

**MINUTES OF THE REGULAR MEETING OF THE
AMBERLEY VILLAGE BOARD OF ZONING APPEALS/PLANNING COMMISSION
HELD IN COUNCIL CHAMBERS & BY PHONE VIA ZOOM
WEDNESDAY, JULY 8, 2020**

Chairperson Richard Bardach called to order the regular meeting of the Amberley Village Board of Zoning Appeals/Planning Commission held via the Internet on Monday, July 8, 2020 at 7:00 p.m.

Roll was called:

PRESENT:

Rich Bardach (by phone)
Rick Lauer
Susan Rissover
Scott Wolf (by phone)
Scott Rubenstein

ALSO PRESENT:

Kevin McDonough
Wes Brown
Scot Lahrmer
Tammy Reasoner
Bryan Snyder, HCP+D

Chairperson Bardach welcomed everyone to the meeting and led those in attendance through the Pledge of Allegiance.

Chairperson Bardach asked if there were any corrections to the minutes of the June 1, 2020 meeting. There being none, the minutes were accepted as submitted. He then outlined protocols for speakers both on the phone and in chambers.

CASE NO. 2020-1679

Mr. Brown stated Fraley & Fraley had submitted plans on behalf of Lewis Animal Hospital for a 12,000 square foot animal health facility to be built on 2.2-acres. The 2.2-acre lot was included in the lot split that was approved by the Planning Commission in December of 2019 and located in the North Site Zoning District. Village Code Section 154.83 requires a site plan review for all new structures by the Board of Zoning Appeals and a public meeting when variances are requested.

The Lewis Animal Hospital site plan requires three variances to the Village Zoning Code:

- 1) A variance is required from Section 154.14 (A), to allow for the 8' high combination wall and fence surrounding the outdoor courtyard to be constructed on the south side of the building in the Ronald Reagan Highway front yard.
- 2) A variance is required from Section 154.82 (B), to allow for the second 40 square foot wall-mounted sign on the south-facing wall (toward Ronald Reagan Highway).
- 3) A variance is required from Section 154.12 (A) (4), to allow for the construction of a 226 square foot accessory structure to enclose the trash handling area and enclosed storage area.

The Lewis Animal Hospital is in the process of purchasing 2.2 acres of the former Amberley Swim Club property from the Village to construct a 12,000 square foot animal health facility.

The proposed animal hospital is located in the North Site Zoning District (NS) and is a permitted use. The structure will be a one-story brick and mortar building, with metal siding between the different levels of the sloped metal roof.

The North Site Regulations (Section 154.77) allow a building height of 60 feet, which is 40' higher than the proposed 19'8" at the center of the north and south elevations.

Code Section 154.78 of the regulations calls for a three-acre minimum lot area, however, the 2.2-acre lot was included in the lot split that was approved by the Planning Commission (PC) in December of 2019. The Planning Commission's approval created 3 separate parcels of 2.08 (Mercy Health), 2.2 (proposed Lewis Animal Hospital), and 2.2 (parcel IV - future development).

The minimum yard setbacks in section 154.78, states that all structures shall comply with the minimum yard requirements (listed below):

<u>Minimum Yard Requirements</u>	
1) Ronald Reagan Highway:	25 feet
2) Front yard:	25 feet
3) Side Yard:	20 feet
4) Rear Yard:	20 feet

The proposed animal hospital meets all required setbacks for the NS district.

Parking

The off-street parking requirement (section 154.79) for the proposed 12,000' square foot animal hospital is 61 spaces (6 spaces plus one space for every 200 square feet of floor space in excess of 1000 square feet). The proposed parking lot plans show 61 spaces.

Sidewalks

Section 154.79 also calls for sidewalks to be installed on both sides of all streets and from the building to the street. The proposed development is landlocked by Village-owned property, and no new streets or sidewalks are planned to be constructed with this project. Staff has determined sidewalks are not required for this project, due to the existing access that is a driveway and not a public street, and the Village does not own the parcel that abuts Ridge Road.

Exterior Lighting

The submitted plans meet the exterior lighting requirements in Section 154.79. The regulations call for zero foot-candle at any residential property line and the plan shows 0.0 to 0.1-foot-candle at the center of the access driveway which would be approximately 20' from all residential property lines.

