
**MINUTES OF SYMMES TOWNSHIP ZONING COMMISSION
REGULAR MEETING
JUNE 19, 2019**

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

Also present: Bryan Snyder - Hamilton County Rural Zoning and Jana Grant – Zoning Secretary.

GEORGE FLYNN made a motion to approve the Agenda. CYNTHIA BUCCO seconded the motion. Ms. Bucco - ‘yes’; Mr. Etter - ‘yes’; Mr. Flynn - ‘yes’; Mr. Kessler - ‘yes’ and Mr. Reichman - ‘yes’.

CYNTHIA BUCCO made a motion to approve the February 20, 2019 minutes. MR. FLYNN seconded the motion and the roll call vote was as follows: Ms. Bucco - ‘yes’; Mr. Etter - ‘yes’; Mr. Flynn - ‘yes’; Mr. Kessler - ‘yes’ and Mr. Reichman - ‘abstain’.

FINAL DEVELOPMENT PLAN MODIFICATION:

TODD ETTER called to order the public hearing for **SYMMES 99-2 HARPERS STATION III, CITY BIRD PATIO** to consider for approval of a modification to the Final Development Plan to allow a new outdoor seating/dining area for restaurant use located at 11309 Montgomery Road in the southern portion of the strip retail building facing Montgomery Road.

BRYAN SNYDER stated that the rezoning petition for Harpers Station was originally processed and denied by the Hamilton County Board of County Commissioners (BCC) in 1989 as part of case Symmes 3-89. Following this denial, the applicant appealed the decision of the BCC to court and reached a settlement agreement. The BCC reconsidered the denial and approved the zone amendment with conditions pursuant to the agreement in 1993. Following this approval, concerned citizens appealed the approval of the zone amendment in court. An additional settlement agreement was approved that included a number of additional governing development of the site. Construction of the Harpers Station shopping center proceeded in accordance with this agreement.

Mr. Snyder stated that one (1) of the requirements of the settlement agreement stated that no building shall be constructed along E. Kemper Road unless approved as part of a Zone Amendment. In 1996, a zone amendment was approved by the BCC pursuant to this requirement for the construction of the twenty-five thousand (25,000) square-foot two (2) story building now located on E. Kemper Road as part of case Symmes 96-5. The Final Development Plan for this case was approved by the Symmes Township Zoning Commission in 1997. Because this zone amendment was approved pursuant to the requirements of the settlement agreement, Case 3-89 continued to govern development of the surrounding shopping center.

Mr. Snyder stated that one (1) of the conditions of both the BCC Resolution of Approval for Case 3-89 and the settlement agreement limited the overall development of the site to one thousand eighty-five hundred (185,000) square feet of interior retail space. Following the tornado that hit the center in 1999, the owner applied for a Major Revision to the “EE” district to allow construction of an additional fourteen thousand (14,000) square feet of retail area as part of the reconstruction of the southern portion of the center. This Major Revision, Case Symmes 99-2, approved by the Symmes Township Trustees applied to the entire center and changed the conditions of approval for the entire development. Therefore, this case now governs the Harpers Station shopping center.

Mr. Snyder stated that the applicant is requesting approval for a new outdoor seating area within an existing sidewalk area in front of a tenant space on the south side of the strip retail center. A City Bird restaurant recently opened in this location in the former Taco Casa space. The proposed new outdoor seating area measures two hundred forty (240) square feet and would contain tables and chairs with umbrellas and be bordered by a three-point five (3.5) foot tall steel and composite wood fence. The applicant states that the parking requirements for the overall shopping center can

be met with inclusion of the new outdoor seating area and that no parking spaces or green space would be removed to install the seating area.

Mr. Snyder stated that the Trustees placed four (4) conditions of the zone amendment and that the proposed patio area would comply with the four (4) conditions. The proposed outdoor seating and dining area for the City Bird restaurant use would contain no violations of the zoning resolution.

The area is consistent with the required setbacks of the district, including the front yard setback from Montgomery Road. Additionally, the seating area would not negatively impact pedestrian or vehicular movement within the site. The outdoor seating area appears to be appropriate in the location proposed.

