

February 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, February 9, 2015

**Item 2. – Roll Call of the Board**

Mr. Mees called the roll.

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

Members Absent: Mr. Kronenberger

Staff Present: Greg Bickford, Harry Holbert and Beth Gunderson

**Item 3. – Approval of Minutes**

Mr. Friedmann stated the first order of business was to approve the October 14, 2014 meeting minutes.

Mr. Friedmann asked for any corrections to the October 14, 2014 minutes.

Mr. Friedmann entertained a motion to approve the October 14, 2014 meeting minutes.

Ms. Flanagan moved to approve the October 14, 2014 meeting minutes.

Mr. Mees seconded.

All voted – yes.

**Item 4. – New Business**

2015-01P2  
Jason Dolan  
7800 Montgomery Road  
PUD2

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

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert stated the applicant requests approval for a façade renovation to the former Johnny Rockets tenant space at Sycamore Plaza. The proposed façade would be ceramic tile and E.I.F.S. Mr. Holbert pointed out there would be no increase to the building footprint, the signage proposed meets the requirements of the Zoning Resolution and the proposal includes using the existing patio area.

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

Jason Dolan, applicant, of RED Architecture & Planning, 855 Grandview Avenue #295, Columbus, OH, 43215, addressed the Board. Mr. Dolan stated the intention was to simplify the space and make it fit in with the existing center.

Mr. Friedmann asked for clarification on how much of the façade would be tile.

Mr. Dolan said the tile would go all the way to the ground as shown on the rendering. He noted any existing E.I.F.S. that is salvageable would be painted.

Mr. Mees asked about the color of the tile and the E.I.F.S.

Mr. Dolan showed samples of the material colors.

Ms. Flanagan asked if the project could satisfy staff recommendation that 75% of the façade be the preferred building material as opposed to the tile and E.I.F.S.

Mr. Dolan said it is possible but it would not fit in with the existing center which is predominantly E.I.F.S.

Mr. Mees and Ms. Flanagan agreed the proposed façade would be an improvement to the existing center.

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 2015-01P2 with the condition that an enhanced landscape plan be submitted and approved by staff.

Mr. Roos seconded.

The Board discussed the issues brought before them.

Mr. Mees called roll.

Ms. Flanagan – AYE  
Mr. Barrick – ABSTAINED  
Mr. Friedmann – AYE  
Mr. Mees – AYE  
Mr. Roos – AYE

Mr. Bickford noted the case would be heard by the Board of Trustees on March 5, 2015, time to be determined.

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. Barrick returned to the Board.

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert pointed out that the proposed fryer was self contained and vent less and had been inspected by the Township Fire Inspector. He said the proposal included an exterior container for storing used cooking oil and showed the Board an example of the kind of container that would be used. He also noted the approval of the Kenwood Theatre in Case 2009-16MA included a condition that no food besides popcorn, pretzels and hotdogs would be permitted to be prepared on site.

The Board asked questions of Mr. Holbert.

Ms. Flanagan asked if Dewey's was in the center at the time of the approval.

Mr. Roos asked if the outside container would be enclosed and about the disposal of the used cooking oil.

Mr. Holbert answered that the zoning resolution would require the container to be screened. He deferred to the applicant in regards to disposal of the oil.

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 said the ability to prepare other foods onsite is necessary to complete with other theatres in the area who are offering more food. Mr. Goldman said the used cooking oil would be picked up by a company offering that service, but he is not sure how that is done. He noted he is happy to provide screening for the container and landscaping.

Ms. Flanagan said if the applicant does not know how the oil is collected, then he probably does not know if it will be noisy and disturbing to the neighboring residences.

Mr. Goldman agreed he was not sure about the collection process but noted it would be a small amount of cooking oil.

Ms. Flanagan asked if the exterior container would be located near the existing waste disposal.

Mr. Goldman answered that it would be at a different location in the most remote part of the parking lot.

Mr. Friedmann asked the applicant if any of his other theatres have a fryer.

