

RECORD OF PROCEEDINGS

Minutes of the Public Hearing of the Trustees of Sycamore Township Sycamore Township, Hamilton County, Ohio

May 4, 2021

NOTE: Due to the COVID-19 pandemic and the issuance of guidelines to limit public gatherings to ten people or less by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 404) which extended the ability of local governments in Ohio to meet remotely during this time, this was a hybrid meeting, with some attendees present in the Trustee Meeting Room and some present over Zoom. Members of the public were given the opportunity to participate live in the meeting remotely via Zoom. Video of the meeting was live streamed to the public on the internet.

The public hearing for Zoning Cases 2021-02MA and 2021-04LASR was called to order at 5:30 p.m. by Chairman James.

Present for the hearing were Chairman James, Vice Chairman LaBarbara, Trustee Weidman (via Zoom), Administrator Warrick, Planning & Zoning Administrator Miller, Planning & Zoning Inspector Kevin Clark, and Beth Gunderson (via Zoom).

Mr. James swore in those presenting testimony.

Mr. Miller presented the case and case history for Zoning Case 2021-02MA, 8495 Vorhees Lane, noting the site contains an existing multi-family apartment complex with access off Beech Avenue north of Kugler Mill Road. He said the site is over seven acres with an existing density of 9.36 dwelling units per acre. He said the applicant requests 16.74 dwelling units per acre. Mr. Miller reported the request is a major adjustment to an S-PUD to improve and expand the existing multi-family development from 68 units to 118 units.

Mr. Miller showed an aerial view of the site and reviewed the proposed site plan for the project. He noted the existing swimming pool would be removed and a detention basin and parking would be added. He pointed out the locations of the dumpsters on the site plan. He said there would be green space and a dog park on site.

Mr. Miller stated there was some concern from area residents about the proposed three-story buildings being close to the perimeter of the property. He said the applicant addressed those concerns with an elevation detail which he reviewed for the Board. He said the proposed dumpster enclosures are consistent with current zoning.

Mr. Miller reviewed the photometric plan for the proposed project noting the ways in which the lighting plan had been adjusted to reduce light spillover to zero-foot candles at the perimeter.

Mr. James asked if the storm water basin would be fenced off noting there is very little light in that area.

Mr. Miller answered there is no fencing requirement for storm water detention and said he does not think it is meant to be an actual pond; he believes it is dry retention. Mr. Miller then reviewed the landscape plan for the site.

Mr. Miller reported the Zoning Commission recommended denial of the plan in a split three to two vote due to the density of the project. He noted there is specific language in the Zoning Resolution that allows the Trustees to approve densities above 14.5 dwelling units per acre as a legislative action in the S-PUD. He said this is overall a good design and staff is making a recommendation to approve it. He pointed out the plan maintains as much open space as possible and improves the infrastructure of the site with upgrades to sewer and water which will be a benefit to the site and surrounding area.

Mr. James commented the plan is about 15 apartments over the allowed 14.5 dwelling units per acre.

Mr. Miller said the idea came up to eliminate 16 apartments by reducing the building height to two stories to get the project down to 14.5 dwelling units per acre, however, he noted if the concern is building height, that was addressed to the satisfaction of the Zoning Commission. He spoke about how the tangible impacts of the development had been addressed and stated he does not see a significant difference or improvement by reducing this by 16 units.

Mr. James inquired about outside agency comments on the project.

Mr. Miller said there were no significant comments, or any agencies opposed to it. There are comments from the Metropolitan Sewer District and Greater Cincinnati Waterworks about requirements for the infrastructure improvements. He said it is not typical to reach out to the schools but, since that was a question in Zoning Commission, he did, and the Deer Park Schools Superintendent responded favorably to the development.

Mr. Miller said there were two members of the public active throughout the process and he has had a few people submit concerns recently, most of which have been addressed by the applicant.

Mr. LaBarbara asked if there was a playground on site and asked about the gate.

Mr. Miller answered the playground and pool will be removed and the gate will be locked at all times and have a Knox Box to allow for Fire Department to access in case of emergency.

Mr. Alex Betsch of Bayer Becker, representing the applicant addressed the Board. (via Zoom) Mr. Betsch stated Kirk Koppenhoefer and Chuck Thornton were also present for the applicant. He stated an application for this project was originally submitted in February. He said the public had concerns about sanitary sewer, storm water runoff, privacy, and light pollution. Mr. Betsch explained those concerns have been addressed with sanitary sewer upgrades, the detention basin, landscape buffers and a privacy fence, and an updated photometric plan including the use of downward facing LED lights. Mr. Betsch reported the school district is in favor of the plan which includes improved pedestrian access for the community. He pointed out buildings B and C are angled so that windows will not looking directly into any house and buildings D and E will be set back farther than the existing duplexes. He stated the density is necessary to achieve the quality of the development.

Mr. Chuck Thornton , of Kugler Mill Square LLC, addressed the Board. (via Zoom) Mr. Thornton said they have addressed every concern from the Zoning Commission meetings except for concerns about the density. He stated there is a cost associated with upgrading this development to create a really nice project. He said that cost is spread over the units and, in order to keep rent reasonable, it must be built to a certain density. Mr. Thornton pointed out the green space at a maximum and reiterated the density is necessary to create a wonderful project with desirable rent.

Mr. Kirk Koppenhoefer (via Zoom), also representing Kugler Mill Square LLC, said the owners of this property are very committed to the area and making it nicer.

Mr. Weidman said some neighbors had shared concerns about water runoff which was addressed, and some were concerned about sewer odor. He asked where the odor is coming from and if it will be eliminated.

Mr. Betsch answered if the odor is from this site, the improvements to the sanitary sewer with increased flow should eliminate the odor.