Mr. Flynn moved to approve modification to the Final Development Plan for Case Symmes #99-2; Harpers Station III – City Bird Patio, a request to approve placement of a new outdoor seating/dining area in front of the tenant space on the southern end of the Harpers Station shopping center.

TANA BERE, McBride Dale and Clarion stated that she has filling in for Ann McBride and she would be happy to answer any questions the Board might have.

MR. ETTER asked how many seats would there in in the outdoor seating area?

Ms. Bere stated that she does not have an exact number. It should be similar to the Curito Patio arrangement.

Ms. Bucco asked if she had a ballpark idea of the number.

Ms. Bere stated that it could be four (4) to six (6) tables depending on the amount of space.

MR. FLYNN stated the amount of chairs and seats would be limited to the physical patio that is remaining and not covered with chairs and seats? Is that correct?

Ms. Bere stated that yes that is correct.

MR. REICHMAN asked is there any plans to take down the north side of Curito's fence to make it one big patio or will they be differentiated by it.

Ms. Bere stated that they would be differentiated by the fence.

MR. REICHMAN moved to approve modification to the Final Development Plan for case Symmes #99-2 Harpers Station III, City Bird Patio, a request to approve placement of a new outdoor seating/dining area in front of the tenant space on the southern end of the Harpers Station shopping center.

MR. FLYNN seconded the motion and the roll call was as follows: Ms. Bucco - "yes"; Mr. Etter - 'yes'; Mr. Flynn - 'yes'; Mr. Kessler - 'yes' and Mr. Reichman - 'yes'.

FINAL DEVELOPMENT PLAN MODIFICATION:

GEORGE FLYNN called to order the public hearing for **SYMMES 2019-01 MIKE'S CAR WASH** to construct a new Mike's Car Wash building on the property with associated vacuum stations, trash handling and storage, parking and one access drive onto East Kemper Road. Property located at 9675 East Kemper Road, on the southern corner of the East Kemper and Loveland Madeira Road intersection.

BRYAN SNYDER stated that the applicant is requesting Final Development Plan approval for a four-point eighty-seven (4.87) acre parcel of land for the construction of a new Mike's Carwash on the southern corner of the Loveland Madeira Road and East Kemper Road intersection. The zone amendment for this site was approved in April and became effective on May 1, 2019. The car wash would contain the six thousand three hundred (6,300) square-foot main car wash building,

a combined approximately five hundred thirty (530) square-foot storage/trash handling building, eleven (11) vacuum cleaning stations and five (5) additional parking spaces. The development would be surrounded by an outward facing retaining wall that would mostly be between nine (9) and thirteen (13) feet in height and would run around the entire development to raise the building site out of the floodplain. Some slight modification was made to the site design and grading to reflect engineering issues related to doing the final detailed engineering of the site between the preliminary and final development plan phases. The building's design would incorporate both masonry and metal elements the LED lighting. The ISR would be approximately nineteen percent (19%).

Mr. Snyder advised that conditions and variances placed on this Final Development Plan are:

Condition 1. That the proposed directional signs shall be no closer than five (5) feet from the right-of-way along E. Kemper Road.

Findings: A detailed signage plan has been submitted indicating that the proposed directional signs will be no closer than five (5) feet from the right-of-way along E. Kemper Road.

Condition 2. That the applicant shall locate all required streetscape trees and shrubs along E. Kemper Road at the base of the retaining wall facing the road.

Findings: A detailed landscape plan has been submitted indicating that streetscape trees and shrubs will be at the base of the retaining wall.

Condition 3. That a detailed landscape plan in compliance with the Zoning Resolution and with Condition #2 above shall be submitted as part of the Final Development Plan.

Findings: A detailed landscape plan has been submitted in compliance with the Zoning Resolution and Condition #2.

Conditions 4. That a detailed lighting plan in compliance with Zoning Resolution shall be submitted as part of the Final Development Plan.

Findings: A detailed lighting plan has been submitted in compliance with the Zoning Resolution.

