

November 10, 2009

Mr. Roger Friedman – Chairman  
Mr. Rich Barrick – Co-Chairman  
Mr. John Cordell – Member  
Mrs. Ann Flanagan – Member  
Mr. Bill Mees – Secretary  
Mr. Steve Roos – 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, November 9, 2009.

Mr. Friedman noted the change in the board and welcomed the newest board member Steve Roos.

**Item 2. – Roll Call of the Board**

Mr. Barrick called the roll.

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

Also Present: Greg Bickford and Becky Stratton

**Item 3. – Approval of Minutes**

Mr. Friedman stated the first order of business was to approve the September 14, 2009 meeting minutes.

Mr. Friedman asked for any corrections to the September 14, 2009 meeting minutes.

Mr. Barrick noted his corrections.

Mr. Friedman noted he would like the September 14, 2009 meeting minutes to be corrected and approved at the December meeting.

**Item 4. – Old Business**

N/A

**Item 5. – New Business**

2009-13MA

Lackner Signs (Agent) for Duke Realty (Property Owners)  
8044 Montgomery Road  
Major Adjustment to a PUD

Mr. Bickford presented the case and the case history in a power point presentation.

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

Ms. Ann Stein, Property Manager for Duke Realty – 8044 Montgomery Road, Cincinnati, OH 45236 presented additional information concerning the case.

Mr. Jay Smith w/Duke Construction – 4555 Lake Forest Drive, Cincinnati, OH 45242 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?

No response.

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#: 2009-13MA.

Mrs. Flanagan moved to consider Case#: 2009-13MA with the following conditions:

1. That the maximum area of any single sign not exceeds 116 sq ft
2. That a maximum of 265 sq ft of total sign surface area be permitted for the entire development (West and East Towers)
3. That a maximum of four (4) building signs be permitted
4. That no building signs be located on the south side of either tower

Mr. Mees seconded.

Mr. Barrick called the roll.

Mrs. Flanagan – AYE  
Mr. Barrick – AYE  
Mr. Friedman – AYE  
Mr. Mees – AYE  
Mr. Cordell – AYE

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

Mr. Bickford noted that this case will more than likely be heard before the Trustees on December 3<sup>rd</sup>.

**Item 5. – New Business**

2009-14P2

Willies of Kenwood, Inc,  
4565 East Galbraith Road  
PUD II

Mr. Bickford presented the case and the case history in a power point presentation.

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

Ms. Barb Kohmescher, owner of Willies – 9019 Winthrop Lane, Cincinnati, OH 45242 presented additional information concerning the case.

Mr. Fred Lutt w/Meisner & Associates – 2043 Madison Road, Cincinnati, OH 45208 presented additional information concerning the case.

Mr. Tom Zembach, partial owner of the building – 4565 East Galbraith Road, Cincinnati, OH 45236 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. Harold Verbarg w/Verbarg's Furniture – 8155 Montgomery Road, Cincinnati, OH 45236 noted his concerns but overall support of the project.

Mr. Michael Cox w/Cox Design [architect hired by the tenant] – 2207 Burnett Avenue, Unit #2, Cincinnati, OH 45208 presented additional information concerning the case

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#: 2009-14P2.

Mr. Mees moved to consider Case#: 2009-14P2 with the following conditions:

1. All site landscaping be approved by staff and at a minimum meet or exceed the landscaping required from Case 2005-02P2 including any landscaping that was not installed or maintained as a result of case 2005-02P2. All other variances granted from the 2005 case are to carry over to this approval.
2. Adjust the entry drive and curb around the proposed outdoor dining area to protect it from vehicular traffic. Provide landscaping around the deck area including the area where the three existing parking spaces are being removed.
3. Provide a detailed traffic analysis based on the use as a restaurant and future retail as to the effect on Galbraith and Montgomery Roads, taking into consideration the future development of Kenwood Towne Place and its effect on the traffic network.
4. Parking is for the exclusive use of the occupants only. No shared parking is permitted.
5. Allow a future tenant to locate in the remaining space via a minor adjustment as approved by staff provided that the use is compatible with the SPI overlay district and the parking required is sufficient. A restaurant use would not be permitted.

Mr. Cordell seconded.

Mr. Friedman asked the board for any additional comments.

Mrs. Flanagan noted her concerns regarding wording with item #4 of the staff report.

The board members discussed the issue brought before them.

Mr. Barrick moved to amend the previous motion and omit language by staff and *reconsider* Case#: 2009-14P2 with the following *reworded* conditions:

1. All site landscaping be approved by staff and at a minimum meet or exceed the landscaping required from Case 2005-02P2 including any landscaping that was not installed or maintained as a result of case 2005-02P2. All other variances granted from the 2005 case are to carry over to this approval.
2. Adjust the entry drive and curb around the proposed outdoor dining area to protect it from vehicular traffic. Provide landscaping around the deck area including the area where the three existing parking spaces are being removed.
3. Site Plan approval is subject to any conditions recommended by the County Engineer.
4. Shared parking is to be only for spaces that are in excess of zoning requirements for occupied tenant spaces.
5. Allow a future tenant to locate in the remaining space via a minor adjustment as approved by staff provided that the use is compatible with the SPI overlay district and the parking required is sufficient. A restaurant use would not be permitted.

Mr. Mees seconded.

Mr. Barrick called the roll.

Mrs. Flanagan – AYE

Mr. Barrick – AYE

Mr. Friedman – AYE

Mr. Mees – AYE

Mr. Cordell – AYE

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

Mr. Bickford noted that this case will more than likely be heard before the Trustees on December 3<sup>rd</sup>.

#### **Item 6. – Trustees Report**

Mr. Bickford noted the approval of GFS and Kenwood Crossings by the Trustees as recommended by this board.

Mr. Cordell asked about the status of Kenwood Towne Place.

Mr. Bickford noted the status and the stores that are open.

Mr. Mees asked about any feedback from the opening of Nordstrom's.

#### **Item 7. – Date of Next Meeting**

Mr. Friedman noted the date of the next meeting – Monday, December 14, 2009.

#### **Item 8. – Communications and Miscellaneous Business**

Mr. Bickford noted that since the resignation of Mr. Thamann, a new officer title must be made for the secretary position.

Mrs. Flanagan nominated Mr. Mees.

Mr. Friedman asked for any other nominations.

