
MINUTES OF SYMMES TOWNSHIP ZONING COMMISSION
REGULAR MEETING
OCTOBER 17, 2018

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

Also present: Nicholas Keeling - Hamilton County Rural Zoning and Jana Grant - Zoning Secretary.

GREG KESSLER made a motion to approve the Agenda. JEFFREY REICHMAN seconded the motion and the roll call vote was as follows: Mr. Etter - 'yes'; Mr. Kessler - 'yes'; and Mr. Reichman - 'yes'.

FINAL DEVELOPMENT PLAN MODIFICATION:

TODD ETTER called to order the public hearing for **SYMMES 99-2 HARPERS STATION III – ELECTRIFY AMERICA** to consider approval of a modification to the Final Development Plan to allow a new area for electric vehicle charging located in the northern portion of the shopping center parking area. The property is located at 11309 Montgomery Road.

NICHOLAS KEELING 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 BBC 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 to court. An Additional settlement agreement was approved that included a number of additional conditions governing development of the site. Construction of the Harpers Station shopping center proceeded in accordance with this agreement.

Mr. Keeling stated that one 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 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. Keeling stated that one 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 hundred eighty-five thousand (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. Keeling stated that the applicant is requesting approval for a new electric vehicle charging station within an existing unstriped parking area on the north side of the site. The electric vehicle charging station would include ten (10) 8-foot tall dispensaries providing a total of ten (10) charging areas. This total area would be approximately two thousand six hundred (2,600) square feet in size and would take up approximately twelve (12) parking spaces. The main power supply area would be approximately six hundred (600) square feet and would be screened with an eight

(8) foot high unknown type of fence. This area would take up approximately four (4) parking spaces. There are no other site improvements proposed at this time.

Mr. Keeling advised that the Symmes Township Trustees placed four (4) conditions on the zone amendment. The proposed electric vehicle charging area would comply with the four (4) conditions. The proposed electric vehicle charging area use would contain no violations of the zoning resolution. The power supply area and the ten (10) individual dispensaries are consistent with the required setbacks of the district, including the front yard setback from Montgomery Road. Additionally, the height of the structures is well below the permitted maximum height for structures on the property. The electric vehicle charging area appears to be in an appropriate location as it is proposed in an unused area which would not be highly visible from any adjacent public streets.

Mr. Keeling stated that a parking variance was granted to the entire shopping center as part of a previous FDP Modification to allow one standard to be applied to the entire center where previously office and restaurants had to be calculated separately. The standard that was granted is for one (1) parking space per two hundred twenty-two (222) square feet of building area. The applicant submitted a parking analysis that states the existing parking provided on the site is 1,076, which is forty-eight (48) below the required one thousand one hundred twenty-four (1,124) parking spaces. However, the applicant did not include two hundred forty (240) additional parking spaces provided to the center through a shared parking agreement with the adjacent Montgomery Community Church. These spaces were included in a parking analysis conducted by McBride-Dale Clarion following approval of the variance discussed above, which concluded that the required number of parking spaces is one thousand one hundred sixteen (1,116) and that the existing number of parking spaces available to the entire center, including the Chili's outlot, is one thousand three hundred eight-two (1,382). Of these spaces, one hundred five (105) are committed to the Harpers Corner development leaving one hundred sixty-one (161) spaces above the requirements. Staff finds that the loss of parking spaces for the purpose of electric vehicle charging would not negatively impact the parking provided at the shopping center, as there is currently an excess of parking. The applicant states that seven (7) total spaces would be lost for the construction of the charging stations and equipment area. Therefore, the center would have more than enough parking to meet requirements previously approved by the Zoning Commission.

SAM DAVIS, Black & Veatch 6800 West 115th Street, Overpark, KA 66211, stated that Electrify America is a subsidiary of Volkswagen of America. This project is a nationwide deployment of their high-speed electric charging vehicle network and the funding is coming from their emissions settlement that they had with the EPA a few years back. Per the EPA they had to invest several billion dollars in green technology so part of the settlement is deployed in this network. They are proposing to install ten (10) high speed charging dispensaries in the parking lot of Harpers Station and the purpose of these are mainly for highway travelers.

Mr. Etter asked how many networks are developed at this time?

Mr. Davis stated that as of September, thirty-four (34) are fully constructed and one hundred forty-five (145) are permitted and ready to be constructed.

Mr. Reichman asked if these dispensaries are regulated by the State?

Mr. Davis advised that he does not know the answer to that question but he can find out for him.

Mr. Kessler asked if this operation was 24/7?

Mr. Davis stated that yes, it is.

Mr. Reichman asked if there are any security provisions for the facility in terms of cameras?

Mr. Davis stated that nothing like that is proposed. Each post does have an emergency number if there is an issue at the site. That number is monitored by Electrify 24/7.

Mr. Etter asked what happens at the end of the lease.

Mr. Davis stated that since he does not have the lease in front of him, he does not know the details of what was decided between Electrify American and the landlord. He does know there is a provision in the lease of what would occur if Electrify would leave or the landlord wanted them off the property.

Mr. Etter closed the Public Hearing.

Mr. Reichman stated that he would like to see the lease agreement. One of his concerns is that it might not be a viable business model in the long term. What happens to this property at the end of the lease or if Electrify America breaks the lease. He would like to see that the property is remediated back to its original usage should Electrify American stop or terminate its lease.

MR. JEFFERY REICHMAN moved to approve modification to the Final Development Plan for case Symmes #99-2; Harpers Station III – Electrify America, to approve placement of an electric vehicle charging area in an existing parking area of the shopping center with the following condition.

1. That with the termination of the lease for any reason the property shall be remediated back to its original parking lot, without any equipment left behind in-ground or above-ground.

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

OLD BUSINESS

None

NEW BUSINESS

JUDY WILSON, 9012 Symmesknoll Court, stated that she would like the Zoning Commission to initiate a zoning code change to move the Residential Facility in "A" Residential to conditional use in the Symmes Township Zoning Code. This is in reference to MiMi's House located at 11621 Symmescreek.

Mr. Etter stated that this is out of this Boards purview and she would need to contact Bryan Snyder at Hamilton County Planning & Zoning Department.

ADMINISTRATIVE MATTERS

None

ADJOURNMENT

MR. REICHMAN made motion to adjourn at 8:01 p.m. Mr. Etter seconded the motion and the roll call vote was as follows: Mr. Etter - 'yes'; Mr. Kessler - 'yes' and Mr. Reichman - 'yes'.

Approved:

Chairperson

Zoning Secretary