Condition 5. That the site shall be permitted a maximum of one (1) freestanding monument sign with a maximum height of ten (10) feet and a maximum area of fifty (50) square feet.

Findings: The applicant has submitted a detailed signage plan indicating one (1) freestanding monument sign with a height of ten (10) feet and an area of forty-five (45) square feet.

Condition 6. That there shall be no wall signage located on the southern façade of the building.

Findings: The applicant has submitted a detailed signage plan indicating no wall signage located on the southern façade of the building.

Variance 1. Section 321.4-1 (1) – That in addition to the permitted signage on the northern and western façade, that one (1) additional wall sign with a maximum area of seventy-three (73) square feet shall be permitted on the eastern façade of the building canopy where no wall sign is permitted.

Findings: The applicant has submitted a detailed signage plan indicating a proposed wall sign on the eastern façade of the proposed canopy structure.

Variance 2. Section 321.5 – That the freestanding sign for the development shall be permitted to be an electronic message center sign with one hundred percent (100%) of the sign area permitted to be electronic and that the building mounted sign on the eastern façade of the canopy portion of the building shall be permitted to be electronic message center sign with one hundred percent (100%) of the sign area

permitted to be electronic where only twenty-five percent (25%) of the freestanding sign is permitted to be electronic provided that all copy messages be displayed in forty-five (45) second minimum intervals.

Findings: The applicant's proposed monument sign and eastern building sign have one hundred percent (100%) of the sign area to be an electric message board.

Mr. Reichman wanted to know why this property was zoned "EE" instead of "E".

Mr. Snyder stated that if it had been zoned "E" Retail, there would have been no plan review. When you rezone a property to "E" Retail, you are approving a blank slate. Whatever is allowed in retail district, anywhere on the site, cannot impose a single condition. Where is no right-of-way dedication, no landscaping requirements and you cannot get variances granted as part of a single letter zone change. The fact that it went to "EE" allows variances to be granted as part of the approval and allowed for additional conditions like the street scape to be planted at the base of the wall.

TY DUBAY, Chief Operating Officer of Mike's Car Wash, 100 Northeast Drive, Loveland, Ohio, stated that they have complied with the conditions and are very excited to open the store and start washing some cars.

MR. FLYNN asked if the site plan had the been pushed back from Loveland Madeira Road and if so, does he know the distance?

Mr. Dubay stated that he does not know the distance, but he believes it was pushed back from Loveland Madeira Road. This site is a little unique, because it is in the flood plain, there is a net zero dirt requirement and so the only dirt they can use to rise out of the flood plain has to come from the site itself. So, they are constantly going back and forth tweaking the design to raise the site enough to get it out of the flood plain, so they had to shifted it very slightly away from Loveland Madeira Road. The site plan, location, entrance and exit are all the same.

MS. CYNTHIA BUCCO moved to approve a Final Development Plan for Symmes #2019-01; Mikes Car Wash to construct a new Mikes Car Wash building on the property with associated vacuum stations, trash handling and storage, parking and one (1) access drive onto E. Kemper Road.

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

OLD BUSINESS

JEFFREY REICHMAN asked if any further action has been made regarding the motion that was made to have Symmes Township staff review the text amendment relating to the changing of the Zoning Code to have sidewalks be designed and developed with new developments in specified areas in the Township.

Mr. Snyder stated that he spoke with the Administrator this morning and she has not had time to look into sidewalk regulations yet. She in in the process of having his office update the Land Use Plan for Symmes Township and she had the Trustees approve either the update or modification to the sidewalk plan. The Administrator was trying to get those two (2) steps done before she addressed the zoning resolution requirements.

NEW BUSINESS

None

ADMINISTRATIVE MATTERS

None

ADJOURNMENT

MR. FLYNN made motion to adjourn at 7:23 p.m. MS. BUCCO seconded the motion and the roll call vote was as follows: Ms. Bucco - "yes": Mr. Etter - 'yes'; Mr. Flynn - 'yes'; Mr. Kessler - 'yes' and Mr. Reichman - 'yes'.

Approved:

Chairperson

Zoning Secretary