

September 09, 2019

Mr. Roger Friedmann – Chairman
Mr. Rich Barrick – Vice-Chairman
Ms. Anne Flanagan – Member
Mr. Bill Mees – Secretary
Mr. Steve Roos – Member
Mr. Bill Swanson- Alternate

Item 1. – Meeting called to Order

Mr. Friedmann called the regular meeting of the Zoning Commission to order at 6:00 p.m. on Monday, September 9, 2019.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Members Absent: Mr. Barrick

Staff Present: Harry Holbert and Jessica Daves

Item 3. – Approval of Meeting Minutes

Mr. Friedmann stated the first order of business is the approval of the June 10, 2019 and the August 12, 2019 meeting minutes.

Ms. Flanagan noted corrections to the August 12, 2019 meeting minutes.

Mr. Friedmann entertained a motion to approve June 10, 2019 meeting minutes.

Mr. Roos moved to approve the June 10, 2019 meeting minutes.

Mr. Flanagan seconded.

All voted yes, Mr. Swanson abstained.

Mr. Friedmann entertained a motion to approve August 12, 2019 meeting minutes with the corrections noted by Ms. Flanagan.

Ms. Flanagan abstained from August 12, 2019 meeting minute approval.

Mr. Mees moved to approve the August 12, 2019 meeting minutes.

Mr. Roos seconded.

All voted yes, Mr. Swanson abstained.

Item 4. – Old Business

2018-21P2 (continued to 10/15/2019 per applicant's request)
Rob Painter, RVP Engineering LLC
11908 1st Avenue
PUD II

2019-10MA (continued from 08/12/2019 per applicant's request)

Jeff Chamot

Parcel No. 600-0080-0775

Major Adjustment to a PUD

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

Mr. Holbert discussed the proposed plan and the previous month's presentation.

Mr. Holbert said the applicant is requesting to build a 100,000 square foot office building that is five stories tall. He then reviewed the adjacent zoning districts noting the location of the FBI building and residential properties. He said the area included in this PUD modification is a little over 3.7 acres.

Mr. Holbert discussed the topography and the main layout.

Mr. Holbert said the proposed plan is a four story above garage about a 100,000 square foot would be the phase one office building with 750 total parking spaces. Phase two if it is constructed would also be four levels above the garage, 100,000 square foot.

Mr. Holbert discussed the access and an easement agreement.

Mr. Holbert said the first building is running parallel to Lynnfield and the second building would run parallel to the FBI site.

Mr. Holbert discussed the elevations, floor plans, garage, and parking not being compliant.

Mr. Holbert discussed Case 2009-04M Exhibit A.

Mr. Mees asked Mr. Holbert if just one 100,000 square foot building was being proposed or both buildings.

Mr. Holbert answered the concept plan is for two buildings but the applicant has only committed to Township they would build one building.

Mr. Mees asked Mr. Holbert if there was an agreement that they could break it up into two 100,000 square foot buildings.

Mr. Holbert answered correct as far as the TIF dollars.

Mr. Mees asked Mr. Holbert not from a zoning stand point.

Mr. Holbert answered yes.

Mr. Mees asked Mr. Holbert if they would need a variance from our interior landscaping requirements for the parking decks.

Mr. Holbert answered correct.

There was discussion about the proposed parking, the garage and landscaping.

Mr. Mees asked Mr. Holbert if there is a photometric plan that indicates light spillage.

Mr. Holbert answered he does not have one.

There was continued discussion about lighting and shielding.

Mr. Roos asked Mr. Holbert if the signage is within parameters of the size for two buildings and if the parking lot smaller than the original plan or the same.

Mr. Holbert answered the original PUD is for 800 parking stalls this plan is 750.

Mr. Roos asked Mr. Holbert if the ISR is less.

Mr. Holbert answered it is based on the overall site.

Ms. Roos asked Mr. Holbert if there is going to be a retention pond.

Mr. Holbert said they will have to comply with Hamilton County.

Mr. Holbert said the sign requirements are not met for the building signage.

Mr. Friedmann asked Mr. Holbert the distance between the FBI structure and the side of the proposed building.

Mr. Holbert answered 20 feet from property line.

Mr. Friedmann asked Mr. Holbert about the parking with the hotel and the second building site.

