
MINUTES OF SYMMES TOWNSHIP ZONING COMMISSION
REGULAR MEETING
OCTOBER 18, 2017

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

Also present: Eric Fazzini - Hamilton County Senior Planner and Jana Grant- Township Administrator.

MR. MULLOWNEY made a motion to approve the Agenda. MR. FLYNN seconded the motion and the roll call vote was as follows: Mr. Flynn - 'yes'; Mr. Kessler - 'yes'; and Mr. Mallowney - 'yes'.

MR. MULLOWNEY made a motion to approve the September 20, 2017 minutes. MR. FLYNN seconded the motion and the roll call vote was as follows: Mr. Flynn - 'yes'; Mr. Kessler - 'yes'; and Mr. Mallowney - 'yes'.

FINAL DEVELOPMENT PLAN MODIFICATION:

GREG KESSLER called to order the public hearing for **SYMMES #96-4 DÉCOR PARK BUILDING SIGNS** to review for approval a modification to the Final Development Plan to allow for the placement of new building signage that would exceed the maximum permitted sign area on the southeastern façade of Building #3 with the existing office park development.

ERIC FAZZINI stated that the rezoning petition for this site was included as part of case Symmes 96-4; Décor Lighting/Camden Homes a rezoning petition for "A" Residence to "DD" Planned Multiple Residence, "OO" Planned Office, and "EE" Planned Retail for the larger Décor Park property. This property included the Décor Lighting retail building (building 1), four (4) office buildings (Building 2-5), and a sixteen (16) unit condominium building (building 6). The "DD" Planned Multiple Residence portion of the property was later changed in 1998 to a "OO" Planned Office district and developed as a daycare center. The Décor Lighting building and four (4) office buildings were constructed as approved as part of the original Final Development Plan.

Mr. Fazzini stated that following the construction of the development in 1997, there have been several Final Development Plan Modifications. Two (2) to these modifications related to signage on the site. The first FDP Modification approved a detailed signage plan for the retail portion of the site to include freestanding signage and building signage for the Décor Lighting business formerly located in building 1. The second FDP Modification, approved in 1999, was for a sign plan for the four (4) office buildings in the office portion of the site including buildings 2 through 5. This modification essentially allowed the buildings to follow the zoning resolution requirements for building signage at the time but effectively restricted the maximum size per building to forty (40) square feet.

Mr. Fazzini stated that the applicant is proposing to modify the approved sign plan to allow greater than forty (40) square feet of building signage on building 3. The proposal is to increase the signage for one (1) of the three (3) existing tenants within the building from nine point eight (9.8) square feet to eighteen point sixty-three (18.63) square feet. Including the signage for the other two (2) tenants, this would increase the building signage from forty (40) square feet to forty-nine point fifty-five (49.55) square feet. The applicant is requesting approval of this modification to allow the increase of nine point fifty-five (9.55) square feet above the maximum size approved for the building. The applicant states that surrounding businesses have been allowed larger signage in the area and that restricting the office use to less than ten (10) square feet would be a hardship due to the lack of view ability from Montgomery Road.

Mr. Fazzini advised that Hamilton County Board of Commissioners placed twenty-one (21) conditions on the zone amendment, including nine (9) conditions on Area 1 ("EE" area), seven (7) conditions on Area 2 ("OO" area), and five (5) conditions on Area 3 ("DD" area). Only the conditions for Area 2 apply to the subject site.

Mr. Fazzini stated that none of the conditions relate specifically to building signage. Therefore, the proposed modification would comply with all seven (7) of the conditions for Area 2.

Mr. Fazzini stated that as part of the Final Development Plan Modification approved in January, 1999, the applicant at that time requested that building signage for all four (4) buildings be permitted to meet the requirements of the Zoning Resolution and include a maximum of forty (40) square feet per building. As part of the approval, the Zoning Commission granted the request and restricted the office portion of the development to a maximum of forty (40) square feet of signage per building. As a result, all four (4) office buildings in the development are currently restricted to forty (40) square feet of building signage.

Mr. Fazzini stated that in June, 1999 a text amendment was approved by the Symmes Township Trustees which changed the building signage calculation in "O" and "OO" districts to allow one (1) square-foot of building signage for each foot of building façade length. As it related to the subject site and building three (3) in the development, this change would have allowed sixty (60) square feet of signage for the sixty (60) foot wide office building.

Mr. Fazzini advised that the change did not apply to this development because signage was specifically restricted to forty (40) square feet per building by the Zoning Commission. The requested increase in building signage for the subject site would result in a total area of forty-nine point fifty-five (49.55) square feet of total building signage for building 3, which would be less than sixty (60) square feet of signage permitted for office buildings without specific building signage restrictions.

Mr. Fazzini stated that the proposed increase in signage would not be excessive and would be consistent with office signage permitted by the Zoning Resolution for other office developments in the vicinity. The requested FDP Modification would not have a negative impact on any adjacent property, as the signage faces away from any residential district, and would not be out of character with other office developments as viewed from Montgomery Road. In addition, the intent of the Zoning Commission in 1999 appears to have been to grant all four (4) office buildings the ability to provide building signage per the Zoning Resolution. It would therefore not be unreasonable to remove the forty (40) square-foot restriction and grant building signage per code for all office buildings within the zone change area as part of the consideration of this FDP Modification.