Mr. Goldman answered no.

Mr. Friedmann said he is concerned about the exterior container having the proper screening and landscaping and the cooking oil pick up time.

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

Ms. Judith Myers, of 4720 Duneden Avenue, Sycamore Township, OH 45236, addressed the Board. Ms. Myers said she lives directly behind the theatre and said the reason for the condition in the first place was because the theatre is located so close to residential properties. She expressed concerns regarding control of odors and waste and said she is against the theatre cooking food on the premises.

Mr. John Silverman, property owner, addressed the Board in support of Mr. Goldman's request. He noted the applicant runs a first class business and encouraged the Board to approve the request.

Mr. Friedmann asked if the parking lot was enclosed by a fence.

Mr. Silverman answered yes.

Mr. Friedmann asked if the applicant had submitted specifications for the cooking oil storage container.

Mr. Holbert answered that the applicant had sent in information on a 300 gallon container.

Discussion ensued regarding the size of the container and whether a smaller container could be used since the consensus was only a small amount of used cooking oil would be stored in it.

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

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

Mr. Barrick seconded.

The Board discussed the issues brought before them. Ms. Flanagan and Mr. Barrick agreed the interior fryer was not a concern but the exterior container and its location and disposal methods should be a concern to minimize disturbance to neighbors.

Mr. Friedmann asked Mr. Goldman if he would be willing to research the exterior container more in depth and present his findings to the Board.

Mr. Goldman requested a continuance to do more research and present a better plan for the exterior container.

The Board members all voted AYE to approve the continuance of the case to the March 9, 2015 meeting.

2015-03P2  
Richard B. Tranter, Esq.  
7800 Montgomery Road  
PUD2

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

Mr. Mees returned to the Board.

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert stated the submittal includes plans to demolish the space formerly occupied by Arirang Japanese Bistro, expand the space formerly occupied by Identity Salon, create a green space area and relocate Staples to the newly expanded tenant space.

The Board asked questions of Mr. Holbert.

Mr. Mees asked for clarification on the proposed materials.

Mr. Holbert stated the materials used would be E.I.F.S., CMU and metal.

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

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 that one of the defining benefits of the proposal would be the addition of 6,300 square feet of green space.

Monica Lowry, of FRCH Design, 311 Elm Street, Cincinnati, OH 45202, addressed the Board. Ms. Lowry showed on the landscape plan the area that would become the green space adding that it will create a nice pedestrian area. Ms. Lowry said the plan included extending the screen wall for the shared loading area to the height of the new Staples.

Mr. Tranter noted because of the screening and the height of the landscaping, the gate mentioned in the staff report as a staff recommendation would not be necessary and requested relief from that requirement.

Ms. Flanagan asked what the difficulty would be in having a gate.

Mr. Tranter answered the intent was to address screening not with gates but in a more aesthetically pleasing way in this and future development of the plaza.

Mr. Alex Antolino, representing DDR, the property owner, of 3300 Enterprise PKWY, Beachwood, OH 44122, stated it was not practical to have a gate due to four tenants using the loading dock.

Mr. Friedmann inquired about a tenant for the current Staples tenant space after Staples relocates.

Mr. Antolino said there is nothing planned as of yet, the relocation of Staples is the first step in revamping the plaza.

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

Mr. Bickford noted a correction regarding the signage permitted by the Zoning Resolution. The proposed Staples could have two building signs with a maximum combined area of 150 square feet.

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

Mr. Mees moved to consider Case 2015-03P2.

Ms. Flanagan seconded.

The Board discussed the issues brought before them.

Mr. Roos stated the proposal would be an improvement to the shopping center and that he did not have a problem with the loading area not being gated.

Mr. Mees agreed, stating the Staples and green space would be a good use of that corner of Sycamore Plaza and that the screened, recessed loading area would be ok without a gate.

Ms. Flanagan agreed adding that the signage should be addressed as a condition.

