

August 12, 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. Barrick called the regular meeting of the Zoning Commission to order at 6:05 p.m. on Monday, August 12, 2019.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

Members Present: Mr. Mees and Mr. Roos, and Mr. Barrick

Ms. Flanagan was not at roll call but was present.

Members Absent: Mr. Friedmann

Staff Present: Harry Holbert and Jessica Daves

Item 3. – Old Business

2018-21P2 (continued to 09/09/2019 per applicant's request)
Rob Painter, RVP Engineering LLC
11908 1st Avenue
PUD II

Item 4.-New Business

2019-10MA
Jeff Chamot
Parcel No. 600-0080-0775
Major Adjustment to a PUD

Mr. Holbert discussed the history of this development.

Mr. Holbert presented case 2019-10MA in a PowerPoint.

Mr. Holbert said it is a proposed 100,000 square foot office building and associated parking. To the north is B single family residential, to the east is office and residential, to the south residential and to the west is retail.

Mr. Holbert discussed the plan submitted in 2009 and the development.

Mr. Holbert said the applicant is requesting a major adjustment to an approved PUD plan to allow for the construction, of a five story, 100,000 square foot office building and associated parking.

Mr. Holbert said when they met with the applicant they expressed concerns regarding the 266,000 square foot office building and they were only getting a proposal of a 100,000 square

foot office building. The Township asked them would they would build the second building and they said there was no guarantee.

Mr. Holbert discussed TIF dollars.

Mr. Holbert discussed the proposed elevations, the sign but that he does not know the square footage, and that he does not know the building material.

Mr. Holbert discussed the neighborhood area, landscaping and street scape buffer.

Mr. Holbert discussed Exhibit A from Case 2009-04MA.

Mr. Mees asked Mr. Holbert about TIF and the size of the project. He asked if there is an agreement between the developer and the Township as far as what was to be built that ties the TIF and the approved PUD plan together.

Mr. Holbert answered there is and he deferred to the applicant.

Mr. Holbert said when we look at what was proposed, and how the tiff was supposed to work, we were supposed to get a full service seven story hotel with 160 rooms, an office building that is nine stories 266,000 square feet, and a parking structure.

Mr. Mees asked Mr. Holbert if they look at this case tonight and they approve it, does that mean it would be in violation of some other agreement between the developer and the Trustees that they will provide TIF funding for certain infrastructure if they build.

Mr. Holbert said there is a legal contract that addresses the TIF and the development. There is 3.1 million dollars left to do the rest of it. The rest of it in our minds is a 266,000 square foot building and a five level parking garage.

Mr. Mees said so the money hasn't all gone out yet.

Mr. Holbert answered correct.

Mr. Mees said that money has gone out in proportion to the development that is already been constructed.

Mr. Holbert answered exactly.

Mr. Mees asked Mr. Holbert if the developer asked for the remaining amount of money tied to what they are proposing to do.

Mr. Holbert answered yes.

Mr. Mees asked Mr. Holbert if it is Zoning Commission members' duty to look at the TIF structure behind what is being proposed in the site planning process. If not, he assumes the Trustees will or have taken care of that part of it.

Mr. Holbert answered Mr. Mees your right.

Mr. Mees asked if it is in their purview to say they can look at the previous PUD that was approved and they are asking for a major adjustment to that. They can evaluate the plan and

the merits against what was previously approved from a zoning and planning perspective but do they also take into account the fact that there is a financial component between the Township and the Developer to provide some public assistance to that project to what was previously agreed to. Is that their job or is that the Trustees job.

Mr. Barrick answered we are here to enforce the zoning resolution. The TIF money is out of their domain. It is something to be aware of. It is something for the Trustees to negotiate how that's dealt with is his understanding. They look at the Zoning Resolution.

Mr. Holbert said correct.

There was continued discussion about what was approved from the public hearing May 7, 2009, the TIF, and the role of the Zoning Commission.

Mr. Barrick wondered if, with a smaller building proposed, if they are underutilizing the site.

Mr. Mees said sometimes a larger plan is approved and it shrinks a little and they say ok less bulk, less size, greater setback things like that that. That might be a good thing because it is more open and greenspace. Here we have the reverse situation.

Mr. Holbert said the primary building is closer to residents and lesser in height noting a smaller building requires less parking.