Mr. Holbert deferred that to the applicant.

Ms. Flanagan asked if we know the ISR for the project.

Mr. Holbert answered based on the total site it is 66%.

Ms. Flanagan said that is assuming the two buildings are built.

Mr. Holbert answered yes.

Ms. Flanagan said so obviously we have less Impervious Service Ratio if the second building is not built but we may be underutilizing the parcel.

Mr. Holbert said he will leave the design up to the applicant to explain.

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

Mr. Chamot submitted a PowerPoint.

Mr. Chamot said they are proposing two office building each 100,000 square for a total of 200,000 square feet. The goal would be to construct phase one, which is the southernmost building, first, he noted they have a user they are working with to occupy a portion of that building. Both of the buildings would be a multiuse Class A office buildings office buildings. They

are looking to move forward with phase one as soon as possible subject to approval from the Zoning Commission and the Board of Trustees. The second phase will be market driven.

Mr. Chamot discussed the proposed parking garage, the existing parking lot and parking plans for second building.

Mr. Chamot said they tried to create the same parking ratio that they had in the initial approval. The initial approval was right around 1,000 parking spaces. In this plan combined there are 750 parking spaces, which relates to a parking ratio 3.75 spaces per 1,000 square feet. He said they maintain that ratio they just separated the two buildings and a portion of that is the hotel parking as well.

Mr. Chamot discussed buffer, setbacks, and the landscape plan.

Mr. Chamot discussed the items in Exhibit A from the previous zoning approval. Pointing out they are able to meet the great majority of those, such as no light spillage off the property. He said they are willing to work with Sycamore Township on the landscaping plan. Mr. Chamot said they are asking for relief for 9ft X 18ft parking spaces.

Ms. Flanagan asked Mr. Chamot if there is a willingness to shield the parking with material or is he just depending on the grading and seek relief from that entirely.

Mr. Chamot said the proposal was to shield it with landscaping. They could add a concrete crash wall that would physically block the lights they are open to doing that on that south end and east side.

Ms. Flanagan asked Mr. Chamot if they are willing to shield it.

Mr. Chamot said yes.

Mr. Roos asked Mr. Chamot if the dumpster location is within 300 feet or 200 feet.

Mr. Chamot discussed the dumpster being buffered from the residential properties because the garage sits behind it so you won't be able to see it from the residential side.

Mr. Chamot answered it is not 300 feet from the property line.

Mr. Friedmann asked Mr. Chamot to explain if the parking is all the parking is on grade in reality.

Mr. Chamot said the majority of the parking would be on grade.

Mr. Friedmann asked Mr. Chamot where that is.

Mr. Chamot explained where the parking would be during phase one and the future office building.

Mr. Friedmann asked Mr. Chamot if they are on any of the plans.

Mr. Chamot answered yes.

Mr. Friedmann asked Mr. Chamot if they were ready to commit on that building.

Mr. Chamot said from a zoning standpoint they are requesting approval for both buildings. He said they are not going to build it next year it is market driven.

Ms. Flanagan asked Mr. Chamot in regard to the end user can he tell them what their hours of operations are going to be.

Mr. Chamot answered it is professional office so it is generally an 8:00 am-5:00 pm operation. He said this is part of the reason it works well with the hotel for a shared parking standpoint.

Ms. Flanagan asked Mr. Chamot if it is one user for the one building entirely.

Mr. Chamot answered that is what they have currently.

Mr. Friedmann asked Mr. Chamot if the hotel currently has an easement on the property or a lease for parking.

Mr. Chamot said there is a shared easement between the two properties that the hotel has rights to about 100 parking spaces.

Ms. Flanagan asked what would happen when they are under construction.

Mr. Chamot explained during construction of phase one it is not a problem because the lot is existing. He said construction phase two they would have to park under the phase one building.

Mr. Friedmann asked Mr. Chamot if the parking spaces would be sufficient.

Mr. Chamot answered on a temporary basis the goal would be to accommodate them there.

There was continued discussion about parking and how it will work to share parking with the hotel.

Mr. Friedmann asked if anyone else had any questions.

Mr. Friedmann asked if there was anyone else wished to comment on the case.

Mr. Mike Simms, of the Molasky Group, 2012 Ronald Reagan Drive, Sycamore Township, OH 45236 addressed the board.

