

November 14, 2016

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, November 14, 2016

**Item 2. – Roll Call of the Board**

Mr. Barrick called the roll.

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

Members Absent: Mr. Mees and Mr. Kronenberger

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 12, 2016 meeting minutes.

Mr. Friedmann asked for any corrections to the September 12, 2016 minutes.

Mr. Friedmann entertained a motion to approve the September 12, 2016 meeting minutes.

Ms. Flanagan moved to approve the September 12, 2016 meeting minutes.

Mr. Barrick seconded.

Ms. Flanagan and Mr. Barrick voted yes.

Mr. Friedmann and Mr. Roos abstained.

**Item 4. – New Business**

2016-11Z

Guttman Development Group  
8270, 8284, 8390 and 8248 Kenwood Road  
Zone Change

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert explained the history of the case and noted the changes in the request since it was last approved as a zone change by means of a consent decree in 2009. The most notable change is that the current submittal includes an additional property located at 8248 Kenwood Road. Mr. Holbert noted the proposed ISR is .624 which is a 20% increase to the ISR from the 2009 proposal.

Mr. Holbert presented a letter from Hamilton County Regional Planning Commission stating the Board had a 2-2-1 vote to recommend denial of the case.

Mr. Holbert then showed the property in question in an aerial view and noted the adjacent zoning districts. Mr. Holbert showed the site plan for the 2009 proposal and compared it with the current proposal. Mr. Holbert showed the setback dimensions from the proposed buildings to the adjacent properties noting none of them meet the recommended setbacks.

Mr. Holbert noted an underground detention area was part of the 2009 consent decree and was again a part of the current proposal. He said the Township is concerned about that based on the flow of water.

Mr. Holbert showed the lighting plan and noted it shows greater than zero foot candles at the property lines which does not meet the previous agreement in the consent decree.

Finally, Mr. Holbert said a 19,000 square foot building was a condition of the consent decree in 2009. The current proposal includes two buildings at a combined 32,437 square feet.

Mr. Holbert showed some of the adjacent residential properties on Marieview Ct. and noted the topography. He also stated the neighborhood is very well maintained. Mr. Holbert said the house at the corner of Kenwood and Marieview is not included in the proposal. He pointed out a survey marker and said the proposed retaining wall would be 15 feet from that.

Mr. Holbert then showed Exhibit B from the consent decree in 2009 and stated that the applicant ignored many of the conditions set forth in the decree. He read the list of development conditions and noted which ones were not met in the current proposal.

The Board asked questions of Mr. Holbert.

Ms. Flanagan asked if 8320 Kenwood was occupied.

Mr. Holbert answered yes.

Mr. Barrick asked a question about the wording of Section 10-7.1 noted in the staff report.

Mr. Holbert clarified.

Mr. Barrick asked for clarification on the conditions recommended in the staff report.

Mr. Holbert clarified.

Mr. Friedmann asked if there was anything particular that was objectionable to the Hamilton County Regional Planning Commission.

Mr. Holbert answered their concerns were similar to staff's in that the current proposal did not meet the conditions of the approved consent decree from 2009.

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

Mr. Andrew Vecellio, the applicant, of Guttman Development Group, 9545 Kenwood Road, Suite 402, Cincinnati, OH 45242, addressed the Board. Mr. Vecellio said he had a brief power point presentation to show the Board. He noted they are proposing a high quality medical office project which would be a nice transitional use as a single story building between the residential area and the two story buildings at the gateway. Mr. Vecellio noted the proposal is

consistent with the 2008 Land Use Plan. He stated the plan utilizes underground parking which works well with the existing grade and mentioned that there had been a traffic study done. Mr. Vecellio said the original plan with a retaining wall on the property line was not well received at the open house, therefore, the retaining wall and landscape plan were modified in response to concerns expressed by neighbors. Mr. Vecellio said there would be an underground detention facility and pointed out the setbacks from the proposed buildings to the adjacent homes to the rear of the property. Mr. Vecellio then compared the proposed setbacks to the required setbacks for zoning districts "B" and "O" as spelled out in the Zoning Resolution.

The Board asked questions of the applicant.

Ms. Flanagan asked if the lighting issues that had been brought up had been addressed.

Mr. Vecellio said they have identified how the lighting issues could be rectified pretty easily by changing the types of lights used. He said they have not yet had time to create a new photometric plan.

Mr. Barrick asked about the traffic study the applicant mentioned.

Mr. Doug Smith, of McGill Smith Punshon, 3700 Park 42 Drive, Cincinnati, OH 45241, addressed the Board saying the traffic study predicted a morning peak increase by 11 trips and an afternoon peak increase by four to five trips.

Mr. Barrick noted the setbacks noted in the applicant's presentation were to the buildings not the property lines. He said that would be a measurement not a setback.

Mr. Barrick said there were seven items in the conditions listed in the 2009 consent decree that the new proposal did not follow. He asked the applicant to explain why they chose not to comply with those seven conditions.

Mr. Vecellio answered they are proposing to be approved as "OO" Planned Office and, since the new proposal includes the corner property, it is not the same as what was governed by the consent decree.

Mr. Friedmann asked if the applicant had gotten any response from Hamilton County Public Works regarding the detention plan.

Mr. Smith said he had not heard back noting the plans were not submitted until recently to Public Works.

Mr. Friedmann asked if Hamilton County Regional Planning Commission had addressed the square footage of the buildings in their remarks.

Mr. Vecellio said with the addition of the 8248 Kenwood property into the development, the proposed total of both buildings is 32,437 square feet.

Mr. Friedmann noted the applicant added 20% more land but would be increasing the building area by 70%.