Mr. Barrick said he looked on the plans no dimensions on setbacks and no dimensions on heights things like that is what he was referring to that the plans themselves are very sketchy for this kind of requested approval.

Mr. Holbert said that he thinks it is a lot to expect this board to make a recommendation to actually even continue hearing the case based on what was submitted.

Mr. Barrick said what it comes down to is item one on this exhibit from 2009. They are going to come in with final plans that comply with our Resolution in all aspects basically.

Mr. Holbert said based on the vagueness of this applicant, if this is approved there is a lot of area that is up to interpretation.

Mr. Barrick asked Mr. Holbert if they would have to be in compliance with the original 40 feet setback requirement.

Mr. Holbert answered not exactly, they are wanting to submit a modification to that 2009-04MA PUD so if they change the plan and the board approves the plan as submitted there is that variable.

Mr. Barrick asked if there were any other comments.

Jeff Chamot, Neyer Properties, 2135 Dana Ave, Cincinnati, OH, 45207 addressed the board.

Mr. Chamot explained they are now proposing two buildings 200,000 square feet total.

Mr. Chamot noted he has met with Mr. Holbert at the Township regarding the proposal. He said they have an interested tenant which will be very desirable to the Township. So they moved quickly to get concept plans submitted. He said they are ready to go on building one subject to

a signed lease with that tenant, final plans through the architect and engineer. He noted the plans submitted show a similar level of detail to the 2009 concept plan.

Mr. Chamot presented a PowerPoint for the proposed plan with additional detail and discussed the proposed plan.

Mr. Chamot said they labeled the building height, they labeled the floor to floor for the parking structure as well as the four story office building above. Each building is four stories of office above the garage. They also have setbacks labeled on this plan and, the setback to the south is a greater setback than what was originally proposed. The eastern side of the property setback has not changed, that is a 20 foot setback and that is in a documented agreement that they have with the FBI to maintain a minimum of 20 foot setback on that eastern side of the property. The garage has a lower level which is at grade and has one level of garage above that. The original plan had a total of five levels, four above grade, this only has one level above grade. In addition to the increased setbacks, that really minimizes any impact that it would have to the residents on the south side.

Mr. Chamot said there is a service agreement with the Township which is in place. It is signed and recorded against the property for the TIF and that was completed and approved back in 2012 when the hotel was constructed.

There was continued discussion about the agreement with the Township, the proposed plan and Exhibit A.

Mr. Chamot discussed the buffer to the south, the grading plan that was submitted, the existing grading and the garage.

Mr. Chamot said they did submit a survey. He believes it shows the five or six trees on the south side of the property and he believes they are all on the adjacent property. The far eastern most tree might be right on the property line but he believes they are all on the Town Properties portion.

Mr. Barrick asked Mr. Chamot if he had other drawings besides what they were looking and talking about tonight.

Mr. Chamot answered I do not.

Mr. Barrick said he is inclined to say they don't have enough information to act on tonight at all without going into the detail that he talked about in 2009.

There was discussion about additional information from the applicant.

Mr. Roos agreed.

Mr. Mees asked if they had a concept plan approval as a first step.

Mr. Barrick answered no.

There was discussion about refining the proposed plans.

Mr. Holbert said the applicant can ask for the continuance.

Mr. Barrick discussed exhibit A from 2009 and items that he would like to see details on.

Mr. Mees said he wanted to clarify they went through the service agreement requirements on the TIF and again he is still struggling with how that ducktails into what they are supposed to be looking at but he mentioned that the service agreement had less square footage requirement than what the actual approved PUD had.

Mr. Chamot answered yes.

There was continued discussion about items that should be on the revised plans.

Mr. Barrick asked the applicant if he want to request a continuance.

Mr. Chamot requested a continuance.

Mr. Mees made a motion to accept a continuance to Case 2019-10 MA as requested by the applicant.

Mr. Roos seconded.

Mr. Barrick called roll.

All voted yes.

Item 5. – Date of Next Meeting

The date of the next meeting is Monday, September 9, 2019 at 6:00pm.

Item 6. – Adjournment

Mr. Mees moved to adjourn.

Ms. Roos seconded.

All voted yes.

Meeting adjourned 7:00 p.m.

Minutes Recorded by: Jessica Daves
Planning & Zoning Assistant