Mr. Simms said they just need to make sure that they maintain the 20 foot setback that they have in place from the FBI. Other concern that they would have would be the landscaping close to the fence. He said they would have to make sure there is nothing that hangs over or comes over on the property line. He said from the light standpoint for them it is better so they can see between the two properties.

Ms. Flanagan made a motion to consider Case 2019-10MA.

Mr. Roos seconded.

There was discussion about Exhibit A, conditions and what variances to grant.

Mr. Mees listed the conditions and variances

1. Grant variance for size of parking stalls to be 9ft x 18ft.
2. Grant variance for relief of interior landscape requirements with final landscaping plan to be approved by staff.
3. Photometric plan to be approved by staff showing no light spillage on the adjacent residential properties to the south and east.
4. The open floors of the parking structure must have half height concrete walls on the south and east sides to shield vehicles, vehicle lights, and garage lights from residential properties.
5. Grant variance to the 300 ft. setback requirement to the dumpster and loading dock areas.
6. The 20 ft. buffer to the FBI property must be maintained with no overhanging landscaping across the property line.
7. Staff must be provided a copy of a shared parking agreement between this parcel and the hotel parcel.
8. Signage must be approved under a separate permit.

Ms. Flanagan moved to amend her motion to include the conditions and variances as stated by Mr. Mees.

Mr. Roos seconded.

Mr. Mess took roll.

Ms. Flanagan-AYE

Mr. Roos-AYE

Mr. Friedmann-AYE

Mr. Swanson-AYE

Mr. Mees-AYE

Item 4. – New Business

2019-13MA

GPD Group, Inc.

7875 Montgomery Road

Major Adjustment to a PUD

Mr. Holbert presented Case 2019-MA in a PowerPoint.

Mr. Holbert said the proposed plans zoning is “EE” to the north, “E” to the south, Residential and office to the East and to the West residential and office. The lot has been split. There are going to be about 210 parking spaces that they are going to be removing that are used for the Kenwood Towne Center. This is dual access in and out. They do have two lanes of drive-thru and one lane that goes to the main parking lot. They are proposing 114 seats inside and 20 seats outside. They are proposing an accessory structure in the front yard along Kenwood Road. They are proposing another accessory structure for a refuse control, the structure as presented is too tall.

Mr. Holbert discussed landscaping plan, streetscape, boundary buffers, and the site triangle.

Mr. Holbert said they exceed in three areas of the lighting layout. As far as the signs they are proposing 147.42 square feet, a total of four signs and that doesn't include the two separate monument signs.

There was continued discussion about signage.

Mr. Holbert said the building footprint is listed as 5,177 square feet, the building GSA is listed as 4,858 square feet. He and the Zoning Commission need some clarification on that. He is also unclear on the lot itself.

There was discussion about removing 210 parking spaces for the approve Kenwood Towne Center PUD. The proposed plan provides 66 dedicated parking spaces for their use.

There was continued discussion about parking at the Kenwood Towne Center.

Ms. Flanagan asked Mr. Holbert if that parcel is part of the mall.

Mr. Holbert answered it is the whole development, but it is not attached to the mall.

Ms. Flanagan asked Mr. Holbert if they are just technically using that.

Mr. Roos said there has got to be an agreement between the two of them.

Mr. Holbert answered there is an agreement. There is a parking garage attached to Macy's that the Township built. That is also on a separate parcel too but it is all under that same ownership.

Ms. Flanagan asked Mr. Holbert about Jewish Hospital using that particular corner.

Mr. Holbert answered yes, pointing out they have some challenges with parking too.

There was discussion about the parking, challenges with flow, entrance, and exits.

Mr. Holbert said there was a traffic study provided and staff is having TCC review it.

Ms. Flanagan asked Mr. Holbert about the setback for the drive-thru not being meet.

Mr. Holbert said the drive-thru is almost up to the property line.

Ms. Flanagan asked Mr. Holbert the hours of operation.

Mr. Holbert deferred that to the applicant.

There was discussion about the setback, ISR requirements, and the proposed accessory structure in the front yard.

Ms. Flanagan asked Mr. Holbert when the traffic study would be available.

Mr. Holbert said he did not know.

