

October 11, 2011

Mr. Roger Friedman – Chairman  
Mr. Rich Barrick – Vice-Chairman  
Mr. Tom Kronenberger – Member  
Mrs. Ann Flanagan – Member  
Mr. Bill Mees – Secretary  
Mr. Steve Roos – Alternate

**Item 1. – Meeting called to Order**

Mr. Friedman called the regular meeting of the Zoning Commission to order at 7:00 p.m. on Tuesday, October 11, 2011.

**Item 2. – Roll Call of the Board**

Mr. Barrick called the roll.

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

Members Absent: Mr. Mees

Staff Present: Greg Bickford and Beth Gunderson

**Item 3. – Approval of Minutes**

Mr. Friedman stated the first order of business was to approve the July 11, 2011 and August 8, 2011 meeting minutes.

Mr. Friedman asked for any corrections to the July 11, 2011 or August 8, 2011 meeting minutes.

Mr. Barrick noted one change in the August 8, 2011 meeting minutes.

Mr. Friedman entertained a motion to approve the July 11, 2011 meeting minutes.

Mr. Barrick moved to approve the July 11, 2011 meeting minutes.

Mr. Roos seconded.

All voted – yes.

Mr. Friedman entertained a motion to approve the August 8, 2011 meeting minutes.

Mr. Barrick moved to approve the August 8, 2011 meeting minutes.

Mr. Roos seconded.

All voted – yes.

Mr. Friedman suggested postponing approval of the September 12, 2011 minutes to the next meeting when Mr. Mees would be present to vote.

**Item 4. – Old Business**

2011-13P1

Landquest Services, LLC  
8877 & 8893 Montgomery Road  
PUD1

Mr. Bickford presented the case and the case history in a power point presentation, noting that since the case was heard at the September meeting, the applicant had submitted some additional documents including HOA paperwork, revised landscape plans, and a list of approved building materials to be used in the development. Mr. Bickford noted the applicant had also submitted a conceptual five lot plan that could be built as of right without going through Zoning Commission and the PUD approval process. Mr. Bickford stated that if the lots were developed as of right, there would be no buffer requirement.

Mr. Friedman asked if anyone was present representing the applicant who wished to speak.

Mr. Jonathan Woche, of McBride Dale Clarion, 5725 Dragon Way Suite 220, Cincinnati, OH 45227, speaking on behalf of the applicant, addressed the board. Mr. Woche stated that in response to concerns addressed in the September meeting, the applicant had submitted revised landscape plans showing additional landscaping on the south property line including additional trees and fence panels. In addition, HOA documents had been filed with the Secretary of State and the applicant had submitted a list of acceptable building materials to ensure a high quality product. He noted that the proposed development would not exceed the density requirement for the "B" zone. Mr. Woche pointed out that the conceptual five lot plan would not require a PUD and could be built as of right with no conditions requiring a landscape buffer, HOA documents etc. and that should an as of right plan be built, it would likely include the existing Montgomery Road curb cut as access to at least one of the homes.

Mr. Friedman stated that when he checked with the Secretary of State's office, there was not a record of the HOA documents being filed. Mr. Woche stated that it was his understanding that they had been filed but may not have been approved as yet.

Mr. Friedman asked why the revised landscape plan showed no landscaping behind lot number three. Mr. Randy Green, the applicant, from Landquest Services, LLC, 4225 Walton Creek, Cincinnati, OH 45243, stated that there were existing mature trees behind lot three and it was his intent to save those if possible.

Mr. Friedman opened up the floor for questions from the public.

Mr. Harry Hake, of 8869 Montgomery Road, Cincinnati, OH 45236, representing the Pinehurst Condominium Association, reiterated the concerns stated in a letter from the Pinehurst Condominium Association to the Zoning Commission members. Mr. Hake stated that a five house development would solve the setback issues and is the plan Pinehurst residents prefer. He noted concerns about storm water drainage and said he strongly opposes the proposed PUD1.

Mrs. Flanagan asked Mr. Hake if he understood that in the five lot plan, the houses could be built with an eight foot side yard setback adjacent to his property. Mr. Hake said he understood.

Mr. Craig Brockway, of 8871 Montgomery Road, Cincinnati, OH 45236, said he had concerns about an eight foot side yard setback as a possibility in the five lot plan especially since no landscape buffer would be required.

