
MINUTES OF SYMMES TOWNSHIP ZONING COMMISSION
REGULAR MEETING
DECEMBER 19, 2018

The meeting was called to order at 7:00 p.m. Members of the Commission present were: Mr. Etter, Mr. Flynn, Mr. Kessler, Mr. Reichman, and Mr. Singler.

Also present: Bryan Snyder - Hamilton County Rural Zoning and Kim Lapensee - Township Administrator.

GEORGE FLYNN made a motion to approve the Agenda. TODD ETTER seconded the motion. JEFFREY REICHMAN made a motion to amend the agenda to add Zoning Resolution, Section 51.4 on sidewalks. JAMES SINGLER seconded the motion and the roll call vote was as follows: Mr. Etter - 'yes'; Mr. Flynn - 'yes'; Mr. Kessler - 'yes'; Mr. Reichman - 'yes' and Mr. Singler - 'yes'.

MR. FLYNN made a motion to approve the September 19 and October 17, 2018 minutes. MR. KESSLER seconded the motion and the roll call vote was as follows: Mr. Etter - 'yes'; Mr. Flynn - 'yes'; Mr. Kessler - 'yes'; Mr. Reichman - 'yes' and Mr. Singler - 'yes'.

FINAL DEVELOPMENT PLAN MODIFICATION:

TODD ETTER called to order the public hearing for **SYMMES 91-2 SYMMES STATION – AT HOME SIGNAGE** to consider approval of a modification to the Final Development Plan to allow demolition of three existing former Sam’s Club monument signs and to replace two of them with new “At Home” monument signs which will be larger than the existing signage. The subject property is located at 9570 Fields Ertel Road, east of Fields Ertel and Montgomery Road intersection.

BRYAN SNYDER stated that the former Sam’s Club that was originally located on the site had three (3) monument signs that were located on Field’s Ertel next to the driveway entrance from the south, on Connecticut Court next to one of the entrance drives from the north, and on a small strip of frontage on Montgomery Road between the two (2) out lots where there is no access drive. The applicant is proposing to eliminate the sign at the entrance from Connecticut Court and replace the other two (2) signs with new At Home signs in the same locations. The proposed signs would be slightly larger than the signs approved on the current FDP for Sam’s Club. Therefore, the modified signage must be approved as part of a Final Development Plan Modification. The applicant is requesting approval of the signs because the increase in sign size above the existing signs is still less than what the Zoning Resolution allows.

Mr. Snyder stated that the BCC Resolution of Approval for case Symmes 91-2 includes twenty-two (22) conditions and is applicable to a much larger area than the former Sam’s Club, including a condominium project zoned “DD” Planned Multiple Residence. The following analysis applies only to the fourteen (14) conditions for the “EE” Planned Retail district as they related to this proposed plan. Conditions 1 – 11 relate to the maximum size of permitted retail uses, limitation on fast food uses, installation of sidewalks, parking requirements, landscaping, detention and lighting. The findings for conditions 1 – 11 states that the existing development was constructed in accordance with these conditions. No changes are being proposed that would impact this compliance since the request applies only to signage. Condition 12 states: “That a coordinate signage plan for the retail center be submitted during FDP approval.” The finding for condition 12 states the building signage proposed for the At Home store was submitted as part of the previously approved FDP Modification. The current Modification is for the replacement of monument signs; therefore, this request includes additional signage plans. Conditions 13 – 14 relate to right-of-way approval by the County Engineer, as well as internal circulation and parking requirements. The findings for conditions 13 – 14 states that the applicant is not proposing any changes to the right-of-way or parking for the retail center.

Mr. Snyder stated that the Hamilton County Rural Zoning Commission approved Phase III of the Final Development Plan for Sam's Club on February 18, 1993. This Phase was approved with the condition that the wall signage includes a maximum seven (7) feet high letter design and a maximum sign area of four hundred (400) square feet. Signage was only approved for the main façade facing Montgomery Road. This FDP approval currently governs permitted building signage on the property because the FDP approved on January 19, 2000 by the Symmes Zoning Commission did not address building signage. The FDP also approved freestanding signage at the entrance off of Fields Ertel Road and in a small strip of land on Montgomery Road frontage where there is no driveway to the site. The third freestanding sign on Connecticut Court is located in Deerfield Township and was therefore not under the jurisdiction of the approved FDP.

