

May 13, 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 6:01 p.m. on Monday, May 13, 2019.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Staff Present: Harry Holbert, Jessica Daves and Kevin Clark

Item 3. – Approval of Minutes

Mr. Friedmann stated the first order of business is the approval of the March 11, 2019 meeting minutes.

Ms. Flanagan moved to approve the March 11, 2019 meeting minutes.

Mr. Mees seconded.

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

Item 4. – Old Business

2018-21P2 (continued to 06/10/2019 per applicant's request)
Rob Painter, RVP Engineering LLC
11908 1st Avenue
PUD II

Item 5. – New Business

2019-06P2 (continued to 06/10/2019 per applicant's request)
Dinsmore and Shohl LLP
8167 Montgomery Road
PUDII

Mr. Holbert explained the process of Zoning Commission and the Board of Trustees.

2019-05P2
Paul Shirley, Pelican Studio
8608 Blue Ash Road
PUDII

Mr. Holbert present the case 2019-05P2 in a PowerPoint presentation for case 2019-05P2. The proposed plan is a mixed use, retail and residential. The site size is a little over 9, 000 square feet and less than a quarter acre. The frontage along Blue Ash road is about 50 feet and the topography is flat. The existing ISR is unknown, the proposed ISR is .89. The applicant is requesting PUD approval consideration to refinish the interior spaces and the exterior façade of the existing structure. The proposed use for the first floor would be retail and the second floor would be residential. This is an existing non-conforming structure and the intent of the owner in this case is to keep the current building location but to increase the existing paved surface to provide additional parking stalls and landscaped areas.

Mr. Holbert presented the site plan.

Mr. Holbert stated the applicant submitted a plan which shows landscaping in the right of way. There is an existing pylon sign that is also in the right of way and part of the fence on the northern part of the property line is also in the right of way. The minimum drive aisle the Township uses is a 12 foot dimension in this case the distance between the property line and the building is about 9 feet. In order to use this area as a drive aisle the applicant would need an easement agreement. The Sycamore Township zoning map shows the north as "E" retail, to the east and west is residential, and to the south you have additional retail and light industrial.

Mr. Holbert presented a bird's eye view of the property, the elevations, and pictures of the property.

Mr. Holbert said the applicant is proposing to remove a set of stairs and the deck and put the entrance in the back.

Mr. Mees asked Mr. Holbert about the right of way location.

Mr. Holbert explained approximately where the right of way is located.

Mr. Mees asked Mr. Holbert if the fence belongs to the property owner next door.

Mr. Holbert answered that he is unsure.

Mr. Mees asked Mr. Holbert if any cars squeeze between the buildings to get to the rear yard the way it is currently configured.

Mr. Holbert said that is correct.

Mr. Barrick asked about the access drive being one lane and how that is addressed within the Zoning Resolution.

Mr. Holbert explained about parking and the requirements of the Zoning Resolution.

Mr. Barrick asked Mr. Holbert if the Township has any provision for a single lane access drive.

Mr. Holbert answered in this case it has to be two way traffic because any traffic that goes in this area is going to come out, so it is not one way.

Mr. Mees asked Mr. Holbert if the issue that makes it non-conforming is just the set back.

Mr. Holbert answered everything he listed in his staff report makes it non-conforming.

Mr. Roos asked Mr. Holbert if the applicant is going to use the second floor of the property for an apartment.

Mr. Holbert answered yes.

Ms. Tiffany Davis, of 8608 Blue Ash Road, Sycamore Township, OH 45242, addressed the Zoning Commission.

Ms. Davis explained what she is proposing to do with the property.

Mr. Paul Shirley, Pelican Studio, 10449 Gateway Drive, Cincinnati, OH addressed the Zoning Commission.

Mr. Shirley discussed why Ms. Davis purchased the property, the parking, the traffic flow in and out, and the property being non-conforming.

Ms. Flanagan asked Mr. Shirley if there was any intention to move the pylon sign.

Mr. Shirley answered at this point no, because Hamilton County may own that property but they have not been informed they need to remove the sign.

Ms. Flanagan asked Mr. Shirley if they know who owns the fence.

Mr. Shirley said he does not.

