

October 13, 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 Tuesday, October 13, 2015

**Item 2. – Roll Call of the Board**

Mr. Barrick called the roll.

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

Members Absent: Mr. Mees

Staff Present: Harry Holbert and Beth Gunderson

**Item 3. – Approval of Minutes**

Mr. Friedmann stated the first order of business was to approve the September 14, 2015 meeting minutes.

Mr. Friedmann asked for any corrections to the September 14, 2015 minutes.

Mr. Barrick noted a correction to page two of the minutes.

Mr. Friedmann entertained a motion to approve the September 14, 2015 meeting minutes with the correction to page two.

Mr. Barrick moved to approve the September 14, 2015 meeting minutes with the correction noted above.

Mr. Kronenberger seconded.

All voted – yes.

**Item 4. – New Business**

2015-22P2  
Decker Building Group, LLC  
8911 Rossash Road  
PUDII

Mr. Holbert presented the case and case history in a power point presentation. The applicant's request includes a parking lot expansion to include 33 new parking stalls. The use of the property remains the same. Mr. Holbert showed photographs of the existing conditions on the property. Mr. Holbert noted the topography of the property which slopes, and therefore drains, to the rear. Mr. Holbert informed the Board of the zoning compliance issues with the submittal including several items about which the applicant did not provide enough information. Mr. Holbert

reviewed the landscaping requirements for the property including boundary buffer, streetscape buffer and interior landscaping. He noted there is an existing buffer in the rear. Mr. Holbert then reviewed with the Board the questions staff had in regards to the submittal.

The Board asked questions of Mr. Holbert.

Ms. Flanagan asked if the surrounding businesses had buffering.

Mr. Holbert said most had rear buffering but no side or streetscape buffers.

Ms. Flanagan asked if there was much residential traffic down Rossash Road.

Mr. Holbert answered there is some traffic to the adjacent self-storage facility.

Ms. Flanagan asked why the applicant wants 33 new parking spots.

Mr. Holbert deferred to applicant.

Mr. Barrick asked for clarification on staff's comment regarding the location of the dumpster.

Mr. Holbert said the accessory structure must be a minimum of six feet from the building.

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

Jeff Decker, of Decker Building Group, LLC, the applicant, addressed the Board. Mr. Decker said they plan to screen the dumpster but they do not want to do a lot of landscaping. He said the business located on the property needs parking to accommodate of additional employees. Mr. Decker stated most of the buffering in the rear will remain. He said the plans were sent to Hamilton County Public Works and that he was told there is no water retention required.

Mr. Friedmann asked if he had anything in writing to that effect from Public Works.

Mr. Decker said he was trying to get zoning approval first.

Mr. Friedmann said the Board needs to know the effect the parking lot expansion would have on other properties.

Mr. Friedmann asked if Mr. Decker had decided where to put the dumpster.

Mr. Decker said they would put the dumpster in front of the one door that is not being used.

Mr. Decker said they had planned to screen the dumpster with fencing.

Mr. Friedmann asked how many employees work at the location in question.

Lawrence Gamblin, owner of Collins Ink, of 8051 Brill Road, Cincinnati, OH 45243, answered his business currently employs 15 people; noting that number will probably double or triple in the next year because of growth.

Ms. Flanagan asked if the business was in operation 24 hours a day.

Mr. Gamblin said Collins Ink currently has only one eight hour shift but may go to two shifts at some point. He pointed out the new tenant adjacent to his property has a dumpster not enclosed. Mr. Gamblin said his business does not have a lot of truck traffic.

Mr. Decker said the business rarely has customers on site. Mr. Decker said the 12 feet drive aisle is the best they could do with that site. The traffic using the drive would be primarily employees who would be coming in at the same time and leaving at the same time so he does not anticipate a problem with one way traffic. Mr. Decker said they had approached neighbors about possible easements with no success.

Ms. Flanagan asked about the possibility of a retaining wall being installed.

Mr. Decker said he did not feel a retaining wall is necessary.

Ms. Flanagan asked how long the 12 feet wide drive would be.

