

RECORD OF PROCEEDINGS

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

July 13, 2021

The public hearing for Zoning Cases 2021-05LASR was called to order at 5:30 p.m. by Chairman James.

Present for the hearing were Chairman James, Vice Chairman LaBarbara, Trustee Weidman, Administrator Warrick, Planning & Zoning Administrator Miller, and Beth Gunderson.

Mr. Miller presented the case and case history for Zoning Case 2021-05LASR, 8044 Montgomery Road, the Towers of Kenwood. He stated the subject property is zoned "OO"-Planned Office District and is located within the SPI Overlay. He went on to describe the surrounding zoning districts.

Mr. Miller stated the applicant is Sheila Mangrum, Holthaus Signs, and Andrea Ward of Holthaus Signs would be representing the applicant at the hearing. He stated the request is for an LASR to allow for rebranding of the site with additional building signage totaling 380 square feet and an architectural feature to display the building address. He noted the plan includes additional directional signage which meets code. Mr. Miller reviewed the existing signs and sign locations on the building.

Mr. Miller reviewed the case history for the site noting there is a condition in Case 2009-13MA which states there should be no signs on the south side of either tower due to it facing residential properties. He stated the existing freestanding sign would be refaced which is permitted as of right.

Mr. Miller then reviewed staff suggested conditions should the board decide to approve the LASR request:

1. That the maximum area of any single sign shall not exceed 100 sq. ft.
2. That a maximum of 380 sq. ft. of total sign surface area be permitted for the entire development (West and East Towers)
3. That a maximum of five (5) building signs be permitted
4. That no building signs shall be located on the south side of either tower
5. Building address signage on canopy shall be permitted as proposed and not count toward total allowed signage.
6. Site signage shall be permitted at a maximum height as prescribed by the Sycamore Township Zoning Resolution provided that a clear site triangle is maintained, and line of sight is preserved by both Township and County standards.

Mr. Miller stated he included the last condition because there is an effort to try to get a free-standing sign at the Hosbrook Road entrance to the property. He stated, if a location for that sign

can be found that allows for proper line of sight and traffic safety, he would like to allow them to install it without having to come back before the Board.

Mr. Weidman asked what size sign Clear Channel was approved for that is not being used.

Mr. Miller answered it was 65 square feet when originally approved and said the LASR would have a total sign area for the building that could be adjusted as new tenants come on board.

Mr. Miller stated the estimate of current sign area on the building is 288 square feet among three signs. He noted if the remaining 92 square feet is used there would be no square feet left for the 5th sign. Mr. Miller answered questions from the Board and suggested the Trustees may want to adjust the total square footage allowance to give the building management flexibility as they bring in new tenants.

Mr. James swore in the applicant before her testimony.

Ms. Andrea Ward, Holthaus Signs, the applicant, of 817 Ridgeway Avenue, addressed the Board. She asked Mr. Miller to explain what he had said about the fifth sign so she could better understand.

Mr. Miller explained we need to determine what, if any, additional allowance in square footage is needed for the short wall.

Ms. Ward stated her client does have one potential new tenant that would use the sign noted as "future tenant" on the rendering. She stated they are refreshing the entire building.

Mr. Miller explained how he came up with a suggested 450 square feet total sign area.

Ms. Ward agreed 450 square feet would be sufficient noting free standing sign will be refaced so its size will not increase, and the directional signs would be within code.

Mr. James inquired about the possible sign at the Hosbrook Road entrance.

Mr. Miller showed the street view of the existing free-standing sign on Montgomery Road and noted a sign that large on Hosbrook would probably not work.

Mr. James asked if there was anyone from the public who wished to comment on this request. No response.

The hearing for Case 2021-05LASR adjourned at 5:52 p.m.

The public hearing for Zoning Cases 2021-08MA (The Offices at Kenwood Place) was called to order at 5:52 p.m. by Chairman James.

Present for the hearing were Chairman James, Vice Chairman LaBarbara, Trustee Weidman, Administrator Warrick, Planning & Zoning Administrator Miller, and Beth Gunderson.

Mr. James swore in those presenting testimony.

Mr. Miller presented the case and case history for Zoning Case 2021-08MA, 7727 Kenwood Road and 7835 Kenwood Road, noting the applicant is Kenwood Place Ventures, LLC. Mr. Miller stated the zoning designation of the property is "EE" Planned Retail within the SPI Overlay which allows for both retail and office uses. He then reviewed the surrounding zoning districts.