Mr. Weidman asked if these will be one-to-two-bedroom units and for the rent per square feet.

Mr. Koppenhoefer answered correct, and said the current rent is \$875 for the one bedroom and \$995 for the two-bedroom noting the new units might be slightly higher than that.

Mr. Weidman stated the applicants have done a good job addressing the light spillage using the LED lights.

Mr. James asked if anyone from the public wished to comment.

Mr. and Mrs. Steve and Judy Giese, of 8481 Vorhees Lane, addressed the Board (via Zoom). Mrs. Geise stated a lot of her questions had been answered. She said the smell was coming from a clogged pipe near their property and, hopefully, they get that sewer issue fixed. She asked about possible road closures during construction.

Mr. Miller said there may be temporary closures or one lane closures for sewer water work.

Mr. Betsch said standards for capacity and size of pipes will be met.

Mr. James asked if anyone else from the public wished to comment. No response. Mr. James closed the floor to public comments.

Mr. James adjourned the hearing for Zoning Case 2021-02MA at 6:11p.m. and opened public hearing for Zoning Case 2021-04LASR at that time.

Mr. Miller presented the case and case history for Zoning Case 2021-04LASR. Mr. Miller said the request is for a Localized Alternative Sign Regulation for the Redstone property at 7755 Montgomery Road. He said typically this would not come before the Board of Trustees, but this is a major adjustment to an existing LASR, and the property falls in the SPI Overlay District which warrants a higher level of review by the Board of Trustees. He said the original LASR for the property was approved in Case 2009-08LASR. Mr. Miller reported the applicant requests a

modification to the existing LASR to allow for a maximum of 300 square feet of building signage and specifies one anchor. He then explained the conditions of the existing LASR noting the building is not currently using allowed tenant signs above their respective entrances.

Mr. Miller reviewed the existing signs on the building and showed the location of the proposed signs on the building elevation.

Mr. James asked if they could mount the sign elsewhere besides on the brick face.

Mr. Miller answered that is not regulated by code but aesthetically they would be limited to the brick face. He noted more tenants in smaller spaces may be the future of office buildings in the post-COVID era.

Mr. Miller spoke again about the post-COVID trend toward a larger number of tenants using a smaller office spaces which he believes is driving the current LASR proposals. Mr. Miller said he made a recommendation to approve the signage but with the tradeoff of deleting the old item three from the original LASR which allows for the first-floor tenant signs. Mr. Miller then reviewed the staff comments from his staff report which spelled out the conditions staff suggests of any approval of the LASR modification by the Trustees. He noted the last item stating current signage in excess of 50 square feet may remain for the duration of the tenancy which specifically addresses the Foster & Motley sign brought up in the Zoning Commission hearing.

Mr. Miller reported the Zoning Commission voted to recommend approval of the plan with a four to zero vote and one member abstaining.

Mr. James asked if a LASR is precedential such that if the Board approves a certain ratio of signage to building, they will have to approve the same ratio for other applicants.

Mr. Miller answered no, saying a LASR is essentially a PUD1 which is reviewed on a case-by-case basis.

Mr. LaBarbara noted Foster & Motley sent a letter to the Trustees objecting to the proposal.

Mr. Miller said yes, there was one negative comment received from Foster & Motley and a representative was present at the Zoning Commission hearing. He explained Foster & Motley was upset with the aesthetics of the plan and did not think keeping the existing sign plan would make it more difficult to get tenants.

Mr. LaBarbara asked what would happen if the first-floor tenant signs are no longer permitted and a retail tenant moves into the space.

Mr. Miller answered that tenant would not be permitted a sign and said they could possibly do window signage or something but that would require a modification to the LASR.

Mr. LaBarbara asked if Morgan Stanley could use two of the building signs.

Mr. Miller answered typically no, that would not be a good practice and said we could write that in as a condition that one sign per tenant is allowed.

Mr. James swore in those presenting testimony.

Mr. Mike Cassidy, with Atlantic Sign Company and representing Scott Street Partners, addressed the Board (via Zoom). Mr. Cassidy stated currently the building is permitted three signs up to 250 square feet, so the basic request is for two additional signs. He said the request is for a total of five signs for a total 300 square feet including one anchor tenant sign. Mr. Cassidy said Marie Fox and Nick Davis with Scott Street Partners were also present. He said currently Redstone is at 20% vacancy. He said potential tenants are looking for a signature sign on the building exterior. Mr. Cassidy went on to discuss changes due to COVID-19 with more people working from home and reiterated the importance of being able to offer an external sign.

Ms. Marie Fox (via Zoom) said in order for Redstone to attract Class A office tenants using considerable square footage, they do want to have company names on the outside of the building. She stated one current tenant, the owner of the building, does not use an exterior sign because they know how important it is in attracting tenants.

Mr. James asked if anyone from the public wished to comment on the case. No response.

Mr. James asked Ms. Fox about Foster & Motley's objections to the plan.

Ms. Fox said Foster & Motley did not make Scott Street Partners aware of their concerns before the Zoning Commission meeting. She said she thinks five signs on the bottom would be less attractive than two additional signs at the top.

Mr. James stated the Trustees will vote during their regular meeting at 7:00 p.m.

Mr. LaBarbara made a motion to adjourn the hearing, seconded by Mr. James. Mr. James called roll. Vote: All Aye.

The meeting adjourned at 6:39 p.m.

/s/ Thomas C. James, Jr.
Thomas C. James, Jr., Chairman

/s/ Jim LaBarbara
Jim LaBarbara, Vice Chairman

/s/ Thomas J. Weidman
Thomas J. Weidman, Trustee

/s/ Robert C. Porter III
Robert C. Porter III, Fiscal Officer
Public Hearing 05/04/2021