

June 12, 2017

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 7:02 p.m. on Monday, June 12, 2017.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Members Absent: Ms. Flanagan

Staff Present: Harry Holbert and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedmann stated the first order of business was to approve the May 8, 2017 meeting minutes.

Mr. Friedmann asked for any corrections to the May 8, 2017 minutes.

Mr. Friedmann entertained a motion to approve the May 8, 2017 meeting minutes.

Mr. Mees moved to approve the May 8, 2017 meeting minutes.

Mr. Barrick seconded.

All Voted: Yes.

Item 4. – New Business

2017-08MA
Bayer Becker
600-0080-0775
Major Adjustment to a PUD

Mr. Mees recused himself from hearing the new business due to possible conflict of interest.

Mr. Holbert presented the case and case history in a Power Point presentation. Mr. Holbert stated the request is for a Major Adjustment to a PUD and a use variance. He said the property was approved for an office building, hotel and parking structure. The hotel has already been built. The current proposal includes a parking structure and a car dealership. Mr. Holbert noted the adjacent zoning districts surrounding the property in question.

Mr. Holbert showed the proposal for the site that was approved in 2009. He noted the setbacks and landscaping approved in 2009. He then showed the approval from 2013 of the five story, 118

room hotel which is constructed out of brick or stone, the preferred material in the Kenwood SPI Overlay District. He then showed the renderings of the approved office building from 2013.

Mr. Holbert noted the proposal did not show the height of the building. He informed the Board that retail is not permitted in an office district unless the ISR (Impervious Surface Ratio) is less than .50. The applicant does not list the ISR in the submittal. Mr. Holbert then reviewed some of the other items noted in the staff report, such as design of parking spaces, lighting and interior landscaping, that either do not meet the requirements of the zoning resolution or there is not enough information provided to determine compliance.

Mr. Holbert showed the renderings provided by the applicant of the proposed buildings. He then showed the Board the site plan and noted that the site in question has two front yards. He pointed out the applicant noted the setback dimension to the adjacent hotel building but not to the property line. Mr. Holbert explained the issues with the parking layout and also a proposed fence and dumpster in the defined front yard near Lynnfield Ct. He said the materials and details for the fence and dumpster were not noted in the plan.

Mr. Holbert said the applicant does not note the size of the parking stalls in the proposed parking garage. He then pointed out the light fixtures are not in compliance throughout the site as they have greater than zero foot candles at the property lines. He said the light fixtures may need to be screened.

The Board had no questions for Mr. Holbert.

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

Mr. Barrett Tullis, attorney with Keating, Meuthing & Klekamp, 1 E. 4th St., Suite 1400, Cincinnati, OH 45202, addressed the Board. Mr. Tullis spoke about the site history and why this particular site was chosen for the Mercedes dealership. He pointed out the site had been empty for some time because the economics will not work for an office building in this location. The site offers highway visibility that the Mercedes dealership has been looking for. He said the proposed use is a lower impact use than an office building would be with less traffic going in and out. Mr. Tullis explained the plan calls for the first floor of the parking garage to be for the hotel, the remaining floors for the dealership's inventory with some customer parking. He said while the proposed structure is not a brick and stone building, he feels it fits in with the area.

Mr. Tom Bergerson, the project architect, of 144 N. Orange St., Orange, CA 92866, addressed the Board. Mr. Bergerson addressed some of Mr. Holbert's questions. He said there will only be access in and out of the property off Hosbrook through Ronald Reagan Drive by the hotel. There will be emergency access only on Lynnfield Ct. He said he considers the front of the site to be along the highway and the rear to be adjacent to the residential area. He said a fence is proposed adjacent to the residential properties similar in appearance to the fence at the FBI property with a lot of buffering. Mr. Bergerson said they have to provide 105 parking stalls for the hotel. He said the setback on the side of the parking structure is tight to allow for room in front. The parking structure, other than the ground level for the hotel, is 99% for dealership inventory. He noted where on the lot customers would park stating there will be valet parking. He said there is very limited access to the parking garage by their customers. He said the double stacked parking will be for the valet.

