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**MINUTES OF SYMMES TOWNSHIP LAND USE COMMITTEE  
REGULAR MEETING  
MAY 6, 2020**

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The meeting was called to order at 6:00 p.m. Members of the Committee present were: Byron Fowler, Jeff Reichman, Ralph Wolfe, Phil Beck, Jack Horvath, and Dima Almeniawi.

Also, present: Administrator - Mrs. Kim Lapensee – Administrator, Steve Johns and Bryan Snyder with Hamilton County Regional Planning.

Mrs. Lapensee thanked everyone for attending the meeting and stated that we were asked to look at the two parcels that we had recommended for transitional use on Montgomery Road and Mason Montgomery Road that back up to the Montgomery Trace Subdivision. She stated that she had several residents contact the township and express their opposition to this land use category recommendation for those two parcels. She asked the committee if they wanted to reconsider the recommendation, we made for the open house meeting. She stated that the residents want it to remain residential.

Mr. Horvath asked why we want to move it away from residential. Mrs. Lapensee stated that we looked at both parcels and each parcel is about 1.5 acre in size and all 4 parcels back up to a subdivision. Due to the size, you really cannot do anything else with them other than another residential house, townhouse, condo, or small office type use.

Mr. Reichman stated that we also talked about their location to other parcels across the street from them which are already zoned Office and transitional/commercial.

Mr. Horvath asked why those parcels were left behind and not included in the development of Montgomery Trace. Mr. Wolfe stated that they probably did not want to sell their land at the time, and they developed the subdivision around them. Mr. Horvath asked if we had heard from the owners of those properties? Mrs. Lapensee stated no. Mr. Snyder stated that those parcels could be owned by someone who does not live here, but they are rentals. Mr. Horvath wanted to know if we had the ability to change the zoning on parcels without the owners asking for it to be changed. Mrs. Lapensee stated that we are not changing the zoning, we are recommending land use categories to the Board and they will make the final decision. Mr. Reichman stated that we are only recommending a land use that will be used in the decision-making process if a zone change is ever submitted. Mr. Horvath asked if anyone wanted to go forward with a zone change, they would have to formally ask for it and go through the process. Mr. Snyder stated yes.

Mr. Johns stated that the intent here is to find a way to transition between the low-density subdivision as it turns away from the busy roads. He stated that these parcels front or face two very busy roadways and parcels across the street and next door are not single family. He stated that when you transition between uses, it allows for slightly denser housing, or even an office type use.

Mr. Snyder asked if the township expects anyone to build a single-family house with a driveway coming out onto Montgomery Road? Mrs. Lapensee stated that when we discussed this last year, the answer was no and that is why we went with Transitional. Mr. Snyder asked if residential is a viable land use category in that area and does the township want a single family to be built there? Mr. Horvath asked if he were sold the property with a transitional use land use category, but he wanted to build a house on it, could he still do that, or would he need any special permits? Mr. Snyder stated no. Mr. Horvath asked if he wanted to put a store in that location what would he have to do? Mr. Snyder stated that he would then have to go through the zone change process with public hearings. Mr. Horvath asked what it means when you call a parcel transitional. He asked what impacts that has on the residents. Mr. Snyder stated that the Regional Planning Commission has bylaws that require them to be consistent with an adopted Land Use Plan. He stated that the staff report is always consistent with the adopted Land Use Plan category shown on the map. He stated that if someone wanted to come in and put an office on that parcel, the staff would look at the request, compare it to the plan, and recommend denial of the office use if the plan shows

residential even if everyone loved it. He stated that they would recommend denial to the township through the process. He stated that if the plan is updated every 5 years, then the township's ability to defend their decisions as it pertains to zone changes increases. Mr. Horvath stated that if we designate those parcels as transitional, then we really have just opened more possibilities for the owners but not closed off the option of residential. Mr. Snyder stated yes, but it does close off possibilities for commercial uses.

Mr. Fowler stated that it seems to him that this is all advisory in nature, but the zone still stays the same and any attempt to change the zoning, the Trustees would have to decide. Ms. Snyder stated yes.

Mr. Wolfe asked what would happen if all the parcels along Mason Montgomery Road decide to sell for commercial purposes, and we have already recommended transitional for those 4 parcels, what would prevent that from happening. Mr. Snyder stated that the land use plan does not call for commercial uses in that area and all the parcels that were just referred to back up to Montgomery Road instead of fronting on Montgomery Road. The character of those parcels is much different than the parcels we are discussing. Mr. Wolfe stated that he has never seen the board back down from any zone change. Mr. Snyder stated that he has seen many denials.

Mr. Fowler stated that the area is not a residential area (Montgomery Road and Mason Montgomery Road) because it is surrounded by retail uses and churches. He stated that he cannot imagine anyone wanting to buy that house and using it as their residence. He stated that he can understand the opposition from the neighborhood, but we really do not have to deal with this right now and we do not have to make this change. He stated that it would cause the community to be upset. He stated that the owners have not made this ask, but he is indifferent about it.

Mr. Snyder stated that it is true, but good land use planning does not rely on the approval of the neighbors or politicians. He stated that if it makes good planning sense for those parcels, then it should be done. Mr. Fowler stated that he agrees, but in this case, it could go either way.

Mr. Reichman stated that he agrees, and he would not fall on our sword over it. He stated that all other parcels are part of the neighborhood. Mr. Fowler stated that we are just recommenders.

