

March 9, 2015

Mr. Roger Friedmann – Chairman  
Mr. Rich Barrick – Vice-Chairman  
Mr. Tom Kronenberger – Member  
Ms. Anne Flanagan – Member  
Mr. Bill Mees – Secretary  
Mr. Steve Roos – Alternate

**Item 1. – Meeting called to Order**

Mr. Friedmann called the regular meeting of the Zoning Commission to order at 7:00 p.m. on Monday, March 9, 2015

**Item 2. – Roll Call of the Board**

Mr. Mees called the roll.

Members Present: Ms. Flanagan, Mr. Barrick, Mr. Friedmann, Mr. Kronenberger, Mr. Mees and Mr. Roos

Staff Present: Greg Bickford and Beth Gunderson

**Item 3. – Approval of Minutes**

Mr. Friedmann stated the first order of business was to approve the February 9, 2015 meeting minutes.

Mr. Friedmann asked for any corrections to the February 9, 2015 minutes.

Mr. Friedmann entertained a motion to approve the February 9, 2015 meeting minutes.

Mr. Mees moved to approve the February 9, 2015 meeting minutes.

Ms. Flanagan seconded.

All voted – yes.

**Item 4. – Old Business**

2015-02MA  
Esquire Venture Group LLC  
7815 Kenwood Road  
Major Adjustment to a PUD

Mr. Mees recused himself from hearing the case due to a possible conflict of interest.

Mr. Bickford presented the case which had been continued from the February 9, 2015 meeting date pending the applicant submitting more details regarding the exterior grease receptacle. Mr. Bickford deferred to the applicant.

Mr. Friedmann asked if the applicant was present and wished to speak.

Mr. Gary Goldman, applicant, of 125 E. Court Street, Cincinnati, OH 45202, addressed the Board. Mr. Goldman noted the area of contention from the original hearing was the outdoor storage for the used cooking oil. He said the smallest container available is a 55 gallon drum which he proposed to put in the same location as on his original application. It would be screened from view. The oil would be put

back into the five gallon container it came in after use then taken out to the exterior receptacle. The barrel would not be emptied but rather replaced each week.

Mr. Roos asked if the applicant had looked in to putting the barrel adjacent to the existing dumpster.

Mr. Goldman said the property manager said there was not enough room by the dumpster. He noted the barrel is sealed and would release no odors.

Ms. Flanagan said she was concerned about pick up times.

Mr. Barrick asked for clarification on the proposed location of the barrel and if it would be on a concrete pad. He also asked if any landscaping would be damaged when the barrel and screen were put into place.

Mr. Goldman said they would screen the barrel from view and put it on concrete. He noted if it is necessary to replace any landscaping they will take care of it.

Mr. Friedmann noted it would be good to have the new screening match that of the dumpster.

Mr. Goldman said he will meet with the property manager and try to fit it in by dumpster if possible. He said there may be an issue taking some of the parking if the barrel were placed in that area. He stated he is fine with that location if the property manager will agree to it.

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

Judith Myers, of 4720 Duneden, Cincinnati, OH 45236, addressed the Board. Ms. Myers said the new plan sounds better than what was presented at the February meeting. She said she looked at other businesses that fry foods and couldn't see where they store oil outside.

Mr. Barrick said a lot of big cooking oil users pump it out and store the used oil underground.

Ms. Myers asked about the possibility of storing the used oil indoors and wheeling outside only when it was time to dispose of it.

Mr. Friedmann closed the floor to comments from the public.

The Board discussed the issues brought before them.

Ms. Flanagan moved to consider case 2015-02MA.

Mr. Barrick seconded.

The Board discussed the issues brought before them.

Mr. Barrick amended his original motion to include the following conditions:

1. The location of the barrel and screen must either be the south end of rear parking lot as proposed or adjacent to dumpster if possible and agreed upon by the property manager.
2. The barrel may be no bigger than the 55 gallon drum proposed.
3. The barrel enclosure must be of the same material as the existing dumpster enclosure.
4. The barrel must be on a concrete pad.
5. Any landscaping dislocated must be replaced.

Mr. Roos seconded

Ms. Flanagan reiterated her concern about pick up times.