Mr. Snyder stated that the previous FDP Modification in September 2018 pertained to the building signage and façade changes for conversion of the former Sam's Club to a new At-Home Store. The approved modification included two (2) signs on the western façade, as well as one (1) sign on the northern and southern façade. The western façade includes a main building sign and an additional sign, totaling five hundred and ten (510) square feet of signage. The additional signs located on the northern and southern sign were approved to be one hundred eighteen (118) square feet each. All approved building signage meets the requirements of the Zoning Resolution. Freestanding signage changes were not discussed as part of the previous FDP Modification.

Mr. Snyder stated that the existing Symmes Township Zoning Resolution includes signage standards for "E" and "EE" districts that permit one freestanding ground mounted sign, not exceeding ten (10) feet in height or fifty (50) square feet of sign area per premises and one (1) additional sign for each five hundred (500) feet of street frontage. The existing building has a small amount of frontage on Montgomery Road and over five hundred (500) feet of frontage on Fields Ertel Road. One (1) freestanding ground mounted sign would therefore be permitted by the current Zoning Resolution on both frontages. The Connecticut Court frontage is located in Deerfield Township and is not located within Symmes Township's zoning jurisdiction. The former Sam's Club had identical freestanding monument signs located on all three (3) frontages. These signs were seven (7) feet ten (10) inches in height and each included a thirty-four (34) square-foot Sam's Club sign cabinet. The sign bases and cabinets are still located on the site but Sam's Club panels have been removed.

The applicant has proposed the demolition of all three (3) Sam's Club signs, and construction of two (2) At Home Signs on the Montgomery Road and Fields Ertel Road frontages. These freestanding monument signs would both be seven (7) feet four (4) inches in height and fifty (50) square feet in size. Though the proposed signs are larger in area than the previously approved freestanding signs, they would both comply with the current Zoning Resolution requirements for the site. No variances would be necessary if the FDP Modification is approved.

RANDY APPEL with AGI, the national sign vendor for AT HOME, 2655 International Parkway, Virginia Beach, Virginia 23452 stated that At Home is new to this area. It is a big box home décor super store. The Sam's Club sign is ten point two (10.2) feet in height. The sign itself is five point ten (5.10) feet by five point ten (5.10) feet. The height of the sign itself is a little over eight (8) feet and when you add the two (2) foot base, it is ten (10) feet in height. The "At Home" sign is forty-five point two (45.2) square feet compared to the thirty-four (34) square feet for the Sam's sign. The height of the sign, which includes a L-shape support, goes to seven point four (7.4) feet. Setbacks will be a least ten (10) feet from the right-of-way line and there is no intention to replace the sign on Connecticut Court.

Mr. Etter asked if the sign was internally illuminated.

Mr. Appel stated that the letters are internally illuminated with white and a blue housing.

Mr. Flynn stated that he did not see any plans for landscaping. The landscaping with the current sign is over grown.

Mr. Appel stated that there will be a bed of landscaping at a lower level around the base of the sign and it will be maintained.

Mr. Etter closed the Public Hearing.

Mr. Flynn stated that he is apt to vote for this. He will ask as a condition there be a maintained landscaping to cover the two (2) foot pedestal base of each sign.

Mr. Singler stated that he is also inclined to vote for this. He thinks that it is less intrusive than the current signs and he would also agree with the conditional landscaping preference.

Mr. Reichman agreed.

MR. GEORGE FLYNN moved to approve modification to the Final Development Plan for case Symmes #91-2; Symmes Station - At Home Signage, a request to allow for demolition of three existing former Sam's Club monument signs and to construct two new "At Home" monument signs with the following conditions.