Mr. Shirley said they had the property surveyed and the fence appears to be on the adjacent property.

Mr. Friedmann asked Mr. Shirley if could they approached the adjoining property owner about requiring an easement for the drive aisle.

Mr. Shirley answered they have not.

Mr. Mees asked Mr. Shirley about the maneuverability in the proposed rear parking lot.

Mr. Shirley explained they have 19 feet of parking spaces at the bottom part of the property and 24 feet to back up in one movement and pull forward in the other motion.

Ms. Flanagan asked Mr. Shirley where the stairs are in the back relative to the parking.

Mr. Shirley explained where the proposed stairs would be located.

Mr. Flanagan asked Mr. Shirley if people would be entering for the retail establishment and the apartment in the same location.

Mr. Shirley answered it is possible, but they will decide that once they have a tenant.

Ms. Flanagan asked Mr. Shirley about dumpsters.

Mr. Shirley said they have not secured a spot yet and explained where the dumpster could be located.

Mr. Friedmann asked if anyone in the audience wished to speak.

No response.

Ms. Flanagan moved to consider Case 2019-05P2.

Mr. Mees seconded the motion.

Mr. Mees said the suggestions are improvements. He is concerned about the drive aisle but he does not see it being heavy traffic. The County engineer's noted must be removed from the right of way would need to be part of the conditions for approval. The landscaping and the pylon sign would need to come out of the right of way.

Mr. Roos agreed with Mr. Mees.

Ms. Flanagan asked Mr. Holbert about the variance needed and the fence in the right of way.

Mr. Holbert said the fence needs to come down because it is in the right of way.

Ms. Flanagan asked Mr. Holbert about the ISR and would a variance be required for that.

Mr. Holbert said correct.

Mr. Barrick explained his concerns about the access drive and the number of variances.

Mr. Friedmann asked for a landscape plan that is on the applicant's property only and not in the right of way. He is not as concerned about the drive aisle but one of the conditions he would like to see is for the applicant to acquire an easement from the adjoining property owner to make sure they have sufficient space for the driveway. He thinks we need to address amending the motion to include the ISR is granted a variance, the applicant seeks and obtains an easement to the adjoining property owner and, if the fence is on the applicant's property, it needs to come out of the right away. He would also like to see a sign be posted by the drive aisle that parking is in the rear of the building.

Ms. Flanagan said in the staff report an easement would be needed for the eastern property too if they were intending to use their landscaping as buffer.

Mr. Mees said the conditions they would have to comply with are the engineer's recommendation regarding the sign, landscaping and the fence to the extent that it is on the property owner's property. Those three items need to be addressed in the right of way. An easement with the adjoining property owner to create as wide of a drive aisle as possible and a variance for the ISR.

Mr. Mees asked Mr. Holbert if there would be storm detention required or is the property not large enough to need that.

Mr. Holbert answered the letter from Public Works said they would review it once the application comes through.

Mr. Mees added as a condition there must be a sign directing parking to the rear.

Mr. Mees made an amended motion to consider Case 2019-05P2 with the following conditions.

1. The plan must comply with the written comment from the Hamilton County Engineer's Office dated 05/08/19.
2. An easement with the adjacent property owner must be obtained to use the existing eastern buffer.
3. An easement with the adjacent property owner to the south must be obtained to create as wide a drive aisle as possible
4. A directional sign must be installed stating parking is in the rear
5. A variance is granted for the ISR
6. The 12 non-conforming items listed in the staff report are approved as submitted.

Ms. Flanagan seconded.

Mr. Mees called roll

Ms. Flanagan – Aye

Mr. Friedmann- Aye

Mr. Mees – Aye

Mr. Roos – Aye

Mr. Barrick-Nay

2019-07MA

Nelson Architecture & Interiors Inc.

7800 Montgomery Road

Major Adjustment to a PUD

Mr. Holbert presented the case in a PowerPoint presentation. The applicant is requesting a major adjustment to a PUD. The current zoning is "EE" Planned District and a modification to an existing LASR. The existing use is abandoned retail space, the proposed use would be a new tenant with a façade renovation and building signage request. The applicant is looking to convert this space into a Best Buy. There are no exterior additions except for façade updates. Additional items that need to conform are the backup generator needs to be screened if they plan to continue to use it and the dumpster needs an enclosure that would comply with the Zoning Resolution.