Mr. Bickford said the pickup times must comply with the current Sycamore Township noise ordinance.

Mr. Barrick called roll.

Ms. Flanagan – AYE

Mr. Barrick – AYE

Mr. Friedmann – AYE

Mr. Kronenberger - AYE

Mr. Roos – AYE

Mr. Bickford noted the case would be heard by the Board of Trustees on April 2, 2015 at a time to be determined.

Mr. Mees rejoined the Board.

**Item 5. – New Business**

2015-05MA

CCH Services

9090 Montgomery Road

Major Adjustment to a PUD

Mr. Bickford presented the case and case history in a power point presentation. The applicant's request is for a parking lot expansion and dumpster to remain on the property as constructed. The parking lot was expanded without Board approval which is a requirement of the existing PUD. The expansion added 15 parking spaces. Mr. Bickford noted the ISR change was minimal.

Mr. Friedmann asked if the applicant was present and wished to speak.

Mr. Ranjit Sharma of CCH Services, 11591 Grooms Road, Blue Ash, OH 45242, addressed the Board. He stated staff had some recommendations in the staff report including the addition of interior landscaping and a concrete pad and screening for the dumpster. He reported his company had provided the proposal for the work to accommodate the recommendations to Brookdale and they had approved it. He noted the work would be completed in the next 30-60 days as weather permits.

Mr. Mees asked about the dumpster enclosure.

Mr. Sharma said the enclosure would be an Allan Block type wall on three sides with a gate.

Mr. Bickford said the Allan Block must be split faced block and could be approved by staff.

Mr. Friedmann noted it would have been better to submit for Board approval and obtain permits prior to doing the work.

Mr. Friedmann asked if anyone from the public wished to comment. No response.

Mr. Friedmann closed the floor to comments from the public.

Ms. Flanagan moved to consider Case 2015-05MA with the two conditions and variance for the parking spaces noted in the staff report.

Mr. Mees seconded.

Mr. Kronenberger noted the fact that the parking spaces are smaller than what is permitted is troubling. In this particular case, the difference is so small he will agree to approve the request. However, he noted the Board should be clear to the public this is not an acceptable way to do business.

Mr. Mees called roll.

Ms. Flanagan – AYE  
Mr. Barrick – AYE  
Mr. Friedmann – AYE  
Mr. Kronenberger - AYE  
Mr. Mees - AYE

Mr. Bickford noted the case would be heard by the Board of Trustees on April 2, 2015 at a time to be determined.

2015-07MA  
K & A Architecture, Inc.  
10808 Montgomery Road  
Major Adjustment to a PUD

Mr. Bickford presented the case and case history in a power point presentation. He stated the applicant's proposal is to construct a new retail building on a portion of the property. Case# 2013-03MA approved the creation of the parcel as a legal lot of record for future construction.

The Board asked questions of Mr. Bickford.

Mr. Friedmann asked if the applicant had provided dimensions on the signs shown in the renderings.

Mr. Bickford answered no.

The applicant submitted a video to show the Board that gave information about Hanson A/V.

Mr. Donald Kiley of K & A Architecture, Inc., the applicant and architect for the project, 1204 E. Dorothy Lane, Dayton, OH 45419, addressed the Board. He noted the modern style of architecture used on their Dayton location is in proximity to a more traditional building similar to Eddie Merlot. He noted the materials he intends to use for the building and reported the dumpster would be screened in materials similar to the building. He said the building fits nicely on the site with landscaping. There is a slight grade that would result in the dumpster enclosure being lower than shown on the rendering and the location of the delivery door would have to move and include a ramp. He noted the owners are present if the Board had questions for them.

Mr. Friedmann inquired about the size of the proposed signage.

Mr. Kiley said the building proposed would be 65 lineal feet on the side facing Montgomery Road and 70 lineal feet on the side facing Eddie Merlot's. He said he wasn't sure what was considered their frontage and what they would be allowed to have as far as signage with the PUD. They would like to

have signs on two sides – facing Montgomery Road and facing Eddie Merlot's where front door would be located.

Mr. Bickford said the code states the building signage would be permitted at a one to one ratio.

Mr. Mees asked if the applicant could split the total square footage permitted between two signs.