1. That there shall be landscaping surrounding the two (2) foot base of each sign to be maintained year-round in a first-class condition.
2. That the size of the sign shall have a maximum of seven point four (7.4) feet in height and maximum fourteen (14) foot in width. With the maximum of fifty (50) square feet or less for the sign area as submitted by applicant.
3. That the signs shall include a maximum area of sixty (60) square feet or less.

MR. KESSLER seconded the motion and the roll call was as follows: Mr. Etter - 'yes'; Mr. Flynn - 'yes'; Mr. Kessler - 'yes'; Mr. Reichman - 'yes' and Mr. Singler - 'yes'.

OLD BUSINESS

None

NEW BUSINESS

Mr. Reichman stated that he has reviewed the Symmes Township and Hamilton County's Zoning Ordinance's. In his review he has found what he thinks is a loophole in the sidewalk regulations that basically lets property owners to develop or redeveloped new property without sidewalks. The issue with that is the cost of sidewalk construction and the acquisition of the property on which the sidewalks are constructed should the Township ever decided that it wants to, then would be borne by the tax payers.

Mr. Reichman stated that the last six (6) projects that the Township had to put sidewalks in had an average of cost of one hundred fourteen dollars (\$114.00) a square foot which is eleven thousand four hundred dollars (\$11,400.00) per hundred (100) linear feet of property. When you look at the last six (6) projects they had the total cost to the Township of seven hundred nineteen thousand dollars (719,000.00) over the last couple of years.

Mr. Reichman stated that it is his suggestion that the Zoning Board make a modification to the Township Zoning Ordinance to require sidewalks be installed unless the property owner can show good cause why the sidewalk would not be necessary.

Mr. Snyder advised that the way sidewalks are required currently are through the subdivision rules and regulations so any major subdivision with in new public street goes through a major subdivision process. Part of that process is that sidewalks are required on both sides of all public streets. Technically they are also required on County Roads, what we generally end up with out of that process is sidewalks usually constructed inside the subdivisions unless there is some reason why they should not be approved by the Regional Planning Commission. Most of the time the sidewalks on county roads are waived. The County Engineer does not require them and they do not tell the planning commission that they want them or don't want them.

Mr. Snyder stated that if the Zoning Commission feels strongly about sidewalks be added to the Zoning Code, then he would research on what a good text would be and share it with the Law Director and then bring it back to the Commission for a formal initiation.

Mr. Flynn stated that he would like to see one of the Trustees come to one of the Zoning Meeting and explain their thoughts or send a letter to the Commission before he takes it any further.

Mr. Reichman stated that the Trustees will give their opinion once the Commission submits the changes to the Zoning Code.

Mr. Singler stated that if he understood Bryan properly before, to say that he wants to take the temperature of this Board about this subject before doing all the research work.

Mr. Snyder stated that yes, he would hate to do all the work and bring it back to the Board and find out that it failed four (4) to one (1).

Mr. Flynn stated that he would like to hear from the Trustees to see if this is what they want the Board to do.

Mr. Snyder stated that someone from the Board needs to contact one of Trustees directly before the process starts because once the process is initiated, the Trustees are not supposed to talk about it because it is supposed to be brought before them at a public hearing.

MR. REICHMAN made a motion for Staff to do research into the revision of the Symmes Township Zoning Regulations with specific reference to the addition of sidewalks requirements including an appeal and waiver process for newly developed properties.

Mr. Singler stated that he would be in favor of new development but he would really be hesitated to be in favor of imposing the burden on new development.

Mr. Kessler stated that he does not have a problem with doing the research, he is concerned with the cost of it. He is reluctant, as Mr. Singler stated, of putting the burden on the individuals.

Mr. Etter stated that there is a motion on the floor, is there a second? Hearing no second the motion failed for lack of a second.

ADMINISTRATIVE MATTERS

None

ADJOURNMENT

MR. FLYNN made motion to adjourn at 8:10 p.m. Mr. Kessler seconded the motion and the roll call vote was as follows: Mr. Etter - 'yes'; Mr. Flynn - 'yes'; Mr. Kessler - 'yes'; Mr. Reichman - "yes" and Mr. Singler - 'yes'.

Approved:

Chairperson

Zoning Secretary