Mr. Miller explained the proposed plan includes a complete renovation of the two story north building with a new façade, lobby remodel with a small coffee or juice space proposed, and second floor conversion to upscale office. He stated the applicant proposes updates to the existing monument signs and cosmetic upgrades to the south building. Mr. Miller said there is an LASR incorporated into the Major Adjustment which also includes a comprehensive sign plan, some trash enclosures and artwork.

Mr. Miller reviewed the existing conditions on the site and showed photos of the existing façade. He also reviewed renderings of the proposed sign package and sign locations. He noted, even though there are office tenants, the signs are permitted per the underlying retail zoning with the sign locations proposed as one per storefront.

Mr. Miller then reviewed the extensive case history for the site noting the original approval stated no windows on the rear elevation and no restaurants permitted. He stated later zoning cases approved restaurants with conditions.

Mr. Miller showed the original rendering for the rear of the building which includes windows. He said there is also a proposed mural on the north wall of the south building. He said the Zoning Commission heard the case and believed the applicant's plan for reinvestment in this property had merit. He reported there was unanimous approval by the Zoning Commission provided the applicant mitigated the issue with the windows to the satisfaction of the Board of Trustees.

Mr. James asked for clarification on the location of the mural.

Mr. Miller showed the location of the proposed mural on the bump out on building two which is not a violation of the signage code, as long as does not have any advertising features.

Mr. LaBarbara asked how many windows are proposed in the rear.

Mr. Miller pointed out the windows which total 20. He said the north side is already a full window wrap facing the hotel pad on the CIG site. Mr. Miller noted this is not a clear and easy decision to make and he is looking at it as a planner and economic development professional on behalf of the Township. Mr. Miller said this was a viable development which has run its course and stated it is not atypical for sites to need renovation and change of configuration and use to continue. Mr. Miller stated the proximity to adjacent residential properties requires consideration and the applicant is making best efforts to mitigate the impact of the windows. He said he sees

the merit in their argument that windows are necessary for second floor office space noting second floor retail is not viable. Mr. Miller stated the developer has a long track record with the Township and its residents and he believes this plan will protect the economic benefit of the site to the Township and allow for vitality on this site. He said if the site were to fall into disrepair, that would be just as concerning for adjacent residences.

Mr. Miller reviewed conditions staff suggests be considered should the Board decide to approve the major adjustment:

1. All previous conditions shall remain in effect unless modified below, including, but not limited to:
2. The proposed modification to the freestanding signs is permitted as submitted.
3. Windows as proposed shall be permitted provided any mitigating techniques or offsite landscaping is detailed to Board of Trustees for their review and approval.
4. Outdoor seating for a future juice bar/coffee shop is permitted provided required parking is not impacted.
5. Applicant's signage plan is permitted as submitted.

Mr. Miller concluded saying he has been working with the applicant several months trying to direct this plan. He said it is now a polished plan that can be approved as long as an agreement on mitigating factors for the windows can be made.

Mr. James asked if Mr. Miller envisioned the mitigating factors being approved tonight.

Mr. Miller answered, yes saying he sees that condition as being a placeholder for language incorporated tonight.

Mr. James swore in those providing testimony and invited the applicant to speak.

The applicant, Mr. John Silverman, Management Principal at Midland Atlantic Properties, 8044 Montgomery Road, addressed the Board on behalf of Bill Mees who was unable to attend. He stated Julie Kraus, of Midland Atlantic, was also present.

Mr. Silverman stated they are excited about the project. He stated the site is suffering with design and tenant issues and the current ownership is not in a comfortable position to reinvest in the site. He said Midland Atlantic is buying them out to reinvest in this property if the project is approved. Mr. Silverman explained the history of the condition prohibiting windows on the rear façade when the site was first developed. He then showed renderings of the interior lobby and façade; discussed the building materials, new sidewalks, windows, and free-standing signs. He pointed out the coffee shop will be an exciting addition for the community and office space. Mr. Silverman reported the plan includes upgrades to the garage to bring it into more modern standards and spoke about an enclosure for the trash receptacles used by Dewey's.