STEVE WEEKS Tri-State Signs 9077 Sutton Place Hamilton, Ohio stated that they are requesting additional square-footage to be allowed to put up a larger sign. If the Resolution could be changed to sixty (60) square-feet, then they would fall within that code. Not sure if that is part of this or if that can happen. If it is possible that the code could be changed from forty (40) square-feet to sixty (60) square-feet to allow the code to be changed or updated then they would be within the zoning code.

GEORGE FLYNN advised that your application states you are requesting a variance for building three. Are you trying to change that application?

Mr. Weeks stated that is not trying to change the application.

Mr. Fazzini advised that there are two (2) scenarios that could be approved tonight. The request per code or the sixty (60) square feet request which would be per code.

Mr. Flynn asked if one of the other tenants in that building or more specifically, if any of the other tenants in the four (4) buildings in the "OO" office zoning requested a larger sign, would they have to come back to this Board?

Mr. Fazzini advised that the Board could just approve this request just for this building or for buildings 2 -5. That would allow the other buildings to receive permits to increase tenant's signage as they desired. That is the Board's choice.

Mr. Flynn stated that is not before us.

Mr. Fazzini stated that is correct. That was in the staff report for consideration that is not the applicant's request.

JOHN MULLOWNEY motioned to recommend approval Symmes 96-4; Décor Park Building Signs to permit additional building signage on the front façade of Building #3 within the existing office park development. MR. FLYNN seconded the motion and the roll call was as follows: Mr. Flynn - 'yes'; Mr. Kessler - 'yes'; and Mr. Mullowney - 'yes'.

MODIFICATION TO THE ZONING RESOLUTION:

GREG KESSLER called the public hearing for SYMMES 2017-02, TEXT AMENDMENT- - FENCE OPEN FACE AREA.

ERIC FAZZINI stated that the Township is proposing to amend the Zoning Resolution to make a minor change to the accessory use article. The change would be to reduce the minimum required open face area of fences in front and side yard areas from seventy-five percent (75 %) to sixty-two (62%) for four (4) foot high fences. This change is intended to allow additional fence types in the front and side yard areas of the township, specifically a popular type of fence referred to as Kentucky Board style fences. These fences are typically four (4) feet in height and include three (3) horizontal boards that are six (6) inches in width. Currently, these types of fences require approval of a variance from the Board of Zoning Appeals because they have an open face area of sixty-two point five percent (62.5%). The charge from seventy-five percent (75%) open face area to sixty-two (62%) open face area would allow these types of fences without a variance.

Mr. Fazzini stated that Symmes Township has had Township Trustees zoning jurisdiction since 1996 but contracts with Hamilton County zoning staff to administer all aspects of the Zoning Resolution, including issuance of permits for fences and preparation of staff reports for variance requests. There have been a number of permit requests for Kentucky board style fences over the years and a number of these requests have been pursued as variance requests to the Symmes Township Board of Zoning Appeals. The approval rate of this type of request is very high and the indication from the Board is that this type of fence is appropriate in Symmes Township. Township administration agrees that this is a desirable fence type and prepared an amendment for consideration by the Symmes Township Zoning Commission. The Zoning Commission agreed with township staff and officially initiated the text amendment at the August regular meeting.

Mr. Fazzini advised that the number of these requests and the rate of approval of variances for this typed of fence have been high over the last few years. There is little downside to the amendment. The purpose of the open face area is to prevent a barricade-like appearance of properties from the street and to allow the public to have the benefit of the view of the lawn areas of front yards to prevent the front yards along the street from feeling walled off.

Mr. Fazzini stated that the change from seventy-five percent (75%) to sixty-two percent (62%) would not significantly impact the open feel of front and side yard areas in the township and would not have a negative impact on the appearance of these yard areas from the street. The desirability of the Kentucky board style fence is evidenced by the high percentage of variances approved for this type of fence, the administration's support for initiation of a text amendment, and the subsequent initiation of this text amendment by the Zoning Commission. Therefore, staff finds the amendment would be appropriate.

Mr. Fazzini advised that generally, staff finds that the proposed text amendments would result in an improved set of development guidelines and regulations. The Township has received and approved numerous variances to allow fences with less open face area and the change would not have a negative impact on the intent of the regulation as it relates to the aesthetics and safety of the township. Therefore, staff finds the request to be appropriate and recommends approval of the proposed text amendments.

JOHN MULLOWNEY motioned to recommend approval Symmes 2017-02; Text Amendments, a request for approval of zoning text amendments to Section 346.1 of Symmes Township Zoning Resolution as initiated by the Symmes Township Zoning Commission. MR. FLYNN seconded

the motion and the roll call was as follows: Mr. Flynn - 'yes'; Mr. Kessler - 'yes'; and Mr. MULLOWNEY - 'yes'.

NEW BUSINESS

The next meeting will be November 15, 2017 at 7 p.m.

ADJOURNMENT

MR. MULLOWNEY made motion to adjourn at 7:21 p.m. MR. KESSLER seconded the motion and the roll call vote was as follows: Mr. Flynn - 'yes'; Mr. Kessler - 'yes'; and Mr. MULLOWNEY - 'yes'.

Approved:

Chairperson

Zoning Secretary