Mr. Mees asked Mr. Holbert about the signage and what they are permitted verse what is proposed.

There was continued discussion about signage.

Mr. Holbert explained signage requirements.

Mr. Mees asked Mr. Holbert if Galbraith would be considered a front yard for them.

Mr. Holbert answered it would depend on where they are taking their property line.

Mr. Friedmann asked if the applicant wanted to speak.

Ms. Jennifer Santelli, 5200 Buffington Road, Atlanta, Georgia 30349, addressed the board

MS. Elle Selle of GPD Group, 520 South Main St Suite 2531, Akron, OH 44311, addresses the board.

Ms. Santelli said she wanted to address the staff comments. The building footprint is 4,971 square feet. They have recently switched their prototype and they would like to include the new prototype on this site going forward and that was not available when they had to submit for Zoning Commission hearing. They are leasing the property that they are developing and that is why lease area and their property only shows up as 1.65 acres but the overall property that they are developing is the 3.65 acres that excludes the right of way. They are not dealing with non-conforming parcel. They are simply developing a portion of that existing parcel.

Mr. Friedmann asked Ms. Santelli does the 3.65 acreage included the detention pond.

Ms. Santelli said it does, because that is part of the overall parcel on that corner.

Mr. Mees asked Ms. Santelli for confirmation that the 1.65 acres doesn't including the detention pond but everything else, and it does include the ring road through the mall.

Ms. Jennifer Santelli said correct.

Ms. Selle explained the ring road and the full parcel.

Ms. Santelli said they are providing 66 parking spaces on their property and they have full approval from the mall although they have not had particular parking calculations from the mall. They assume they are doing fine on parking because they lease the existing parking lot that they are developing to The Jewish Hospital and they are relocating those parking spaces into the parking deck providing a shuttle back and forth from the hospital to account for their development of that parcel. They are not changing the parcel they are just leasing a portion of it. The exit closest to the south of the building is a right out only. It is configured like it is because what they wanted to do is to get their truck drop off to come in the north entrance and be able to cycle out of that driveway. She said they will put do not enter signage on that so people coming in from the ring road would not come in that way. They thought it was a much better and safer path of travel to come in that north driveway and not have people trying to turn in off of Kenwood Road and immediately try to get into the site. The hours of operation are typically 6am-10pm or 10:30 Monday-Saturday. The canopies that are in the front yard are an issue of wanting to provide an area of refuge for their own team members.

Ms. Santelli said what they do now is a lot different than some of the other Chick-fil-A locations. It is a newer service model and it is proving to be much more effective by getting the drive-thru traffic through and off of the site quicker. They have team members out with iPad and they are taking the orders from the cars providing that face to face contact. That is really the core of Chick-fil-A, they are in the people business and they happen to serve really good food so they want to extend that to the drive-thru. There is also a pull out lane, the traffic merges into one, and there is a bypass lane. The site triangle at the driveways they were under the impression that was only to the public right of way so since that is applicable to the ring road that is

absolutely something that they can comply with. Any site lighting that was a miscommunication between them and the Township they can address that and comply. The dumpster height can be reduced down to seven foot maximum. She said they only issue they have is the canopy, that is something they would like to provide.

Ms. Santelli discussed issues with landscaping on the Kenwood Road side and landscaping.

Mr. Mees asked about the amount of signage and the monument signs.

Ms. Santelli said they submitted their prototypical package. They thought they could ask for it and if it not something that is palatable, then they are definitely ok with reducing it.

Mr. Friedmann asked about the new prototype and asked if staff got a copy of the new prototype.

Ms. Santelli said you did not.

Ms. Selle said there is just a little bump out which causes a difference in square footage but all the materials are the same the overall building looks the same.

Mr. Friedmann asked if they supplied the new prototype to staff.

Ms. Selle said not yet, no.

Mr. Michael Swartz, of 5159 Bayberry Drive, Sycamore Township, OH 45236, addressed the board.

Mr. Swartz discussed his concerns with the proposed plan. He noted he disagrees that the addition of a new building will help improve the aesthetics of the mall and Kenwood Road. He said there are no other drive-thru restaurants along Kenwood Road north Montgomery, this is creating a horrible precedent. He said the propose monument sign that is to be located at the corner of Kenwood and Galbraith will remove existing mature vegetation at that corner which he thinks is a bad idea. He also noted the drive-thru being along Kenwood Road, the site sitting higher then Kenwood Road, the large canopy looking like a gas station, and traffic.