Mr. Holbert said Hamilton County Regional Planning Commission did state the proposed area of the buildings was far in excess of what was approved in 2009.

Mr. Rusty Myers, 11998 Britesilks, Cincinnati, OH 45249, addressed the Board. Mr. Myers stated he had been retained to help with leasing of the project. He pointed out he has helped with leasing of The Kenwood Collection and before that Redstone. He said this building will be designed for primarily medical use. Mr. Myers then said their critical focus would be to take care of the property and clean it up.

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

Mr. Frank Geiser, of 8347 Frane Lane, Sycamore Township, OH 45236, addressed the Board saying he has lived on Frane for 27 years. Mr. Geiser asked the Board to deny the proposal for three reasons: the proposal doesn't come close to a transition to a residential district; the proposed buildings would be 70% bigger than what was agreed upon previously; and the project would impact an entire neighborhood not just a couple of houses. Mr. Geiser complimented the Township on the gateway area at Galbraith and Kenwood Roads. He said the proposal is huge and not an acceptable transition. He noted if a 19,000 square feet project was economically feasible in 2009, it should still be. Mr. Geiser said the property is a gateway to their community and this would be an awful entrance into their neighborhood. He noted in 2009 everybody in their community was involved in the creation of the consent decree. He said there is a path forward but as submitted the project is insulting to them and the work that was done in 2009.

Mr. Hank Wordeman, of 8320 Kenwood Road, Sycamore Township, OH 45236, addressed the Board saying he has lived at that address for 40 years. He said the 2009 agreement was a great deal of work. He noted Trustee Bishop was instrumental in rounding up the neighbors to come to an agreement and, at the time, everyone gave their word that the buildings would be limited to 19,000 square feet. He said that the proposed increase in the size of the development is a bait and switch. Mr. Wordeman also expressed concerns about the engine noise, fumes and lights from the cars coming out of the parking garage. He also said he feared that cars having difficulty turning left out of there would then turn right and go down to Marieview to turn around.

Mr. Tim Cummins, 8354 Fran Lane, Sycamore Township, OH 45236, addressed the Board saying he has lived on Frane for 27 years. Mr. Cummins noted in 2009 the creation of the consent decree was a six month process and it is laughable that the applicant would disregard the 2009 agreement. He also said at the time an easement was necessary. He expressed concerns about water and reiterated Mr. Wordeman's concern about cars turning around on Marieview. He said the Board should stick to the plan of a building area limited to 19,000 square feet. Mr. Cummins also said the proposed buildings look cheap and that he agreed with the three points that Mr. Geiser raised earlier in the hearing.

Mr. Matt Martin, 8362 Frane Lane, Sycamore Township, OH 45236, addressed the Board saying he is newer to the neighborhood and agrees with comments from his neighbors. He said the size of the buildings is misusing the land. He also said he has small children and is concerned about the traffic.

Ms. Laura Wickett, 4867 Marieview Court, Sycamore Township, OH 45236, requested that the Board deny any variance to the consent decree.

Mr. Dick Russell, 8379 Frane Lane, Sycamore Township, OH 45236, addressed the Board saying he has lived on Frane for 30 years. He said the Township did a beautiful job in 2009 working with neighbors to create the consent decree. He reiterated comments from the neighbors who spoke before him.

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

Mr. Barrick asked Mr. Holbert if the applicant was ignoring the consent decree and applying for "OO" -Planned Office designation.

Mr. Holbert said he wouldn't say that the applicant is totally ignoring it.

Mr. Barrick asked if the "OO"-Planned Office designation would include larger setbacks than in the consent decree.

Mr. Holbert said the 50 feet setback was part of the consent decree and that an "OO"-Planned Office district would fall into the setbacks for the underlying "O"- Office zoning.

Mr. Roos asked if Mr. Holbert had gotten comments back from the Fire Chief or Superintendent.

Mr. Holbert said the applicant is responsible for submitting to outside agencies, including other Township departments, on their own.

Mr. Friedmann asked if the Hamilton County Engineer had weighed in regarding traffic or turn lanes.

Mr. Holbert said he had not received anything from the Hamilton County Engineer.

Mr. Friedmann entertained a motion.

Ms. Flanagan moved to consider case 2016-11Z.

Mr. Barrick seconded.

Ms. Flanagan said the proposed development is too large, noting she would have liked to see a completed photometric plan.

Mr. Barrick agreed, saying the increase in the building size ratio to land should be consistent with consent decree. He said he would like to look at the proposed building sections noting, because of grading, the proposed buildings would seem quite large relative to the adjacent residences.

Mr. Friedmann said the plan submitted is not to the point where there is enough information for the Board to approve it. He is not oppose to medical office but this submittal showed kind of a cavalier attitude towards the size of the building. He said the Board needs the results of traffic study as well as something from Hamilton County Public Works. He noted in 2009, there was a real concern about water, and with larger buildings would be even more run off. He said it is premature to bring the plan before the Board.

Mr. Barrick called roll.

Ms. Flanagan – NEA

Mr. Barrick – NEA

Mr. Friedmann - NEA

Mr. Roos – NEA

**Item 5. – Trustees Report**

Mr. Holbert reported the Board of Trustees approved with conditions the major adjustment to a PUD for March First Brewery. Mr. Holbert said he is optimistic that the new, updated zoning resolution will be completed by end of year.

**Item 6. – Date of Next Meeting**

Mr. Friedmann noted the date of the next meeting is Monday, December 12, 2016.

**Item 7. – Adjournment**

Mr. Roos moved to adjourn.

Mr. Barrick seconded.

All voted yes.

Meeting adjourned at 8:08 p.m.

Minutes Recorded by: Beth Gunderson  
Planning & Zoning Assistant