Dumpster and Trash Handling Areas

The final regulation in Zoning Section 154.79 requires the dumpsters and trash handling areas to meet the same minimum setbacks (25') as the main building and be surrounded on three sides with a wall or fence with a height of no more than 7' and no less than 5'. The proposed dumpster/trash handling area is located on the south side of the west parking lot approximately 85' from the south/Ronald Reagan property line.

The trash handling area is proposed to be in an accessory structure that contains an enclosed storage area and the trash handling area surrounded on 3 sides by 8'4" brick walls and a double gate on the north side of the structure.

The accessory structure as a whole does require a variance. Village code states that an accessory structure shall not cover more than 200 square feet in floor place. The proposed structure to contain the enclosed storage and trash handling areas is proposed to have a floor area of 226 square feet.

Landscaping

The regulations in Zoning Section 154.80 require streetscape buffers along property lines abutting public streets, boundary buffers and interior parking landscaping.

The streetscape requirement is to be 10' in depth and consist of 4 under-story or canopy trees and 3 shrubs per 100' of frontage. The animal hospital frontage along the access driveway is approximately 340' which would require 12 trees and 9 shrubs. The proposed landscape plans show 12 trees, 9 shrubs, and 12 Blue Pacific Junipers along the North Site driveway to satisfy the streetscape requirement.

The boundary buffer has the same requirement of 4 trees and 3 shrubs per 100' and is to be installed between any residential and non-residential properties. The Lewis Animal Hospital property does not abut residential property, therefore it does not require a boundary buffer plan.

The interior parking lot requires 22 square feet of landscaping per parking space, 1 tree, and 3 shrubs per 10 parking spaces. The plans submitted show a total of 61 parking spaces, which would require 1,342 square feet of landscaping, 6 trees, and 18 shrubs. The landscape plan shows landscape beds totaling 2,700 square feet, 6 trees, 18 shrubs, and several other ornamental plantings, which satisfies the minimum requirements in Zoning Section 154.80.

Architectural Regulations

The exterior architectural features of the proposed structure will consist of brick and

mortar with metal siding between the different levels of the sloped metal roof. Architectural features surround the main entrance (including a covered entry) and the center of the north and south-facing walls of the building.

Signage Regulations

The North Site Code Section 154.82 regulates the signage in the North Site District. The regulation states that no sign may be posted on public property or in the public right of way except for public signs such as regulatory and traffic signs and must be placed in such a way that they will not obstruct the vision of drivers.

The code allows one square foot of building sign per foot of frontage that fronts a public street or the facade that contains the front entrance and be located on the facade in which the measurement was taken. The code also permits freestanding or monument signs for parcels with at least 150' of frontage. The freestanding signs shall not exceed 20' in height and must be a minimum of 5' from all public right of ways.

The signage proposed for the development is two 40 square foot building signs on the north and on the south walls of the building. The north-facing building sign meets code but the south building sign requires a variance in order to be installed.

The signage plan also proposes to have a monument sign 5.2" high and 7'4" long sign, 5' from the back of the curb along the access driveway. A second sign will be placed under the Mercy Health sign, plans for which staff has not yet received.

For the monument sign on Ridge Road, the intent is for this to serve as a marker sign for any developments on the North Site. The Village entered into a revocable agreement with Hamilton County for the sign to be placed on the County-owned property.

Mr. Lauer requested Mr. Brent Fraley, representing Lewis Animal Hospital, come forward to present his case for the project. Mr. Fraley said Mr. Brown had done a good job presenting the case and he was happy to answer any questions.

Mr. Lauer asked Mr. Fraley to talk about what Lewis Animal Hospital does. Mr. Fraley said they do well-check visits and surgeries, and offer some boarding for recovering animals and for regular customers on a minimal basis.

Mr. Lauer requested more information about where things are in the process of Lewis Animal Hospital moving into the Village. Mr. Lahrmer stated the project was about 3/4 of the way through the process, and the Village was excited to have Lewis Animal Hospital coming to Amberley Village.