Mr. Bergerson said the dealership building is typical for Mercedes Benz dealerships. There will be two levels plus a mezzanine and show rooms on each level of the parking garage. He said the brand requires them to meet certain standards and the Township preferred stone and brick materials do not meet those standards. He said the materials on the parking garage transition from

the hotel to the dealership. He said both the dealership and the five story parking garage are about thirty feet in height, noting part of the parking structure is below grade. Mr. Bergerson said it is very similar in height to the FBI building. He stated at the highest point it is 44 feet where the hoist beam for the elevator is. He said the building coverage on the site is .46.

Mr. Bergerson then addressed the lighting plan noting Mercedes has very high standards in lighting. He said the lights will have shielding so that the light is directed down and there will be zero foot candles at the property lines. The shields will keep the light at zero foot candles on the adjacent residential properties. He noted, for security reason, there may be more light along the property line adjacent to the FBI.

Mr. Bergerson explained how he interpreted the code for the parking requirements. He noted it is a tight site and would be difficult to add more landscaping. He also pointed out the existing sound wall along the highway noting they are proposing to remove some of it. He said the proposed building will be taller than the wall and will provide more of a sound block for the residential areas behind it. He understands he will have to work that out with ODOT.

Mr. Steve Zubieta, Managing Partner Mercedes Benz in Cincinnati, 8727 Montgomery Road, Cincinnati, OH 45236, addressed the Board. Mr. Zubieta said Mercedes Benz would like to move the dealership in order to give their customers a better experience. He said one of the buildings on their current site is 50 years old and it is on split lot which causes problems when showing cars in inclement weather. He said the proposed parking garage is a solution to showing cars to customers in comfort. He said they do not have rental cars only loaner cars that they own and loan to customers.

Mr. Friedmann asked if they would be selling used Mercedes.

Mr. Zubieta answered yes, noting the used vehicles will be on a separate floor of the parking structure from the new vehicles.

Mr. Roos asked if the customers would have access to the upper floors of parking garage.

Mr. Zubieta answered they will be accompanied by dealership personnel at all times on the upper floors.

Mr. Roos asked if only the valets will be using the double stack parking.

Mr. Zubieta answered yes that parking area is intended for valet parking only.

Mr. Bimal Patel, of Rolling Hills Hospitality, 250 Grandview Dr., Ft. Mitchell, KY 41017, which manages the adjacent Hampton Inn, addressed the Board saying he was there in support of the project. Mr. Patel said he welcomes this project and wants to maintain zoning compliance with the parking. He said he has had discussions with the Mercedes Benz project team and feels like the necessary parking will be there for their guests temporarily during construction and permanently after the garage is built.

Mr. Friedmann asked about the plan for temporary parking during construction.

Mr. Patel said the plan is worked out and noted there must be an easement.

Mr. Tullis said yes there would be 105-108 parking spaces temporarily provided for the hotel during construction.

Mr. Bergerson submitted a copy of the temporary parking plan to Board members.

Mr. Friedmann asked if there is an easement.

Mr. Tullis said the way it is currently written suggests a temporary easement until a public parking garage is constructed. This will not be a public parking garage so the easement will have to be reworded. He noted there will also be a shared parking agreement.

Mr. Friedmann asked if there was anyone present from the public who wished to comment on the case. No response.

Mr. Barrick commented that Mr. Holbert pointed out the ISR cannot be over .50 and the architect noted the ISR as .46 Mr. Barrick said he believes that is building coverage not ISR.

Mr. Holbert agreed with that stating the ISR is obviously much higher than that. He said the architect should be able to provide that exact number.

Mr. Holbert noted staff believes this project should have gone before the Board as a zone change not a major adjustment to a PUD because of the use change from office to retail.

Mr. Tullis said no matter if the project is submitted as an adjustment to a PUD or a zone change, ultimately the Board of Trustees will end up making the final decision. He pointed out the timing of a zone change would end the project and since the site in question has been vacant for 15 years it is obvious the office use is not going to work.