Mr. Decker said he did not have the exact measurement but estimated it to be 50-60 feet long. He noted vehicles would be able to see if there is a car coming.

Mr. Gamblin said all the drainage from the former Jones the Florist site and the storage buildings drains to their property.

Mr. Decker said he had never seen any issues with the creek in the rear after a storm.

Mr. Friedmann said the relocated dumpster seemed to be on the storm sewer line and asked if that was where the drain was located.

Mr. Decker answered no, the dumpster would be behind the drain not on top of it.

Mr. Decker noted the owner has put a lot of money into updating the building and would like to stay at this location.

Mr. Friedmann asked if there was anyone present from the public who wished to comment on the case.

Ms. Kirsten Murdock, representing Simply Self Storage, of 9527 Canyon Pass, West Chester, OH 45011, addressed the Board saying her company has no issue with the proposed project.

Mr. Friedmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Holbert commented the applicant could not have a fence around the dumpster because the zoning resolution requires a CMU type structure with fencing for gates only. The applicant is required to obtain letters from outside agencies such as Public works regarding the project and submit them to staff. Mr. Holbert said the new neighbor, the owner mentioned who has no enclosure around the dumpster, had not received final approval for the project pending the dumpster either being enclosed or relocated inside. He also noted staff had requested an ISR worksheet from applicant showing the existing ISR but has not yet received it.

Mr. Decker said he submitted the ISR worksheet to staff.

Mr. Holbert said the proposed ISR had been submitted, staff needs the existing ISR.

Mr. Decker said he would prefer not to erect a block wall enclosure around the dumpster because Rumpke drivers tend to knock over the blocks which can be dangerous.

Mr. Gamblin added he would not want trucks backing up next to a block wall.

Mr. Friedmann entertained a motion.

Mr. Barrick made a motion to consider case 2015-22P2 with the following conditions:

1. The dumpster must be enclosed with a screen wall in full compliance with Township requirements and must be located at least six feet from building
2. The following items are required for the 12 feet drive aisle:
  - a. A letter from the owner must be submitted to staff stating he is aware that 12 feet is not a standard drive aisle for two way traffic.
  - b. Signs must be posted including one posting a five mile per hour speed limit and another saying one way, yield to oncoming traffic.
  - c. Employees must be given written notice of the hazardous condition posed by the 12 feet drive aisle.
3. A landscape plan must be submitted and approved by staff showing a full compliant buffer in the rear of the property.
4. A storm water plan must be submitted to staff showing any inlet structures and piping on the property.
5. A complete grading plan must be submitted.
6. A full ISR site calculation for existing and proposed ISR must be submitted.

Mr. Friedmann suggested adding submittal of correspondence with comments from necessary agencies.

Mr. Barrick amended his motion to include a seventh condition at Mr. Friedmann's suggestion:

7. The applicant must submit letters from necessary agencies including public works per staff check list.

M. Flanagan seconded.

Mr. Kronenberger commented the Board has due diligence to review all the items above before making a recommendation to the Board of Trustees.

Mr. Barrick said he did not know that there is anything that will make a drastic difference in his decision especially since a structure is not being built.

Mr. Kronenberger said at a .80 ISR he really wants confirmation that a retention plan is not needed.

Mr. Roos asked if the water rolling off the back would drain to the park.

Mr. Holbert said water shed would drain to the creek in back. He noted the water has to go somewhere and it would be good to have outside agency comments.

Mr. Friedmann said he understands both Mr. Barrick's and Mr. Kronenberger's opinions noting the applicant must understand the items must be submitted before the Trustee hearing.

Mr. Holbert noted the Trustee meeting is November 5<sup>th</sup> which should be adequate time to obtain outside agency comments.

Mr. Barrick called roll.

Ms. Flanagan - AYE

Mr. Barrick - AYE

Mr. Friedmann - AYE

Mr. Kronenberger - NEA

Mr. Roos - AYE

Mr. Friedmann noted the case would be heard by the Board of Trustees on November 5, 2015 at a time to be determined assuming the requested comments had been received.