Ms. Sue Palermo, of 5388 Elmcrest Lane, Sycamore Township 45242, addressed the board.

Ms. Palermo noted she is concerned about safety.

Mr. Tom James, of 5784 Whitechapel Drive, Sycamore Township, OH 45236 addressed the board.

Mr. James said he is in favor of the project.

Mr. Friedmann asked for any more comments or if anyone wanted to make a motion.

Mr. Roos made a motion to consider Case 2019-13MA.

Mr. Mees seconded.

Ms. Flanagan asked Mr. Holbert when it says drive-thru or drive-up services not permitted was there any distinguishing between a bank or restaurants.

Mr. Holbert said no drive-thru.

Ms. Flanagan said she agree with Mr. Swartz if it were reversed it would be less of an obvious change in terms of the drive-thru being on the inside.

Mr. Roos said the problem with reversing it is you cut down the radius getting into it and that is probably the reason they put it on the outside.

Ms. Flanagan said if there is no distinguishing between bank or restaurant then it really doesn't seem to have much purpose to her, the restriction that is.

Ms. Mees said he understands the way that the site is laid out and the way the site functions it needs to have it that way. He said with the proper screening along Kenwood Road, he thinks it could work.

Mr. Roos said the signage would be the other issue he would have. If they could comply with the Township signage package then that would be great. If not they would have to get a variance.

Ms. Flanagan said she is not really troubled by the variance at least with two signs up to the footage whether they need four she is not so sure but on the other hand it is not a problem for her. Nor is it a problem on the setback from the drive-thru.

Mr. Mees said he is not bothered by the signage as proposed either. He said he was intrigued by the comment about the canopy and what they might have done in other communities to make it a little more attractive.

Mr. Friedmann said he thinks it is a good idea especially if they are granting a variance to allow the canopy. He would like to see some different designs for the canopy as well as the screening along Kenwood Road.

Mr. Mees said he thinks some valid points were made about it being up on the hill seeing up underneath if they can improve that.

Mr. Roos said especially with issue of the lighting under the canopies.

Mr. Mees said it needs to be adequately screened so it is not spilling out or creating a glare. With the amount of traffic on Kenwood Road they need to make sure they are not doing a disservice.

Mr. Mees asked if they need to be concerned about the parking arrangements with the Town Center and the arrangement with Jewish Hospital.

Mr. Friedmann said he thinks we need some calculation of parking to show that Kenwood Towne Center parking is still in compliance with the approved overall plan for the shopping center.

Mr. Holbert said the square footage of the building is still unknown.

There was discussion about square footage of the building, the prototype, and the applicant sending the prototype plans.

Mr. Friedmann said if they consider this tonight they are considering the building as presented in the plan.

Mr. Mees listed the conditions and variance.

1. Grant a variance for an accessory structure in the front yard. The applicant must submit a revised plan for the canopy structure to be approved by staff.
2. The height of the dumpster enclosure must be reduced to meet the requirements of the Zoning Resolution.
3. They must satisfy the requirements of the Zoning Resolution for the site triangle at the north entrance.
4. The building signs are approved as submitted.
5. One monument sign is permitted to be located at the Galbraith Road entrance.
6. The exit at the south end of the site must be right turn only.
7. A parking analysis for the Kenwood Towne Center showing compliance with approved zoning must be submitted.
8. The traffic impact study in the process of being reviewed must be approved.

Mr. Roos motioned to consider the proposed amendments with what Mr. Mees added.

Mr. Mees seconded.

Mr. Mees called Roll.

Ms. Flanagan-AYE

Mr. Roos-AYE

Mr. Friedmann-AYE

Mr. Swanson-AYE

Mr. Mees-AYE

Item 5. – Date of Next Meeting

The date of the next meeting is Tuesday, October 15, 2019 at 6:00pm.

Item 6. – Adjournment

Mr. Mees moved to adjourn.

Mr. Friedmann seconded.

All voted yes.

Meeting adjourned 8:06 p.m.

Minutes Recorded by: Jessica Daves
Planning & Zoning Assistant