Mr. Horvath asked what the conclusion is at this point from Mr. Fowler. Mr. Fowler stated that from a land use perspective, these parcels potentially have a different land use path than those that back up to it. He stated that they could be used for many different things. Mr. Horvath stated that there is no reason why someone could not buy a house there. Mr. Reichman stated that this would be remote. Mr. Wolfe stated that anyone from a big city could move here and be perfectly happy in this location. Mr. Fowler stated that he does not see anyone wanting to buy those houses and fight the traffic pulling out onto Mason Montgomery Road or Montgomery Road. Mr. Reichman stated that it does not really matter, and nothing would prohibit them from using the property for residential. Mr. Fowler stated that it is all about highest and best use for those parcels.

Mr. Horvath asked Mrs. Lapensee from a political standpoint if this committee recommended to change those parcels to transitional, what could the board do with that. Mrs. Lapensee stated that the Board could take the recommendations and approve them or make changes of their own. Mr. Horvath asked how that would affect the community and did anyone else express any opposition. Mrs. Lapensee stated that she only heard from some of the members of the HOA from Montgomery Trace Subdivision and they did get comments from the neighborhood in front of the safety service center. Mr. Snyder stated that it was regarding another parcel on Seven Gables. Mr. Horvath asked what the board will do with the changes. Mrs. Lapensee explained that the board can either accept all the changes recommended to them or make changes of their own or accept 90% and keep those parcels the same as they are now. Mr. Horvath asked if the committee would reconvene or is this a hand-off to the board. Mrs. Lapensee stated that this committee will be handing off the plan to the Board of Trustees to have their own public hearing and make a recommendation. Mr. Snyder stated that after the Board decides, then it will go to the Regional Planning Commission for adoption.

Ms. Dima Almeniawi stated that she believes we should recommend a median and/or landscaping around these areas to make them more aesthetic and use as a buffer. Mrs. Lapensee stated that it is a good idea, but both roads are not township roads.

Mr. Horvath asked what the next step is. Mr. Snyder stated that we need to reach a consensus. Mr. Johns stated that we can leave the map the way we had it or change it.

Mr. Beck asked if we have had any contact with the owners of those parcels. Mrs. Lapensee stated no, she only had heard from the residents in Montgomery Trace. Mr. Beck asked what their concerns were. Mrs. Lapensee stated that they only want to see those parcels remain residential and do not want to see the density change or increase the traffic for the area. Mrs. Lapensee stated that she did tell them if there are left residential, there is a potential for more than 1 house to be built on them due to their large size. She stated that she felt that it would be better if there would be just one office building built where landscaping and screening would be required during a plan review and with a subdivision, there is nothing. Mr. Horvath asked what the process is for a subdivision and would they need a zone change. Mrs. Lapensee stated that they would follow the process for developing a subdivision and would go to Mr. Johns for approval through Planning Commission. She stated that they would not need a zone change. Mr. Horvath stated that the residents would not even know until the bulldozers showed up then.

Mr. Horvath asked what our compelling reason is to recommend transitional for the board to hang their hat on.

There was a discussion over what uses could potentially be located there from single family residential to low density multi-family, condos, or office buildings. Mr. Snyder stated that we would always look at the character of the area to deny or approve a request. Mr. Snyder stated that a lawyer could always argue that a land use could be unconstitutional if the character is not the same or the highest and best use is not utilized. He stated that the applicant could always file a lawsuit and a judge would decide if the request is reasonable.

Mr. Beck stated that it is reasonable and inevitable that it will change to transitional.

Mr. Wolfe stated that they could say that the property value would decrease. Mr. Snyder stated that you generally can not prove that even though everyone says that. He stated that the property will most likely sell for more because of the zoning.

Mr. Fowler stated that we are only recommending a plan and the owners surrounding the properties cannot tell those owners what to do with their properties. He stated that the values may or may not be impacted.

Mr. Wolfe stated that he knows that it will happen, but he could see them being condos and that will not bother him.

Mr. Johns stated that we have kicked this one around for a bit now. He stated that he has a few more to discuss. He stated that some of the members are okay with it but wants to know if Dima and Ralph were okay with it. Mr. Wolfe stated that he is okay going with this into the future, but not right now. Mr. Beck stated that he believes it will be inevitable and has tried to put himself in the shoes of the adjacent landowners. He stated that it could be very nice if done the right way.

Mr. Horvath stated that a lot of these conversations and questions are in the future and should be decided in the future when a zone change is asked for. He stated that we should move on from here.

Mr. Johns stated that the park should not really be a mixed-use piece, it should be designated as a park. He stated that it is probably a mistake on their part. He also asked about the parcel next to the condos. He stated that we have not changed the land use on those parcels, and he believes maybe they were advocating for the lower density. Mr. Snyder stated that the zoning on those parcels have always been office and the surrounding area is zoned Planned Multi-Family. He also asked about the parcels next to the office district behind Gable Glen. He stated that there is one single family house back there. He stated that the committee went ahead and included the house

with the transitional parcels. He stated that he does not think that house will impact the Gable Glen area. Mr. Wolfe stated that it should be combined into one and fits in with the other pieces of transitional land use. He stated that he does not think there should be multiple land uses in that area.

Mr. Wolfe asked about the parcel next to the park. He asked if the township owned it. Mrs. Lapensee stated that it may just be part of the ROW. Mr. Johns stated that the parcel he is referring to is part of another parcel across the street.

All members stated that they were okay with all the changes (change the park to park land use and leave transitional behind Mayrow) and leaving the parcels on Mason Montgomery and Montgomery Road as transitional.

Mr. Johns stated that he has a small amount of work to do on the map and descriptions for the land use plan and will get those changes to Mrs. Lapensee. Mr. Horvath asked when this could be heard by the board. Mrs. Lapensee stated that she is thinking the July meeting so that it will give us time to advertise and give Steve time to make changes. Mr. Johns thanked everyone for their participation.

Meeting Adjourned 7:10 p.m.