Mr. Holbert said the Board doesn't have to take into account Mercedes time restrictions and noted there is a certain protocol that must be followed. Mr. Holbert also commented that even though Mercedes Benz has different materials they prefer, Sycamore Township has their own guidelines for materials and is thriving because of those guidelines which were put into place by the Board of Trustees.

Mr. Tullis asked if the Board of Trustees has the authority to grant approval for this case as a major adjustment.

Mr. Holbert answered yes, however, the Township is required by the State of Ohio to go through Hamilton County for certain things like zone changes. He said even though the County's decision is non-binding, it is required. He said the Township does not always agree with the County noting because the Township Boards are made up of Township residents, they have Sycamore Township's best interests in mind.

Mr. Tullis said the Board of Trustees has final authority whether the case was submitted as a Zone Change or a Major Adjustment to a PUD. He said this is a proper procedure because Trustees have authority to grant variances for building materials etc.

Mr. Bergerson said their team met with Trustee Tom Weidman and Administrator Greg Bickford about the project and this was the process they suggested. He said it is their understanding that the Township is comfortable with this route.

Mr. Friedmann asked about the discrepancy with the ISR numbers.

Mr. Bergerson answered that Mr. Barrick was correct that the .46 number is for building coverage. He asked for an explanation of an ISR calculation.

Mr. Holbert explained that ISR is anything impervious to water such as buildings, parking lots, sidewalks etc.

Mr. Bergerson suggested installing pervious paving where tandem valet parking is located.

Mr. Tony Tuttle, of Bayer Becker, 209 Grandview Dr., Ft. Mitchell, KY 41017, the engineer and applicant, addressed the Board. Mr. Tuttle said the project will provide storm water plans per Hamilton County regulations.

Mr. Friedmann asked if the applicant had submitted plans to Hamilton County Storm Water District.

Mr. Tuttle answered plans had not yet been submitted to that agency.

Mr. Holbert pointed out it is up to the applicant to submit plans to outside agencies for review. He then listed the agencies who should receive copies of the plans. He noted it is critical that the Township Boards know that these outside agencies have reviewed the plans and submitted feedback.

Mr. Tuttle said he had spoken to the Metropolitan Sewer District and Water Works about the project and they did not see any problems after those preliminary discussions. Mr. Tuttle said there are existing utilities in place they can tie into.

Mr. Tullis asked Mr. Tuttle if he could walk the Board through specifics on the storm water management options and utility availability on the site.

Mr. Tuttle said there is an existing culvert that picks up water off of I-71 they can tie into. He said there are water mains on both Ronald Reagan Drive and Lynnfield Court they can use noting while they probably could not get water for fire protection from Lynnfield there is an opportunity for domestic water service to come off that.

Mr. Tullis asked if public infrastructure was already largely in place for the site.

Mr. Tuttle answered yes.

Mr. Friedman commented we don't know for sure.

Mr. Tullis said the applicant would like to get discretionary approvals in first noting that there has been preliminary discussion with the County but the intent is to comply with all Hamilton County requirements.

Mr. Bergerson noted that since much of the development will be used for vehicle storage and hotel parking it will be much less of a drain on the utilities than an office building would be.

Mr. Tullis noted the site is legally obligated to provide parking for the hotel. He said the Township has viewed this as an integrated site with the hotel property.

Mr. Friedmann said it was not the Township imposing this on the hotel. The hotel said part of the original application was to have public parking on that site.

Mr. Tullis said this is a challenging site without a lot of room for landscaping and noted he thinks it is appropriate to ask for variances because of that.

Mr. Kronenberger asked about the signage proposed.

Mr. Bergerson said he believes two signs would be permitted. He said signage saying Mercedes Benz on the eyebrow of the building and the logo would be on the blade as in rendering. There will be wayfinding to direct people to hotel parking etc. He noted they will hire a sign company to permit for these.

Mr. Holbert said the rendering does not include the signs the architect speaks of so he did not address those in his staff report.