2015-23MA  
Atlantic Sign Company  
7862 Montgomery Road  
Major Adjustment to a PUD

Mr. Holbert presented the case and case history in a power point presentation. The applicant's request includes rebranding of the sign package for the existing IHOP restaurant. Mr. Holbert noted the existing frontage is about 80 lineal feet. Mr. Holbert showed the existing building sign on the front elevation and said it measures about 55 square feet. He noted the proposed sign, including the wood panel, is 187.5 square feet. He stated IHOP also has a 42 square feet sign on the rear elevation of the building. The proposed is 33.62 square feet for the rear elevation.

Mr. Holbert said the property was recently approved as a PUD and the approval resolution dictates IHOP comply with Chapter 13 of the Zoning Resolution. According to Chapter 13, IHOP could have two signs but must not exceed a total of 80 square feet. Mr. Holbert noted the sign face change on the existing Montgomery Road pylon sign is permitted as of right. He said they could also install a sign face change to the highway pylon sign as of right, but they cannot modify the sign cabinet per the Trustee Resolution.

The Board asked questions of Mr. Holbert.

Mr. Roos asked if the top cabinet was removed when the El Rancho Grande restaurant left.

Mr. Holbert answered yes, they were required to remove it when they left.

Mr. Roos noted the only real issue is the building sign on the front elevation.

Mr. Holbert said that sign and the proposed change to the highway sign must be approved through the Major Adjustment.

Ms. Flanagan noted it seemed they would be better off not changing the highway sign.

Mr. Friedmann asked about the process the Township uses to measure the building sign.

Mr. Holbert explained how staff measures the sign.

Mr. Barrick said the sign with the wood backer panel is not something addressed in the Zoning Resolution as it could be construed as art.

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

Mr. Mike Cassidy, Atlantic Sign Company, 2328 Florence Avenue, Cincinnati, OH 45203, addressed the Board on behalf of Tommy Reed. Mr. Cassidy said he had a permit for the signs, just not for the wood background.

Mr. Holbert said he would pull the file to check if the signs approved in the permit were the same as those submitted for case 2015-23MA.

Mr. Kronenberger asked what was driving the change to the highway sign because it seemed minimal.

Mr. Cassidy said IHOP is rebranding nationwide which includes minor design changes and standardized sizes for signs.

Mr. Holbert said the plans approved for the permit issued in June were identical for the rear elevation but not for the same sign as the front of the building that was in discussion tonight.

Mr. Cassidy said the intent is to dress up the façade of the building.

Mr. Holbert said IHOP could do a façade renovation and have the wood panel, but the signage would have to be compliant.

Mr. Cassidy reiterated the intent is to rebrand to a standard look across the nation. He said the restaurant has no visibility from Montgomery Road and the hope is to gain some attention for the IHOP.

Mr. Barrick asked if the semi circles on the wood panel would be illuminated.

Mr. Cassidy answered yes.

Mr. Friedmann closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Friedmann entertained a motion.

Ms. Flanagan made a motion to consider case 2015-23MA.

Mr. Barrick seconded.

Mr. Barrick pointed out the illumination of the semi circles on the wood panel makes it part of the sign.

Mr. Friedmann commented there needs to be a better way to define a sign.

Mr. Barrick called roll.

Ms. Flanagan - NEA

Mr. Barrick - NEA

Mr. Friedmann - NEA

Mr. Kronenberger - NEA

Mr. Roos - NEA

Mr. Holbert noted the case would be heard by the Board of Trustees on November 5, 2015 at a time to be determined

#### **Item 6. – Trustees Report**

Mr. Holbert reported that work for some of the recent Zoning Commission cases such as those for the Kenwood Collection, Simply Money, El Rancho Grande and Brookdale was at or near completion and suggested they look at the sites.

**Item 7. – Adjournment**

Mr. Roos moved to adjourn.

Ms. Flanagan seconded.

All voted yes.

Meeting adjourned at 8:33 p.m.

Minutes Recorded by: Beth Gunderson  
Planning & Zoning Assistant