Mr. Friedmann stated the materials proposed are consistent with the existing shopping center. Mr. Friedmann then made a motion to consider Case 2015-03P2 as submitted with the condition that the signage be limited to two building signs with a maximum combined area of 150 square feet.

Ms. Flanagan seconded.

Mr. Mees called roll.

Ms. Flanagan – AYE  
Mr. Barrick – ABSTAINED  
Mr. Friedmann – AYE  
Mr. Mees – AYE  
Mr. Roos – AYE

Mr. Bickford noted the case would be heard by the Board of Trustees on March 5, 2015, time to be determined.

2015-04MA  
Cincinnati United Contractors  
8099 Cornell Road  
Major Adjustment to a PUD

Mr. Barrick returned to the Board.

Mr. Holbert presented the case and case history in a power point presentation. He stated the proposal was a parking lot expansion which would add 16 additional parking stalls for a total of 124 parking stalls. Mr. Holbert showed the Board the proposed new paved areas and landscape plan.

The Board asked questions of Mr. Holbert.

Mr. Mees inquired about the calculation for net area of the building and if the condition from the original PUD approval that the building be limited to 65% medical office space was solely based on the amount of parking.

Mr. Holbert said using 80% of gross area to calculate the net area is an industry standard. He said the 65% limitation was because of the amount of parking available. Medical office requires more parking than general office.

Ms. Flanagan inquired about the comments received by the Board from an interested party concerned about the buffer and drainage.

Mr. Bickford said the comments were from the owner of an office condominium to the east of the subject property.

Mr. Barrick asked for clarification on the landscape buffering.

Mr. Holbert noted the intent is to provide a buffer between developments.

Mr. Barrick asked if the east buffer was on the subject property or the adjacent property.

Mr. Holbert answered most of the existing buffer is on the subject property.

Mr. Mees noted the letter expressed concerns about drainage.

Mr. Holbert deferred the question to the applicant.

Mr. Friedmann asked if the proposal had been submitted to Hamilton County Public Works for review.

Mr. Holbert said it should have been but the Township has not received any comments as of yet.

Mr. Doug Smith, the civil engineer for the project, 3700 Park 42 Drive, Cincinnati, OH 45241, addressed the Board. Mr. Smith said the additional parking is needed because Reconstructive Orthopedics intends to consolidate two of its locations and move employees from the Fairfield location to the subject property. He stated he would be happy to work with staff on a landscape plan but requested that the interior landscaping requirement be waived because there is no room for interior landscaping and the parking necessary for the development. He noted the new parking stalls would be pitched toward the drive aisle to drain into the existing detention basin which will handle the increased volume. He said currently it does drain to the east but the new plan will pitch away from the east property and adjacent office condominiums.

Mr. Friedmann asked about the net area of the building.

Mr. Steve Kessler, of Cincinnati United Contractor, 7175 E. Kemper Road, Cincinnati, OH 45249, the applicant, addressed the Board. Mr. Kessler stated the building has a large lobby and the net area is closer to 75% of the gross area.

Mr. Friedmann asked if there would be additional lighting.

Mr. Smith said one lamp post would be relocated.

Mr. Kessler added that Reconstructive Orthopedics will be the sole tenant of the building and would not be able to do without the additional parking.

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

Mr. Mees moved to consider case 2015-04MA with relief from the interior landscaping requirement and the condition that there be additional landscaping around the perimeter to be approved by staff.

Ms. Flanagan seconded.

The Board discussed the issues brought before them.

Mr. Barrick noted his concern about the east buffer.

Mr. Friedmann stated because of the concerns about water runoff and drainage he would want to make sure Hamilton County Public Works approves of the project.

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

1. The Board will grant relief from Interior landscaping requirement but an enhanced landscape plan for the perimeter must be submitted and approved by staff.
2. The east boundary buffer must be compliant with the Zoning Resolution.
3. Hamilton County Public Works must review and approve of the storm drainage plan.

Mr. Mees called roll.

Ms. Flanagan – AYE

Mr. Barrick – AYE

Mr. Friedmann – AYE