Mr. Bickford answered yes saying for example the applicant could install one 50 square foot sign and one 20 square foot sign. He noted per code the Montgomery Road side would be considered the principal access however, if the Board chose to, they could allow the applicant to designate the side facing Eddie Merlot's as the principal access.

Discussion ensued about how the signs would be measured.

The applicant said they would have to reduce the size of the signs considerably from what is on rendering to be in compliance with code. He pointed out they are not trying to deviate from code, but would like to have signs on both sides of the building because of nature of site.

Mr. Mees asked if the property had a pylon sign or monument sign near the road.

Mr. Bickford answered yes.

The applicant said Hanson would be able to have a sign panel on the existing monument sign and presented a photo of the existing monument sign to the Board.

Mr. Mees asked about the panels on the façade and which elevations would include them.

Mr. Kiley said the panels produce an undulating effect and would be on the two elevations facing Montgomery Road and Eddie Merlot's. The other two sides would be painted brick.

Ms. Flanagan asked if there would be a lot of business vehicles parked there.

Troy Hanson, owner, of 3140 Far Hills Avenue, Dayton, OH 45429, addressed the Board saying they would dispatch vehicles out of the Dayton branch and would only have one service vehicle at this location.

Ms. Flanagan asked if Mr. Hanson anticipated dispatching out of this location in the future.

Mr. Hanson said they could.

Barrick asked if it would pose a problem for the business if the Board were to impose a limit on the number of business vehicles permitted at this location.

Mr. Hanson said they would not want to park them in front of the store, they intend to park any vehicles behind Eddie Merlot or somewhere out of sight.

Mr. Friedmann asked if anyone from the public wished to comment. No response.

Mr. Kronenberger asked about the conditions from the original approval for Eddie Merlot noted in the staff report. He recalled the neighbors were upset about some issues when the site was originally approved for future use.

Mr. Bickford said the issue was the maintenance of the lot which had been addressed.

Mr. Friedmann closed the floor to comments from the public.

Mr. Barrick moved to consider case 2015-07MA.

Mr. Kronenberger seconded.

Mr. Mees said the proposal was agreeable except for clarifying the signage permitted which could be an issue as it seemed to be intertwined with the panels on the building. He stated he was fine with designating the longer side facing Eddie Merlot as the principal access and with allowing signs on two elevations, but said the Board should pin down the maximum square footage allowed.

Mr. Kronenberger agreed noting, because of way the building is situated relative to the road, it would be acceptable to designate the longer side as the principal access.

Ms. Flanagan asked about the parking of business vehicles.

Mr. Bickford said any business vehicles would have to be parked behind the building.

Mr. Friedmann stated the proposed use would be appropriate for the out lot. He said he preferred more detail with regard to the actual construction. Mr. Friedmann noted he would add the conditions that no more than three to four service vehicles be left overnight and that they must be parked behind the building. He pointed out a detailed landscape plan should be submitted and approved by staff as noted in the staff report. He agreed with using the longer side of the building to determine the size of the signs and with allowing the total permitted amount of building signage to be split between two signs.

Mr. Friedmann amended the motion to include the following conditions:

1. The number of business vehicles is limited to a maximum of four (4) which must be parked behind the building.
2. The total building signage must be limited to a maximum of one (1) square foot of signage per lineal foot of building frontage measured along the building's longest side. The total maximum amount may be divided between two signs.
3. A detailed landscape plan must be submitted and approved by staff.

Mr. Barrick seconded.

The Board discussed the issues brought before them.

Mr. Mees called roll.

Ms. Flanagan – AYE

Mr. Barrick – AYE

Mr. Friedmann – AYE

Mr. Kronenberger - AYE

Mr. Mees – AYE

Mr. Bickford noted the case would be heard by the Board of Trustees on April 2, 2015, time to be determined.

2015-08Z  
Richard B. Tranter, Esq.  
7800 Montgomery Road  
Zone Change

Mr. Barrick recused himself from hearing the case.