The applicant proposed signage at approximately 150 square feet on one face of the building and another 150 on the another face of the building. The signage is a little over 4 feet tall by 34 feet wide on the main front of the building and the side of the building that faces I-71.

Mr. Holbert explained the conditions that were approve for Case 2015-08Z.

Mr. Mees asked Mr. Holbert if Best buy would use all of the space that was previously occupied by Toys R US.

Mr. Holbert answered he thinks that is their intent.

Mr. Mees asked Mr. Holbert if we are not anticipating someone else to come in and ask for additional signage.

Mr. Holbert answered not yet.

Mr. Mees asked Mr. Holbert if the proposal complies with Chapter 13 of the Zoning Resolution.

Mr. Holbert answered yes, regarding signage.

Mr. Mee asked Mr. Holbert if the proposal complies with Chapter 13.

Mr. Holbert answered no it does not.

Mr. Barrick asked Mr. Holbert if they are modifying the LASR for the property.

Mr. Holbert answered correct.

There was continued discussion about the reason for the application.

Mr. Roos asked Mr. Holbert if the other businesses in that building have signage similar to the square footage on the proposed signs.

Mr. Holbert answered it varies, each one is part of that LASR and that LASR dictates the sign package.

Ms. Monica Lowry of, Nelson Architecture addressed the Board.

Ms. Lowry said what they submitted was a PUD modification. They are planning to conform with all the zoning requirements for the location. The only thing they are asking for is a variance for the signs. This location has no sight lines for the tenant from Kenwood Road and there are no sight lines from Montgomery Road. The best sight lines for this space are from I-71. From what they have heard the lease negotiations deal is contingent on the signage.

Ms. Lowry discussed the square footage of signage from the previous tenant and other retail spaces around the proposed location.

Ms. Flanagan asked Ms. Lowry what the material is on the façade.

Ms. Lowry said the intention is brick.

Mr. Friedmann asked Ms. Lowry about the height of the structure.

Ms. Lowry answered their intent is on being below 50 feet.

Mr. Friedmann asked Ms. Lowry would that include any additional height with the sign.

Ms. Lowry said that would be below 50 feet.

Mr. Friedmann asked Ms. Lowry if there is any issue with enclosing the dumpster.

Ms. Lowry answered no.

Mr. Mees asked Ms. Lowry if the main façade was going to replace the material that is currently there or add brick to the exterior.

Ms. Lowry answered the intention is to add brick to the existing exterior wall.

Mr. Friedmann asked if anyone in the audience wanted to speak for or against the application.

No response.

Ms. Flanagan made a motion to consider 2019-07MA as proposed.

Mr. Mees seconded.

Mr. Mees called roll.

Ms. Flanagan – Aye

Mr. Friedmann- Aye

Mr. Mees – Aye

Mr. Roos – Aye

Mr. Barrick-Aye

2019-08Z and 2019-09MA

Scott Street Partners II

6331, 6341, 6343, 6491, & 6551 Kugler Mill Road and 8220, 8240, 8245, 8260 Northcreek Drive
Zone Change and Major Adjustment to a PUD

Mr. Holbert said not every parcel had an address, so staff listed it as the parcel ID numbers.

Mr. Holbert went over the parcel ID numbers.

Mr. Holbert presented the case in a PowerPoint presentation. The proposed use is for a medical office building, parking garage and residential lots. The proposed use is a 110, 980 square feet, four story office building, a two story parking garage and single family residential lots. The existing PUD is "OO" district is 8.3836 acres. The proposed acreage along Kugler Mill those sites are a total of 3.8906 acres and the proposed area to be reclassified from "B" to "OO" is 1.5326 acres of the 3.8906 acres. The frontage along Kugler Mill is about 765 feet, the frontage along East Galbraith Road is about 237 feet. The topography is sloping northwest to southeast. The proposed ISR is .7 per the engineer of record. The current ISR is .68 per the previous approval of this development. The Zoning is "EE" to the south, "OO" to the west, and multifamily to the northwest.