Mr. Bergerson said they will have a separate sign package.

Mr. Holbert said if the applicant doesn't include signs in this proposal, they will be permitted standard Chapter 13 signage.

Mr. Kronenberger said he appreciates the materials preferred by Mercedes but asked if the applicant had considered the Township preferred materials and what they could do to comply.

Mr. Bergerson said the building features an all glass façade therefore there is not much of an opportunity to comply with the Township's materials preference. He said he could add veneer to the parking garage or he could apply what he's done to the base of the parking garage to the rear elevation of the garage; however it would not be visible because landscaping is so full on that side. He pointed out the showroom is glass to provide visibility so the Township preferred materials do not fit with that plan.

Mr. Friedmann asked if the applicant had looked into making entire parking structure compatible with façade of hotel.

Mr. Bergerson said they had not. He said the parking garage is concrete and is 50% open to the air with similar screening to the FBI building. He noted to apply a stone veneer to the parking garage would be extremely expensive and said he does not think it would look any better. He pointed out it would not be seen by the residential properties behind it.

Mr. Friedmann asked if the FBI had commented on project.

Mr. Bergerson said he has not spoken to the FBI.

Mr. Tullis said the FBI does have approval rights over what's built on the site in question.

Mr. Friedmann said he is concerned about approving something that the FBI would not consent to.

Mr. Tullis said the applicant was hoping to get Township approval before contacting the FBI.

Mr. Bergerson said he fully intends to meet with them and has tried to provide secure area for them.

Mr. Roos asked if there were houses along that property line on Lynnfield Ct.

Mr. Holbert said there are multi-family apartments.

Mr. Roos asked about the fencing in front yard.

Mr. Holbert said the FBI was approved for fencing in the front yard for security reasons.

Mr. Bergerson said he is proposing to match the appearance of the FBI fence. He noted there would be a gate for emergency access only.

Mr. Friedmann entertained a motion.

Mr. Barrick made a motion to consider Case 2017-08MA as submitted.

Mr. Kronenberger seconded.

Mr. Kronenberger said he has a couple of issues with the proposal. He said number one is that this is a retail use in an approved office district. He said the Board has to acknowledge the Land Use Plan and Zoning Resolution noting it is difficult to approve retail in a Planned Office District. He said the second issue is that the ISR is eye-poppingly large. Mr. Kronenberger said he thinks it may be possible to work through some of the other issues pointed out in the staff report.

Mr. Roos agreed saying it is a beautiful rendering but it does not fit the Land Use Plan.

Mr. Barrick concurred about the retail aspect and stated that it is a dense site. He stated he is also troubled by the fact that there is so much unknown noted in staff report.

Mr. Friedmann said he would prefer this was before the Board as a zone change but recognizes the property has been before the board before and the development has not gone forward as planned. He said he understands that this is a difficult piece of property to develop. Mr. Friedmann said he is not bothered by the design of the dealership noting he would rather see that than a ten story office building. He said he is troubled by the many items in staff report that are either not addressed or not in compliance. The high ISR makes it difficult to handle storm water and he is concerned that Hamilton County Storm Water hasn't even looked at the plans yet. Mr. Friedmann said he is not offended by the plan but there are details that need to be worked out. He said he would prefer to be making a decision on a more comprehensive plan. Mr. Friedmann also commented he is not sure why the applicant is waiting to have a conversation with the FBI since they have to give consent.

Mr. Holbert asked Mr. Friedmann if he could add some comments. He then read some of the conditions listed in Resolution 2009-55, dealing with interior landscaping and site lighting among other things.

Mr. Barrick commented he is surprised no one else was in attendance from the public to comment.

Mr. Kronenberger called roll in Mr. Mees' absence.

Mr. Roos – NO

Mr. Barrick – NO

Mr. Friedmann - YES

Mr. Kronenberger – NO

Mr. Mees - ABSTAIN

Mr. Holbert said the case will be heard by the Board of Trustees on July 6th at a time to be determined.

