

November 13, 2012

Mr. Roger Friedman – 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. Friedman called the regular meeting of the Zoning Commission to order at 7:02 p.m. on Tuesday, November 13, 2012.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

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

Staff Present: Greg Bickford, Harry Holbert and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedman stated the first order of business was to approve the May 14, 2012 meeting minutes.

Mr. Friedman asked for any corrections to the May 14, 2012 meeting minutes.

Mr. Friedman entertained a motion to approve the May 14, 2012 meeting minutes.

Mr. Barrick moved to approve the May 14, 2012 meeting minutes.

Ms. Flanagan seconded.

All voted – yes.

Item 4. – New Business

2012-08P2

P & P Real Estate, LLC

8080 Montgomery Road

PUDII and Major Adjustment to a PUD

Mr. Bickford presented the case and the case history in a power point presentation. Mr. Bickford noted the case before the board was an adjustment to a previously approved PUD Case# 2007-10MA. Mr. Bickford stated the proposal involves demolition of the existing structure on the property and the construction of an 11,000 sq ft restaurant with an outdoor dining patio and an 18,000 sq ft retail building with parking deck below. He noted that because of the grading of the site, the parking garage would not be visible from Montgomery Road. Mr. Bickford said that there is a plan in place to widen Hosbrook Road to five lanes with two left hand turn lanes onto Montgomery Road and that the proposed development takes the road widening into account. He informed the

board that the applicant was in negotiations with Duke Realty to have access to their private drive.

The Board asked questions of Mr. Bickford.

Mr. Mees asked for clarification on grading at the egress near the Duke building.

Mr. Bickford answered that the existing wall would be removed and the grading would allow for increased visibility for cars pulling out onto Hosbrook Road.

Mr. Mees also asked about access to Montgomery Road.

Mr. Bickford said ODOT had agreed to one curb cut on Montgomery Road.

Ms. Flanagan asked about the insufficient information notes on the staff report and the parking stall count discrepancies on the applicant's submittal.

Mr. Bickford explained that those items would be addressed in the Zoning Compliance Plan. The applicant would have to be in compliance with the Zoning Resolution unless granted a variance. Mr. Bickford said the discrepancies would not matter because the proposal will have more than the required number of parking stalls.

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

Mr. J.R. Anderson, Jeffrey Anderson Real Estate, agent for the applicant, of 3805 Edwards Road, Suite 700, Cincinnati, OH 45209, addressed the Board. Mr. Anderson said the most challenging issues with the site were the curb cuts and the grading. He said they already have a lease with Cooper's Hawk to construct the restaurant which will include a 2000 sq ft retail wine shop and a 9000 sq ft restaurant. He stated that the 18,000 sq ft retail building will have long term viability and that he had a lot of interested tenants for the space. He stated they were working with Duke for a shared easement agreement and hoped to have it completed by the time the case goes before the township Trustees.

Mr. Friedman asked if anyone from the Board had questions for the applicant.

Mr. Barrick asked if the applicant thought they would have any trouble meeting the Zoning regulations on the items in the staff report noted as insufficient information.

Mr. Anderson said he did not foresee any stumbling blocks to compliance.

Mr. Friedman asked if they had studied making the Montgomery Road curb cut right in, right out only.

Mr. Anderson said he met with ODOT and was told the decision on that would be made by their central office and he had yet to hear the outcome.

Mr. Friedman asked if anyone else from the public wished to speak.

Ms. Anne Stein, of Duke Realty, 4555 Lake Forest, Suite 400, Cincinnati, OH 45242, addressed the board. Ms. Stein said Duke is excited about the project and the amenities it would offer to their tenants.

Mr. Friedman asked about the status of the easement agreement.

Ms. Stein said they were working out a few details and it would have to be sent to their legal department in Chicago for final approval.

Charles Myers, of Cincinnati, OH 45236, addressed the board. Mr. Myers said his only concern was the curb cut to Montgomery Road. He said there is a curb cut from the Kenwood Towne Centre to Kenwood Road that is supposed to be right in, right out only and he has seen cars turn left anyway. He would like the right in, right out to be designed so that people are forced to comply.

Mr. Friedman entertained a motion.

Mr. Barrick moved to consider case# 2012-08P2.

Mr. Mees seconded.

The Board discussed the issues brought before them.

Mr. Kronenberger said he was fine with staff working out the setback and landscaping issues, but that he would like to see a comprehensive signage proposal come back before the board for review.

Mr. Bickford asked if the board would want to review the signage proposal if it was compliant with the Zoning Resolution.

Mr. Kronenberger said the board would review sign package only if the applicant was seeking variances on the signage.

Mr. Friedman stated no matter what ODOT decides about the Montgomery Road curb cut, for safety reasons it should be right in, right out only.

Mr. Friedman moved to amend the original motion to include the following conditions:

1. The applicant must come back before Zoning Commission for sign package approval, unless the signage for the site is compliant with the Zoning Resolution.
2. The curb cut on the Montgomery Road side will be right out only.

Mr. Kronenberger seconded.

Mr. Mees called roll.

Ms. Flanagan – AYE

Mr. Barrick – AYE

Mr. Friedman - AYE

Mr. Kronenberger – AYE

Mr. Mees – AYE

Mr. Bickford noted that the case would go before the Trustees on December 6, 2012.

Item 5. – Date of Next Meeting

Mr. Friedman noted the date of the next meeting – December 10, 2012.

Item 6. – Adjournment

Mr. Mees moved to adjourn.

Mr. Barrick seconded.

All voted yes.

Meeting adjourned at 7:36 p.m.

Minutes Recorded by: Beth Gunderson
Planning & Zoning Assistant