Ms. Rissover asked for clarification regarding the boarding area, stating her concerns regarding the noise from barking dogs. Mr. Fraley said Lewis Animal Hospital has not had issues at other locations with noise.

Mr. Bardach asked if there were any comments from residents in Reading, to which Mr. Lahrmer responded he had not. There was one resident, Mr. David Powell, who wished to comment at the meeting.

While waiting for Mr. Powell to unmute his phone, Ms. Rissover inquired about water management practices in the parking lot, and asked Mr. Fraley to comment on how this parking lot is designed. He stated there was curbing in the islands to protect the landscaping, but very little curbing would be used, and a detention pond with a filtration system is included in the plan.

Mr. David Powell of 705 Maple Drive in Reading joined the meeting via phone to express his concern regarding the potential noise in the neighborhood from animals in the 22 outdoor kennels proposed for the east side of the project and AC equipment and a generator on the northeast corner near Maple Drive. He also requested assurance that there would not be illuminated signage on the north side of the building.

Mr. Fraley responded there had never been issues in other locations with noise from outside kennels, and stated the AC and generator were very quiet equipment. He said there is a wall blocking the equipment to further muffle any sound, and as the generator was only for backup, it would not be used regularly anyway. He further stated the sign would not be illuminated and would utilize downlighting only.

Mr. Lauer and Mr. Bardach both asked if there were any other residents who wished to speak. There being none, Mr. Bardach asked for any discussion.

Mr. Lauer stated the Board of Zoning Appeals had reviewed the three variances, and had given favorable reviews of all. Mr. Bardach also expressed he was in favor of the variances.

Mr. Wolf requested the landscaping be included in any motion to approve the variances. Mr. Lauer then moved to approve the variances. Seconded by Mr. Rubenstein, the following roll call vote was taken:

AYE:	Bardach, Lauer, Rissover, Rubenstein, Wolf	(5)
NAY:		(0)

CASE NO. 2020-1677

Mr. Lahrmer introduced Case No. 2020-1677, and asked the Planning Commission to review and discuss the formation of a special zoning district for the Amberley Green property located at 7801 Ridge Road, which would be referred to as the Amberley Green Development (AGD) District Zoning Text. He then introduced Mr. Bryan Snyder of Hamilton County Planning + Development, who assisted Council in drafting the special zoning district text.

Mr. Lahrmer stated several objectives were considered in the preparation of the document, which was reviewed by staff, Mr. Snyder and council as part of the process. He said the Village wanted to protect existing property values by preventing incompatible uses, preserve recreational area and preserve open space, enforce strict development standards, such as building height, etc., preserve space between buildings, enhance the beauty of community by requiring such aesthetics as landscaping, protect residential property from becoming commercial in nature, and to facilitate growth by inviting community involvement.

Mr. Lahrmer stated the Amberley Green property has been zoned Residential A since being acquired by the Village in 2008. He said as owners of the property, Amberley Village would have input into any usage or development of the property, but the zoning code text would offer additional protections to the Village throughout the development process. He explained that for this reason, the significant portion of the zoning code text addresses principal uses. He said the document outlines the acceptable uses for development on the property, which include: active and passive recreational uses, single family dwellings, community gardens or agriculture, banquet or events center, government/public buildings or facilities, institutional uses, nursing homes, offices, restaurants without drive throughs, and mix-use retail space.

He said the document works to identify any type of use discussed and include it in the text, and clarified that any principal use not outlined in the document would be unable to be considered in the future. He said the balance of the text outlines regulations and procedures for specific aspects of development.

Mr. Lahrmer said there were three informational videos prepared and distributed to assist residents in understanding the process for development at Amberley Green. He said the role of the PC was to take input from residents and make recommendations to Council for the zoning text at Amberley Green.

Mr. Lahrmer stated he was ready for the start of the public hearing, and pointed out that Mr. Snyder would be available throughout the meeting to answer any questions or elaborate on the text.

Mr. Bardach officially opened the public hearing at 7:41 p.m.