Mr. Silverman stated he had multiple conversations with the neighbors. He discussed the distances to residential properties from the site and showed photos taken by a drone that show what the view of the residential properties would look like from the proposed rear windows. He

also showed photos of the building from neighboring properties. Mr. Silverman discussed gaps in the tree line and proposed planting 18-20 feet tall evergreens to fill the gaps. He also discussed tinting the windows and reported on a possible alternative to add a louvre system which would hinder the ability to look down. Mr. Silverman concluded that he is open to suggestions but without windows there is no project. He stated the site is losing money today and reiterated the current ownership group is not investing in the property. He stated he believes planting the trees is the best option.

Mr. James asked about having shades and trees.

Mr. Silverman answered they could add shades and plant trees, but they would not install louvres and plant trees.

There was a discussion about the louvre system.

Mr. Miller explained the shade options.

Mr. Weidman asked if all the proposed trees are green giants.

Mr. Silverman answered he proposes seven green giants and one sweet gum to mimic the current pattern. He pointed out the trees would be 18-20 feet tall when planted.

Mr. Weidman inquired about the current occupancy percentage for the site.

Mr. Silverman answered occupancy is currently less than 50 percent.

Mr. James commented the Township owns a U-shape behind the building and stated he assumes there is a maintenance agreement. He stated trees planted on Township land will have to be maintained.

Mr. Silverman discussed the history of the site and the storm water detention and stated they will maintain all of the property as if it is theirs including the parking lot.

Mr. Weidman stated the detention was put in place to prevent erosion on residential properties.

Mr. Labarbara asked if the applicant would be replacing the fence saying it is in bad shape.

Mr. Silverman answered the fence will be repaired.

Mr. James asked if there would be changes to exterior lighting.

Mr. Silverman answered no.

Mr. Miller recapped the different mitigating techniques such as shades, louvres and large evergreen trees.

Mr., James asked if anyone from the public wished to speak.

Ms. Judith Myers, 4720 Duneden Avenue, addressed the Board saying her property is right behind the building. Ms. Myers stated glazing and shades controls light for office people but does nothing for the residents. She said her basic concern is that this is a single-family residential neighborhood and commercial tenants do not need to see into their homes. She noted landscaping cannot mitigate the view from upper windows. Ms. Myers said this is intrusion into single family residences. She discussed the reason for the refrigerated refuse at Dewey's to prevent vermin and vehicles shining light onto Duneden Avenue while going down into the parking garage. She suggested Clerestory windows that will allow light into the offices but are installed above eye level.

Mr. James asked Ms. Myers if there was anything else that could be done to alleviate her concerns.

Ms. Myers stated she tried to think of something that could go in there to preserve the residential area, but she could not think of anything else other than the clerestory windows. She stated all development should be toward Kenwood Road.

Ms. Susan Stone, of 7764 Styrax Lane, addressed the Board. She thanked Ms. Myers for her comments noting she said things perfectly. Ms. Stone said she agrees people do look out the window while they are at work and the mitigation Mr. Silverman discussed protects the office tenants not the residents.

Ms. Stone noted her house is 100 feet away and showed where windows would be pointing out that planting trees will do nothing. She said there are existing maintenance issues, and she has been calling Ms. Kraus for two years asking them to cut back trees with no response. Ms. Stone stated she assumed there would be a thirty-foot fence and said the only solution is the high windows to allow light in higher than the sight line.

The Board asked questions of Ms. Stone and there was discussion about the louvers.

Mr. Erv Moermond, of 4704 Duneden Avenue, addressed the Board against the project stating the Board is trying to make their whole neighborhood a fishbowl. He said first the apartment was put in behind his property, now they want to put windows in the back of this building. He stated he has no privacy, and the Board would not want this in their backyard.

Mr. James asked Mr. Moermond if higher windows or other measures would make him more comfortable.

Mr. Moermond said they could still stand on a chair and look out the window.

Ms. Tracy Hughes, of 4705 Duneden Avenue, addressed the Board saying this is a really tough decision but when the Trustees decide, she would like them to tell them why they are making their decision. She said she was told the adjacent CIG development would not be visible from her house and that is not true. She said discussed setting a precedent by setting restrictions on approvals and not following through with them. Ms. Hughes said she did not see windows as a

standard for Class A office and does not know why the bottoms of the windows could not be glazed. She noted the prohibition of the windows in the rear was placed on the developed for a reason and, if the Board removes that restriction, there needs to be a very clear, concise explanation from the Trustees for their decision.

Mr. Weidman said the original restriction was in place because the space was being used for a furniture store so there was not a need for windows on the rear elevation. He noted the vegetation back there was much lower than it is today. He noted the existing tall trees, and the addition of more trees helps to mitigate the view.