Mr. Friedman noted that the five lot plan is not a PUD and would not have to follow any Zoning Commission conditions and that he wanted to make sure the public in attendance understood that.

Mr. Hake stated the six house PUD had no provision for surface water drainage.

Mr. John Srofe, of 8849 Montgomery Road, Cincinnati, Ohio 45236, President of the Pinehurst Condominium Association, asked if there was another way to configure the five house plan so that the setbacks would not be so offensive to their properties.

Mrs. Albina Hake, of 8869 Montgomery Road, Cincinnati, OH 45236, noted that the six house plan had patios adjacent to their property and the five house plan would have the side of the house adjacent to their property.

Mr. Jonathan Evans, the engineer, of 4240 Airport Road, Cincinnati, OH 45226, addressed the board in response to questions regarding drainage on the property. Mr. Evans stated that their plan would route storm water to a storm water detention pond near the Montgomery Road side of the development. Surface water would be routed to catch basins at each property line and then on to the detention pond.

Mrs. Hake asked Mr. Evans if he was stating that there would be no surface water running onto their property.

Mr. Evans stated that they cannot divert all surface water.

Mr. Kronenberger asked for clarification on the catch basins. Mr. Evans showed where the catch basins would be located and said that water would be piped to the detention pond running west to east. They would attempt to locate the catch basins as close as possible to the southern property line without damaging existing trees. He noted that Hamilton County code states the volume of water draining onto neighboring properties post development cannot exceed the pre-development volume.

Joy Singerman, of 8855 Montgomery Road, Cincinnati, OH 45236, asked why the catch basins were adjacent to Pinehurst. Mr. Evans said that is the low part of the lots and the direction water naturally flows so the catch basins must be in that location to capture the water.

Mrs. Hake asked the applicant to state where each house would be placed in a five lot plan. Mr. Wocher stated they do not have a five house plan, only the conceptual five lot plan. Mrs. Hake asked for clarification as to what plan Ms. McBride referred to in the September meeting. Mr. Wocher said she referred to the five lot plan.

Mr. Hake asked if the developer would actually build houses with an eight feet side yard setback if they were to build a five house plan. Mr. Wocher stated they would build what the client wants.

Mr. Kronenberger asked Mr. Bickford for clarification on existing conditions on the properties in question and if a five lot plan could be built as of right with no conditions. Mr. Bickford said it could be built as of right with no conditions and that if staff did put conditions on it, the applicant could appeal to the Board of Zoning Appeals.

Mr. Barrick asked for clarification on cluster dwellings.

Mr. Roos asked if the five lot plan included a curb cut on Montgomery Road. Mr. Wocher said there is an existing driveway with access to Montgomery Road and would likely keep that with the five lot plan.

Mr. Friedman entertained a motion.

Mrs. Flanagan moved to consider case# 2011-13P1.

Mr. Kronenberger seconded.

The board discussed the issues brought before them.

Mrs. Flanagan amended her original motion and moved to consider case# 2011-13P1 with the following conditions:

1. The builder must abide by the list of acceptable building materials submitted by the applicant.
2. The applicant must follow through with the HOA documents and covenants and submit those with their Zoning Compliance Plan.
3. The revised landscape plans submitted by the applicant must be part of their Zoning Compliance Plan, including the addition of trees and fencing behind lot#3 should the developers be unable to salvage the existing trees.
4. The water detention plan submitted and explained in the hearing, including but not limited to the downspouts, catch basins and the detention pond, must be part of the Zoning Compliance Plan.
5. No decks will be permitted on any of the lots.
6. There will be a height limit of 18ft from grade to the midpoint of the truss on all of the houses with no two story dwellings permitted.

Mr. Roos seconded.

Mr. Barrick called roll.

Mr. Roos – AYE

Mr. Kronenberger – NEA

Mr. Friedman - AYE

Mrs. Flanagan – AYE

Mr. Barrick – AYE

Mr. Hake stated that he was not happy with the Board's decision and intended to file an appeal.

#### **Item 5. – Trustees Report**

Mr. Bickford reported that Case# 2011-11T, the text amendment banning internet sweepstakes cafes in Sycamore Township was approved by the Trustees. He also noted that Case# 2011-12MA was denied by the Trustees.

#### **Item 6. – Miscellaneous Business**