Mr. Louis Katz of 6785 East Beechlands Drive thanked the Planning Commission for the opportunity to speak. He stated he was a lifelong resident, and had served as a public servant to Amberley Village. He stated he was opposed to the development of Amberley Green, and felt it was the wrong time to make a decision on the property in light of the COVID-19 pandemic. He requested the discussion of zoning text be tabled until after the passing of the pandemic.

Mr. Lauer stated he was confused about what the process would look like. He asked for a description of how the concept stage would appear.

Mr. Lahrmer stated that, as the Village does not have Planned Unit Development Zoning, it sought to create zoning text specific to the property at Amberley Green. He said the application process would involve the submission of a Concept Plan to staff to be vetted. Once acceptable to staff, it would be referred to the Planning Commission for consideration. After going through the process with the Planning Commission, it would then be passed to Council.

The Village wanted to ensure this would be a multistep process, making it necessary for public meetings throughout the process as a way of giving ample opportunity for resident input.

Mr. Lauer said he understood that as owners of the property, we don't have to do anything we don't want to, but expressed concern that if someone submits a concept plan that meets all other objective criteria laid out in the text language, it could create a situation that leaves the Village unprotected if it rejects a proposal. He said he felt the property needed to be developed in a wholistic manner.

Mr. Lahrmer asked Mr. Snyder to respond, to which Mr. Snyder stated the difference with the Amberley Green Zoning Text is that there would not be a map amendment with it. He said the zoning would remain Residential A, forcing a developer to adhere to the full zoning change process, including public hearings. This process protects the Village in that it requires a full zone change vs. a conditional use.

Mr. Snyder said the text wasn't meant to create the vision; instead, it is mean to set up a district and a process for a potential development to submit a vision.

Mr. Rubenstein asked if there were other examples of this type of structure in Hamilton County, to which Mr. Snyder replied this was fairly unique. He stated the district was set up to be strict in terms of Hamilton County standards.

Mr. Lauer asked Mr. Bardach and Mr. Wolf if they had any questions. Mr. Wolf asked if there would be a way for the Village to say "no" to a concept that met the criteria. Mr. Snyder explained there is no concept criteria in this text; concept criteria would only be able to be approved by Council first.

Mr. Bardach stated his concern from the beginning was the potential for litigation, however, he said he was satisfied the language both addressed his concerns and would prevent such litigation from being an issue moving forward.

Mr. Lauer outlined some additional concerns regarding usage for the record, including the following:

- The inclusion of hospitals
- The distinction between non-profit and for-profit event centers
- Nursing homes, assisted living, retirement facilities
- Hotels

- Retail/mixed use space not addressed adequately
- Required minimum lot seems excessive
- Height regulations too short
- Lot area for residential significantly smaller than elsewhere in the Village; consider combined residential structures
- Other uses ½ acre; try to be as flexible as possible to encourage creativity and best possible use of space
- Parking regulations confusing and seem excessive; would like to see more flexibility
- Allowance of 5 – 7 feet fences or walls, which is different than everywhere else
- Landscaping standards insufficient
- Lighting of signage needs more work; balance of visibility both day and night without polluting surrounding properties
- Generally concerned about the process, which gives zoning authority to council vs. planning commission; wants to strengthen the voice of the planning commission

Mr. Lauer said he has been involved in the site since 2003, and hopes to see a long-lasting benefit to the Village. He said while he thinks things have changed since then, he ultimately hopes we do this the right way. He said he agrees with Mr. Katz and feels we haven't done enough to retain a developer who shares our vision for this site.

Ms. Rissover said she agreed with much of what Mr. Lauer and Mr. Katz had said. She said she shares Mr. Lauer's concerns that 2 1/2 stories is still too restrictive, and that architectural styling is too restrictive.

Mr. Steve Cushard of 3205 North White Tree Circle stated he had submitted comments for inclusion in the public record. He stated he had concerns with including concept plans in the zoning text. (See attached transcript).

Mr. Bardach stated he assumed we would see all comments included in the record.

Mr. Lahrmer confirmed comments would be included. He then stated he wished to address some of the concerns expressed by the Planning Commission. He clarified that anything not included in the principal use section of the language could not be considered for the property, and explained this was why some of the uses mentioned by Mr. Lauer were included, such as the hospital, hotel, nursing home and for-profit vs. non-profit event center usages.