Mr. Holbert discussed the previous approved plan, an overview of the lots, proposed zone change parcels, and the proposed plan.

Mr. Holbert explained modifying a PUD.

Mr. Holbert explained the buffer requirements and interior landscaping in the parking lot.

Mr. Holbert presented the renderings that were submitted.

Mr. Friedmann asked the board if they had any questions for Mr. Holbert.

Mr. Randy Merrill, the designer of McGill Smith Pushon, addressed the board.

Mr. Merrill said they worked many times with the residents, staff, and Trustees trying to determine a reasonable solution to their concerns. They did leave a large strip of property residential as

part of this solution. Part of the other aspect is to provide the correct buffering distance and they can do that with an easement on the residential property, which is currently owned by the developer.

Mr. Friedmann asked the board if they had any questions for the applicant.

Mr. Friedmann asked Mr. Merrill if both levels of the new two level proposed garage are above grade.

Mr. Merrill answered the lowest level, which would be connected to the other garage, will be down a level by 11 feet from surface parking on the other side. There are two levels that are not connected so you will access one from the lower level garage, the existing garage, and the other access is from ground.

Mr. Friedmann asked Mr. Merrill if there was an exit proposed from the rear of the property closest to Kugler Mill.

Mr. Merrill said no.

Mr. Friedmann asked Mr. Merrill if the lots with existing houses along Kugler Mill are going to stay there.

Mr. Merrill said no.

Mr. Friedmann asked Mr. Merrill if anything is planned for those residential parcels.

Mr. Merrill answered not at this point. They are trying to keep it as residential as was requested. They do not have any intentions of developing any further except for maybe buffering.

Mr. Roos asked Mr. Merrill how tall the buffering that is planned behind the building is going to be.

Mr. Merrill answered they would rather provide a healthier berm closer to Kugler Mill and that would provide enough buffering and height to shield it from normal view from Kugler Mill Road.

Mr. Friedmann asked Mr. Merrill if he was suggesting a berm along Kugler Mill that would be in the area that they are designating as residential property.

Mr. Merrill said it would stay residential property.

Mr. Friedmann asked Mr. Merrill if that would be where they would locate the berm.

Mr. Merrill said that is what they would prefer to do, yes.

Mr. Friedmann asked Mr. Merrill how high the berm would be.

Mr. Merrill answered it could be up to eight to ten feet tall.

Mr. Friedmann asked Mr. Merrill with all the plantings on top of it.

Mr. Merrill answered yes.

There was discussion about the application.

Mr. Mees asked Mr. Merrill what depth the residential area that is proposed stay would be.

Mr. Merrill answered 140 feet.

Mr. Mees asked Mr. Merrill if that was from the center line of the road.

Mr. Merrill answered center of the road to the edge of the landscape buffer, correct.

There was discussions about the residential lots.

Mr. Mike Kubicki, the developer, addressed the board.

Mr. Kubicki said it seemed to be very important to the neighbors there would not be any commercial development on Kugler Mill Road. A lot of discussions were it was going to open up the flood gates to future development on Kugler Mill. What they are trying to accomplish is to make sure it stays zoned residential. They tried to propose to the neighbors to take the whole thing and do mounds, landscape, walking trails, a crosswalk. They would have a walking community to Kenwood Towne Center. They have offered to donate it to the Township and they would take care of the maintenance so there is no commercial development on Kugler Mill Road.

Mr. Friedmann asked if anyone wanted to speak either in favor or against the application.

Mr. Tom James, 5784 Whitechapel Drive, Sycamore Township, OH, addressed the board.

Mr. James said this project as proposed is unworkable. He believes It is essential to maintain the residential character and zoning of Kugler Mill Road. Simply having a berm there is not a sufficient anchor for that residential character.

Mr. James discussed the existing proposal from the existing Tri-Health building buffer, zoning and why this plan is unworkable.

Mr. Julius Schulhoff, of 5421 Autumnwood Drive, Sycamore Township, OH addressed the board.

Mr. Schulhoff discussed the tree line yard depth, the residential property, the buffering and he agreed it being impossible to accomplish.