Mr. Bickford presented the case and case history in a short power point presentation. He stated the applicant's proposal is to change the zoning on the property from "E" – Retail to "EE" – Planned Retail in order to allow for future redevelopment of the Sycamore Plaza retail center. The double letter district would allow for a more uniform redevelopment plan. Hamilton County Regional Planning Commission recommended approval of the change to a double letter district with the current zoning code as opposed to the supplemental regulations submitted by the applicant.

Mr. Bickford deferred to the applicant for more information.

Mr. Richard Tranter of Dinsmore & Shohl, 255 E. 5<sup>th</sup> Street, Cincinnati, OH 45202, applicant and attorney for the property owner, addressed the Board. Mr. Tranter noted the building has disadvantages that predate local zoning. He said the intent of the application for a zone change is to try to clean up some of this vulcanization by creating supplemental guidelines for consistent future development. He noted they are still going through the process to create appropriate supplemental guidelines. He pointed out the following four non-compliant issues for which the applicant sought approval:

1. Unloading and loading – recessed and clearly out of view
2. Parking – parking is currently compliant but after redevelopment, including the addition of second floor retail and roundabouts, it would not be fully compliant
3. Building materials – Sycamore Township has preferred building materials, brick or stone as opposed to EIFS, the application today includes 50% preferred building materials and enhanced use of preferred building materials
4. Signage – compliant as standalone submittal tonight

Mr. Tranter said it was his hope to eliminate those four issues and to have the supplemental regulations ironed out and satisfactory to staff before the proposal goes before the Board of Trustees. He stated the project needs a decision tonight to stay on course as far as the time period for redevelopment.

Monica Lowry of FRCH Design, 311 Elm St., Cincinnati, OH 45202, explained the proposed loading dock would have a screen wall 15 feet tall and would be recessed four feet below grade making it very difficult to see.

Alex Antolino of DDR, the property owner, 3300 Enterprise Pkwy, Beachwood, OH 44122, addressed parking, saying that while after the proposed redevelopment the parking would not technically be compliant, they had asked the Kleingers Group to analyze the plan to make sure the parking would be sufficient even during peak holiday times. Mr. Antolino noted that sufficient parking is important to their tenants.

Mr. Tranter explained that everyone wants to park in the front lot and many people don't realize there are three other places to park.

Mr. Bickford said staff does not have an issue with the proposed parking.

Ms. Lowry reported that the new two level retail would be almost 100% preferred material at the main entrance and all other elevations would be 50% preferred materials with brick at the bottom and EIFS at the top.

Mr. Tranter said he was not asking for a resolution with regard to signage tonight.

Mr. Tranter requested that the Board approve the application with variances allowing for no gates at the entrance to the 100 foot loading area and parking per the proposed site plan and the condition that the applicant create supplemental guidelines acceptable to staff.

Mr. Mees commented that he believes the redevelopment of the center is a good thing but he was confused on what he was being asked to vote on tonight.

Mr. Friedmann agreed, noting the application submitted was not what Mr. Tranter presented. He stated the Zoning Commission's job was not to leave the supplemental regulations for the staff to approve. He said the applicant cannot just pull those out of the mix tonight and ask the Board to approve the zone change to double E designation and fill in the details later.

Mr. Tranter responded that if the Zoning Commission was so inclined to work with applicant on this, he would ask for a continuance.

Mr. Friedmann noted both the Board and staff would like to see consistency for future development but would prefer a continuance to make sure they have all the information necessary for approval.

Mr. Tranter said they want the Board's recommendation therefore would like to request a continuance.

Mr. Friedmann agreed the Board is not ready to make a decision after hearing what was presented tonight.

Mr. Mees moved to grant continuance request.

Mr. Kronenberger seconded.

Mr. Bickford noted the case would be continued to April 13, 2015 Zoning Commission meeting.

**Item 6. – Trustees Report**

Mr. Bickford informed the Board that the Trustees approved the proposed Staples addition but that they required all brick and stone on the entry façade and side tower.

Mr. Friedmann stated the date of the next meeting would be Monday, April 13, 2015.

**Item 7. – Adjournment**

Mr. Mees moved to adjourn.

Ms. Flanagan seconded.

All voted yes.

Meeting adjourned at 8:14 p.m.

Minutes Recorded by: Beth Gunderson  
Planning & Zoning Assistant