go to the Board of Trustees.

Mr. Friedmann said first I would like for us to get those tab comments and the minutes from the meetings. I see a couple more meetings coming before we can be in a position to vote. There was continued discussion on how the Board should proceed.

Mr. Holbert said Commission new time at 6:00 on March 11.

Mr. Pflum asked are we going to get a copy of this spreadsheet.

Mr. Friedmann said I would suppose you can post it on the website.

Mr. Holbert answered sure.

Mr. Friedmann said when it is finished and ready to be presented to us you can post it on the website.

Mr. James mentioned a fax sent in by a resident that he was asked to make sure Mr. Holbert saw it so he could present it to the Board.

Item 7. – Date of Next Meeting

The date of the next meeting is Monday, March 11, 2019, at 6:00 p.m.

Item 8. – Adjournment

Mr. Roos moved to adjourn.

Ms. Flanagan seconded.

All voted yes.

Meeting adjourned at 9:29 p.m.

Minutes Recorded by: Jessica Daves
Planning & Zoning Assistant