Mr. Ryan Kanzeg, of 5826 Charteroak Drive, Sycamore Township, OH 45236, addressed the board.

Mr. Kanzeg said he would like to see options from the developer that would accomplish our goal but also leave the zoning as is. He said he was in a meeting in December and has seen no effort to leave the zoning as is and potentially be able to still build there.

Mr. Steven Hunt, of Aronoff, Rosen and Hunt Law Firm, representing Sturbridge Homeowners Association, addressed the board.

Mr. Hunt discussed who his law firm represents and legal issues associated with the zone change.

Ms. Amie Kanzeg, of 5826 Charteroak Drive, Sycamore Township, OH 45236, addressed the board.

Ms. Kanzeg asked what the benefit is to the residents. She said does not want this down the street from her.

Mr. Jack Pflum, of 7541 Hosbrook Road, Sycamore Township, OH 45236, addressed the board.

Mr. Pflum discussed a sign on the site about zoning change or land use change, traffic, the 2008 land use plan, and a letter from Hamilton County Engineer Ted Hubbard.

Mr. Voet, of 5600 Kugler Mill Road, Sycamore Township, OH 45236, addressed the board.

Mr. Harry said just for the record he would like to suggest a show of hands or a count of those present who are opposed to this zoning and new development.

Mr. Friedmann said we are not going to do that.

Mr. Stephen Ginn, 6450 Stoneham Place, Sycamore Township, OH 45236, addressed the board.

Mr. Ginn presented photographs of the existing building and explained where the proposed project would be located on the photographs.

Mr. Ginn said the proposed project should be to the south of the existing building. The ISR is terrible they don't want it encroaching back into their property. He knows there are not as many requirements but you're a PUD in there and you have more abilities to make bigger buffers than normal. He said the developers should not just do the minimum, do the right thing for the neighborhoods.

Ms. Allison Hamilton, of 6711 Kugler Mill Road, Sycamore Township, OH 45236, addressed the board.

Ms. Hamilton said she thinks it is disappointing and would like to keep it as residential as possible noting it is a great place to live.

Mr. Rob Jutze, 5980 Kugler Mill, Sycamore Township, OH 45236, addressed the board.

Mr. Jutze asked Mr. Holbert for clarification about if the building would be one story lower.

Mr. Holbert answered the elevation of the building is lower.

Mr. Jutze asked Mr. Holbert about the setback requirement for structures there and is there an easement for the road. What is the footage for the easement?

Mr. Holbert said it is a county road and the county dictates the right of way.

There was continued discussion about the right of way, the easement, buffer, and if the Township needs more medical buildings.

Mr. Pat Ashcraft, of 6518 Westover, Sturbridge Sycamore Township, OH 45236, addressed the board.

Mr. Ashcraft asked what has changed in 35 years to allow 3-4 story structure on this property. He said the area is full at this point, traffic is becoming impossible and this will add additional significant traffic to the area. He said if they are going to do that development, keep it to 1-2 stories maximum so it is below the tree line and below the line of sight. He asked why allow this massive structure when it was not acceptable in the past.

Mr. Duffy Maddox, of 6280 Kugler Mill Road, Legacy Point Church, Sycamore Township, OH 45236, addressed the board.

Mr. Maddox discussed the vision of a family life planning center and the possible location across the street from 6280 Kugler Mill.

Mr. Merrill Tomlin, of 6700 Kugler Mill Road, Sycamore Township, OH 45236, addressed the board.

Mr. Tomlin asked if the traffic study includes the effect of traffic on Kugler Mill or was it only inclusive of traffic out onto Galbraith.

Mr. Holbert deferred that to the applicant.

The Applicant answered they are not proposing access onto Kugler Mill Road.

There was continued discussion about traffic.

Ms. Jill Cowman, of 5381 Kugler Mill Road, Sycamore Township, OH 45236, addressed the board.

Ms. Cowman discussed homes that are being taken away saying the businesses being brought in are too much.

Ms. Polly Freeman, of 8330 Kugler Meadows, Sycamore Township, OH 45236, addressed the board.

Ms. Freeman discussed lighting and losing the character of the neighborhood.

