

August 14, 2009

Mr. Roger Friedman – Chairman  
Mr. Rich Barrick – Co-Chairman  
Mr. Jerry Thamann – Secretary  
Mrs. Ann Flanagan – Member  
Mr. Bill Mees – Member  
Mr. John Cordell - Alternate

**Item 1. – Meeting called to Order**

Chairman Friedman called the regular meeting of the Zoning Commission to order at 7:00 PM on Monday, August 10, 2009.

**Item 2. – Roll Call of the Board**

Mr. Thamann called the roll.

Members Present: Mrs. Flanagan, Mr. Barrick, Mr. Friedman, Mr. Thamann, and Mr. Cordell.

Members Excused: Mr. Mees

Also Present: Greg Bickford and Becky Stratton

**Item 3. – Approval of Minutes**

Mr. Friedman stated the first order of business was to approve the July 13, 2009 meeting minutes.

Mr. Friedman asked for any corrections to the July 13, 2009 meeting minutes.

Mr. Barrick noted his corrections.

Mr. Friedman entertained a motion to approve the July 13, 2009 meeting minutes with corrections.

Mrs. Flanagan moved to approve the July 13, 2009 meeting minutes with corrections.

Mr. Barrick seconded.

All voted yes.

**Item 4. – Old Business**

2009-08LASR  
7755 Montgomery Road  
Cincinnati Capital Properties, Inc.  
LASR

Mr. Barrick excused himself from the case due to a conflict of interest.

Mr. Bickford presented the case and the case history.

Mr. Rusty Meyers w/Cincinnati Capital Properties – 455 Wards Corner Road, Suite 300, Cincinnati, OH 45140 presented additional information concerning the case and apologized for his absence at last months meeting.

The board asked questions of Mr. Bickford and the applicant discussed the issues brought before them.

Mr. Friedman asked if there was anyone from the public this evening that would like to comment on the proposal?

Mr. Norman Blatt – 7661 Montgomery Road, Cincinnati, OH 45236 noted his comments and support to the proposal.

Mr. Friedman closed the floor to questions and comments from the public and opened the floor to questions and comments from the board.

The board discussed the issues brought before them.

Mr. Friedman entertained a motion to consider Case#: 2009-08LASR.

Mr. Thamann moved to consider Case#: 2009-08LASR with the following conditions:

1. A maximum of three (3) building signs on the top of the building not to exceed 250 square feet be permitted.
2. No signs be permitted on the rear of the building
3. A maximum of six (6) signs on the first floor, (facing Montgomery Road) provided tenants have direct entry to their space from the plaza be permitted.
4. Proposed ground sign shall not exceed 64 square feet in sign surface area, have an overall height not to exceed (9) feet including base and have a base that is constructed of brick or stone to match the principal building.

Mrs. Flanagan seconded.

Mr. Thamann called the roll.

Mrs. Flanagan – AYE

Mr. Friedman – AYE

Mr. Thamann – AYE

Mr. Cordell – AYE

Mr. Friedman thanked the applicant for coming in this evening and working with staff.

#### **Item 5. – New Business**

2009-10MA

GFS Marketplace, LLC.

7700 Montgomery Road

Major Adjustment to a PUD

Mr. Bickford presented the case and the case history.

Mr. Friedman asked if the applicant would like to add anything further.

Mr. Rick Morgan w/Gordon Food Service 420-50<sup>th</sup> Street, Gran Rapids, MI 49501 presented additional information concerning the case.

The board asked questions of Mr. Bickford and the applicant and then the board discussed the issues brought before them.

Mr. Friedman asked if there was anyone from the public this evening that would like to comment on the proposal?

Mr. Norman Blatt – 7661 Montgomery Road, Cincinnati, OH 45236 noted his comments and support to the proposal.

Mr. Gary Schneider – 7654 Montgomery Road, Cincinnati, OH 45236 noted his comments and concerns.

Ms. Andrea Benedic – 6051 Winnetka Drive, Cincinnati, OH 45236 noted her comments and concerns.

Ms. Patty Kreitinger – 6150 St. Regis Drive, Cincinnati, OH 45236 noted her comments and concerns.

Ms. Pauline Barthel – 5953 Winnetka Drive, Cincinnati, OH 45236 noted her comments and concerns.

Ms. Helen Marten – 6970 Rosemary lane, Cincinnati, OH 45236 noted her comments and concerns.

Mr. Friedman closed the floor to questions and comments from the public and opened the floor to questions and comments from the board.

The board discussed the issues brought before them.

Mr. Friedman entertained a motion to consider Case#: 2009-10MA.

Mrs. Flanagan moved to consider Case#: 2009-10MA.

Mr. Cordell seconded.

Mr. Morgan requested a continuance to explore the issue of the refrigeration of garbage and asked to come before the board again on the September agenda.

All voted yes.

Mr. Friedman noted the date of the September hearing was Monday, September 14, 2009 at 7:00 PM.

**\*\*5 minute break\*\***

**Item 5. – New Business**

2009-11MA

Bayer Becker (Agent) for Barry Real Estate Companies (Property Owner)

8010 Montgomery Road

Major Adjustment to a PUD

Mr. Bickford presented the case and the case history.

Mr. Friedman asked if the applicant would like to add anything further.

Mr. Harvey Rudy w/ Barry Real Estate Company – 30 Ivan Allen Jr. Blvd., Suite 900, Atlanta, GA 30308 presented additional information concerning the case.

The board asked questions of Mr. Bickford and the applicant and then the board discussed the issues brought before them.

Mr. Friedman asked if there was anyone from the public this evening that would like to comment on the proposal?

Mr. Larry Meyer – 7687 Ginnala Court, Cincinnati, OH 45236 noted his comments and support for the proposal.

Ms. Nancy Dawley – 7497 Hosbrook Road, Cincinnati, OH 45236 noted her comments and support for the proposal.

Mr. Jim Huff – 7699 Ginalla Court, Cincinnati, OH 45236 noted his comments and support for the proposal.

Ms. Linda Feldman – 7645 Ginnala Court, Cincinnati, OH 45236 noted her comments and support for the proposal.

Mr. Friedman closed the floor to questions and comments from the public and opened the floor to questions and comments from the board.

The board discussed the issues brought before them.

Mr. Friedman entertained a motion to consider Case#: 2009-11MA.

Mr. Barrick moved to consider Case#: 2009-11MA with the following conditions:

1. The boundary buffers to the east and south should be increased from a density standpoint to provide as much buffer as possible to the surrounding residential neighborhoods. There should be a discernable buffer that completes the transition from commercial to residential uses. This can be achieved by increasing the density of the plantings and making sure the light spill from the site is 0 at the property / right of way line.
2. Access to Lynnfield must be restricted to emergency service only. No daily, routine, occasional, or delivery access should be permitted.
3. The variances requested for the height of the fence and the height of the structure are appropriate given the nature and proposed use of the site. In addition, the requested variance for the west boundary buffer is appropriate given the proximity to the property line and the approved future land use. Finally, the requested parking variance can be allowed since due to the specialty of the use. Should the building ever be **redeveloped** or reused, a new parking analysis would be required.
4. The final landscape plan be approved by staff.

Mrs. Flanagan seconded.

Mr. Thamann called the roll.