Mr. Snyder explained that the 20% retail clause was included as a way to include a gift shop in another primary use rather than strictly a retail location.

Mr. Lauer suggested we would want to consider mixed-use buildings with retail on the first floor with offices/residential on the upper floors. Ms. Rissover agreed.

Mr. Lahrmer also stated the reduced housing size was included at the request of council, which did not want housing to share walls, but wanted to be able to offer housing that differed from what was currently available in the Village. This is why there is nothing about combined structures.

Mr. Lauer stated if this came from Village Council, his concern is that a small house on a small lot is not going to attract retirees so much as those looking for lower-priced homes. Ms. Rissover felt it may have been modeled after larger homes on smaller lots like those located in Blue Ash. Mr. Lauer suggested this should be given more thought.

Mr. Lauer stated he had issues with the height restrictions as well, and that to encourage office buildings, standards would require at least three if not 4 – 5 stories. Mr. Lauer asked if our fire service could accommodate such height structures, to which Mr. Lahrmer stated it could.

Mr. Snyder was asked why parking standards were set how they were, as they seemed to be somewhat excessive. He replied that standard parking guidelines were set by the planning association, and have been in practice since the 50s. He said these are the same standards used throughout Hamilton County. He added that parking plans must be approved as part of any concept plan, and that shared parking is highly encouraged. He stated numbers included in the language are simply there as a standard.

Mr. Lahrmer said there are standards he expected PC to recommend removing in the concept plan process to allow more flexibility for developers. He said fencing was allowed at 7 feet so as to allow it to surround a dumpster.

Mr. Lauer raised discussion of lighting for signage as a final concern, and wanted to be sure path lighting and exterior lighting are considered as well. Mr. Snyder stated it was left out since it would be considered as part of a concept plan.

Mr. Katz said the plan would exclude any new idea that isn't a part of the plan. He felt the discussion was unnecessarily restrictive. He further stated he felt we didn't need this at all, and that it was foolhardy.

Mr. Rubenstein asked if it was unusual to put something like this out before a plan is in place. Mr. Snyder said it was not unusual at all when there is a portion of the community that is different than others where a municipality wants to maintain some control.

Mr. Wolf stated he felt any housing built at Amberley Green would need to be upscale. Mr. Bardach stated housing wasn't a money-maker for the Village, so his position was to look toward alternative development.

Mr. Lauer asked if the Planning Commission needed to make recommendations. Mr. Lahrmer said it did, and that the recommendation should be approval or provide recommendations with an explanation of those recommendations.

Mr. Lauer asked if the proposal could be tabled to allow staff to gather additional information in the areas of concern stated by the Planning Commission. Ms. Rissover asked if there would be permitted variances, to which Mr. Lahrmer said no.

Mr. Snyder stated the Planning Commission would have the power to approve similar uses, but use variances were extremely frowned upon.

Mr. Lauer said the concern was that we were shutting off ideas that haven't been conceived yet, and that he wouldn't want to discourage creative thinking because we've made it too difficult to work around.

Mr. Snyder stated the same concerns had been raised with Council. Ms. Rissover said it seemed so broad and so restrictive all at once, almost as though there was something in mind that they didn't know about.

Mr. Snyder stated the philosophical discussion regarding "too much" or "too little" are certainly part of the process and can be changed to reflect the wishes of council and the Planning Commission.

Mr. Lauer moved to table the discussion to allow administration time to revise proposed text, which was seconded by Mr. Rubenstein. Mr. Bardach asked Mr. Lahrmer when the language would be ready to revisit. Mr. Lahrmer stated August or September. Mr. Bardach requested the draft be expedited to August if possible.

A roll call vote to table the proposed text was recorded as follows:

AYE:	Bardach, Lauer, Rissover, Rubenstein, Wolf	(5)
NAY:		(0)

It was also agreed the public hearing would be extended to the next meeting to allow residents an additional opportunity to address the proposed changes.

NEW BUSINESS

There being no further business, Mr. Bardach adjourned the meeting at 8:48 p.m.

Tammy Reasoner, Clerk of Council

Richard Bardach, Chairperson