Ms. Ginny Burd, of 6455 Westover Circle, Sycamore Township, OH 45236, addressed the board.

Ms. Burd discussed the effect on property value in four different areas, residential neighborhoods, and zoning.

Kris Flaska, of 5840 Charteroak, Sycamore Township, OH 45236, addressed the board.

Mr. Flaska discussed parking and zoning.

Michael Burd, of 6455 Westover Circle, Sycamore Township, OH 45236, addressed the board.

Mr. Burd discussed water.

Bob Ridgley, 8326 Wetherfield Lane, Sycamore Township, OH 45236, addressed the board.

Mr. Ridgley discussed this being illegal and concessions being made for the residents.

Ms. Alison Klein, of 6615 Kugler Mill Sycamore Township, OH 45236, addressed the board.

Ms. Klein discussed the lighting, privacy, runoff, elevation, and not being able to sell her property.

Mr. Friedmann asked Mr. Merrill what were the issues of putting the new building where they are putting the proposed garage.

Mr. Merrill said there were many issues; the narrow quarter it would create between the existing buildings would be detrimental and having a class "A" office building.

Mr. Kubicki said it does not fit there.

There was continued discussion about the location of building.

Mr. Friedmann asked if the applicant would like to address any of the comments heard tonight.

There was continued discussion about buffering, parking, working with the neighbors, zoning, lights, greenspace, and what it would do for Sycamore Township.

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

Mr. Mees made a motion consider 2019-08Z and 2019-09MA.

Ms. Flanagan seconded the motion.

Mr. Mees said these are always tough cases when there is an interface of commercial development and residential development. Personally, he can understand the passion of the neighbors and how he would feel if it was his neighborhood. He thinks it is too big, too close and with too many downsides.

Mr. Roos said he basically had the same comment to make. The berm issue, the size of the building is massive, and he does not think there is any way possible to screen so the neighbors wouldn't see it.

Ms. Flanagan said she does think the development has benefits to our community beyond just taxes and revenue. In fact some of the services provide employment. She is concerned about the legal issues that were raised, including the easements and the right of way.

Ms. Flanagan said she is hearing even from the developers that there might be some compromises that could be made that might take us closer to getting to a place where both sides would benefit.

Mr. Barrick said the edge developments are very difficult. The reference to the land use plan is something they try to predict and foresee for potential changes long term. They did not anticipate any development going further north when this case came in last time for the TriHealth building. What he is seeing tonight is the boundaries being pushed beyond what he is comfortable with and the rezoning of the residential parcels is probably the biggest challenge. To maintain residential on those lots, they probably need to be deeper in order to buffer anything that happens to south including the existing building. If there is additional office development going on the currently zoned parcel, he is not in favor of putting four stories on top of a higher elevation that much closer to Kugler Mill. He thinks the proposal would impact the neighborhoods.

Mr. Friedmann said in terms of the applicant, we heard a lot of things about what the applicant might propose to do but that was really not part of the application yet. He thinks, from a residential standpoint, they have to understand times and conditions change. The new proposed office space structure is too tall for the property. He believes the owner of the property/applicant could find a different way to configure the building to make it lower and still get the same square footage, and the same class "A" designation. He thinks the applicant can come up with a plan for buffering that makes the view from Kugler Mill and the residents to the other side see much less of the building than they see right now.

Mr. Friedmann discussed the berm, parking garage and taxes.

Mr. Friedmann said the application they were presented tonight is not the right development for that property.

Mr. Friedmann asked Mr. Mees to take roll.

Mr. Mees took roll.

Ms. Flanagan – Nay
Mr. Friedmann- Nay
Mr. Mees – Nay
Mr. Roos – Nay
Mr. Barrick-Nay

Item 6. – Date of Next Meeting

The date of the next meeting is Monday, June 10, 2019 at 6:00 pm.

There was discussion about case 2018-21P2 being continued.

There was discussion about the Zoning Resolution text amendments.

Item 7. – Adjournment

Mr. Roos moved to adjourn.

Mr. Barrick seconded.

All voted yes.

Meeting adjourned 8:29 p.m.

Minutes Recorded by: Jessica Daves
Planning & Zoning Assistant