Ms. Hughes stated they already have apartments looking down on them. She said it is a tough decision that she is glad she does not have to make because she can see both sides.

Mr. LaBarbara asked Ms. Hughes her opinion about the louvres.

Ms. Hughes answered she does not know enough about them to comment.

Mr. LaBarbara said he understands the comments about living in a fishbowl and said this will be a difficult decision.

Ms. Myers stated it will take a long time for trees that are planted to fill in the gaps.

Mr. Silverman addressed some of the concerns that were brought up by the residents noting the hours of operation will be typical office hours.

Mr. James asked if the applicant would be ok with restrictions being placed on the hours.

There was discussion about possible mitigation for this issue. Mr. Silverman stated he believes planting trees is the best solution. He said the architect is not in favor of adding things to the back of the building.

Ms. Myers asked how long the employees would be present in the office spaces.

Mr. Silverman answered 8:00 a.m. to 5:30 p.m.

Ms. Myers noted she is retired and will be in her yard during those hours with office tenants seeing her.

Mr. James asked Mr. Miller about Ms. Hughes' comments noting other commercial buildings with windows adjacent to residential districts. He asked if a precedent has been set by approving those previously.

Mr. Miller answered he is not giving a legal opinion, but typically zoning cases do not in and of themselves create a precedent. He said a case could be made that there are discriminatory practices and if we do not follow a certain pattern.

Ms. Myers asked Mr. Miller if this is different because the approved apartment building is DD – Multi Family Residential and Jewish Hospital put their garage underground.

Mr. Miller said he is trying to hold line with residences while considering the economic stability of the Township. He noted the ability of the Kenwood business district to thrive is the reason no levy has been on the ballot for close to 15 years. He said he understands windows have direct impact on Ms. Myers. He pointed out the CIG project had no balconies as a mitigating condition and Redstone allowed windows with mitigating conditions. Mr. Miller stated, in order to allow for the continued success of Kenwood, he is looking at the area as a whole and the general health of the area as a whole.

Ms. Myers stated commercial sites have already encroached upon her neighborhood and said she also wants Sycamore Township to be economically viable. She said she would pay more in taxes rather than have the project approved as submitted. She said the developer has other recourses, the residents do not.

Mr. James asked Mr. Miller about the impact of the current owner not being willing to reinvest in the site.

Mr. Miller answered the viability of the site will continue to deteriorate at faster and faster rate, there could then be a vacant building property in foreclosure which would be sold to the lowest common denominator developer who would allow low grade tenants without investing in property.

Mr. Weidman asked Mr. Silverman if the current owner is servicing the debt.

Mr. Silverman answered the site is currently not bringing in enough income from existing tenants to service the debt.

Mr. Miller commented the site would be a rotten apple in the middle of Kenwood.

Mr. James stated the Township does not want to head in the direction of Tri-County and the Board has to balance that with the concerns of residents.

Mr. Weidman said the Board is representing 20,000 residents in the Township and the site deteriorating would result in the JEDZ being compromised. He stated the reality is the Board has to think much more globally and consider what does this do to the core of the business district. He stated it is a difficult decision.

Ms. Myers said there could be other solutions or other buyers for the property. She said this is the first option and it is an invasion of their property.

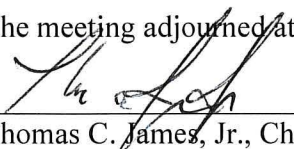
Mr. Weidman agreed there will be other buyers but stated the neighbors may not be happy with them.

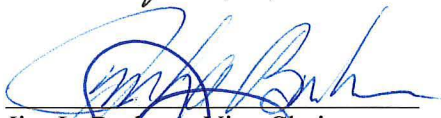
Mr. James asked the applicant about possible deadlines saying he assumes the purchase of the property is contingent upon the Board's decision.

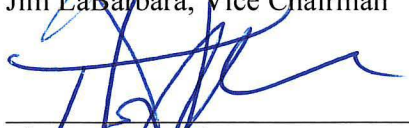
Mr. Silverman answered yes, there are time constraints, but he did not have that information with him.


Mr. James adjourned the meeting.

The meeting adjourned at 7:35 p.m.


Thomas C. James, Jr., Chairman


Jim LaBarbara, Vice Chairman


Thomas J. Weidman, Trustee


Robert C. Porter III, Fiscal Officer
Public Hearing 07/13/2021