

**MINUTES OF THE SPECIAL AMBERLEY VILLAGE COUNCIL WORK SESSION  
HELD AT THE AMBERLEY VILLAGE MUNICIPAL BUILDING  
TUESDAY, AUGUST 27, 2019**

The Council of Amberley Village, Ohio, met in a special work session at the Amberley Village Municipal Building, 7149 Ridge Road, on Tuesday, August 27, 2019 at 6:00 p.m. Mayor Tom Muething called to order the work session and the following roll call was called:

**PRESENT**

Richard Bardach  
Peg Conway  
Ed Hattenbach  
Tom Muething  
Ray Warren  
Natalie Wolf

**ALSO PRESENT**

Scot Lahrmer, Village Manager  
Wes Brown, Zoning Administrator

Mayor Muething welcomed everyone to the meeting of the Amberley Village Council and led those in attendance through the Pledge of Allegiance.

Mayor Muething reminded the group this is the second of a series of work sessions designed to include the full council as contributors to the potential development of Amberley Green.

Village Manager Scot Lahrmer stated there were 10 – 12 action items from last session to which tonight's meeting is a follow up. He said the result of the previous meeting was to continue exploring possibilities with the JCC to build a day camp on the property at Amberley Green. Mr. Lahrmer said staff had engaged the services of Hamilton County Planning to begin developing zoning text based on the action items from the previous meeting. Mr. Lahrmer said the language was drafted to encompass potential plans not only to include the JCC, but other aspects of development as well.

Mr. Lahrmer stated he planned to have Bryan Snyder give an overview of the zoning code draft to explain the mechanics of the code and its application. He reminded council members the document is purely draft at this point. He also stated the draft will involve an approval process to include the Planning Commission and Council before any changes could be made to the code. Mr. Lahrmer then turned the meeting over to Mr. Snyder to provide the summary.

Mayor Muething interjected to remind council members the purpose of the session was to provide support to Council in giving direction to staff. He reminded members the goal was to develop code to be sent to the Planning Commission to go through its process, then be returned to Council, etc. He stated there would be a number of public hearings as we are early in the process, and assured those in attendance there will be plenty of time for feedback along the way.

**PRESENTATION OF ZONING CODE DRAFT**

**Bryan Snyder, AICP, Development Services Administrator for the Hamilton County Department of Planning and Development**

Mr. Snyder introduced himself, and said he had 20 years of experience working on zoning code for a variety of communities. He also stated he had drafted the zoning code for Amberley Village on the North Site District. He said creating the code for Amberley Green District was considered at the time, but it was decided the North Site District should come first.

Initially, the Amberley Green District started with discussion of a planned unit development (PUD) district. As there was no district in the Amberley Village Code that a PUD could overlay, he said a new zoning district would need to be created to apply just to this property.

Mr. Snyder said he planned to go through the draft document section by section.

Mayor Muething outlined a protocol for allowing questions throughout the presentation as they arise, but requested all comments be held until after the presentation.

### **PURPOSE STATEMENT**

Mr. Snyder said he worked from the planning document provided by the Village. He stated the zoning code was not meant to be regulatory, but rather to establish the character and uses of Amberley Green in the first paragraph, and the geographical boundaries of Amberley Green in the second. He said this would ensure the allowances for Amberley Green could not be applied to other areas in Amberley Village.

Mr. Snyder explained the establishment of a district has to include uses that will be permitted. He said he incorporated everything on the usage plan, but before anything could go in on Amberley Green, it would have to go before Council. While the list of uses outlined in the language is not exhaustive, Mr. Snyder said #9 under USE REGULATIONS gives Council authority to approve similar uses.

### **USE REGULATIONS**

Mr. Warren asked if it was acceptable to develop a list of uses to exclude. Mr. Snyder stated that is not typically done. He said it was standard practice and the purpose of zoning code is to establish that uses other than those listed or approved under #9 are excluded, or not permitted. This is to prevent having lengthy descriptions of what is not permitted.

Mr. Snyder said he incorporated residential portions to reflect code already applicable to rest of the Village. He provided for limited mixed-use building that allowed for retail in only a small portion of the development, but not for stand-alone retail. Temporary farm markets and festivals are permitted, as well as limited-use ATMs are permitted in the draft, but drive-through access is provided for businesses (such as banks), but not restaurants. Height regulations are consistent with those in place at the North Site for businesses and throughout the Village for residential structures.

Mr. Snyder again reminded the group that all uses will need to be approved by Council before the land can be developed.

Discussion was held regarding specific requirements for lot size and setbacks. It was agreed to hold further discussion until after the draft had been fully reviewed.

### **SITE DEVELOPMENT REGULATIONS**

Mr. Snyder stated that Amberley Green would need to include regulations for zoning items that don't exist otherwise in the Village. He said a minimum parking requirement was added to the Amberley Green District language consistent with the North Site.

Discussion was held regarding differences between North Site code and Amberley Green District code. It was confirmed by Mr. Snyder that there are more uses listed for Amberley Green than for the North Site. He said, however, requirements were similar for lighting, sidewalks, architecture, dumpsters, trash cans, outdoor storage and landscaping.

Mr. Snyder stated streetscaping guidelines allow for a buffer between the Amberley Green District and surrounding residences and Ridge Road.

Mr. Snyder said signage regulations are different than the North Site to take into consideration the more limited and smaller space, but said the language contains the same formatting.

Mr. Warren noted there were no restrictions on lighting for the signage, and asked if it could be added.

Mr. Snyder said lighting is already covered under the lighting section, and prohibits electronic signage. Discussion was held regarding the LED sign at the JCC, and Mr. Bryan said internally or externally illuminated signage can be addressed, and while is not in the language currently, would be up to the direction of Council. Mr. Brown confirmed the JCC sign had been allowed via variance.

Ms. Conway noted that lighting should be revisited.

Mr. Snyder stated Amberley Green would need to be rezoned something other than residential in order to set up the approval process. He said a concept plan would have to be shown to the planning commission and council for approved use of the property. Mr. Snyder stated the draft document provides an outline of what that process would look like, and would only allow for specific plan upon approval.

Mr. Snyder said the process is similar to a planned unit development, where a plan would need to be approved as an addendum to the text, and is given the same consideration as law.

### **DESIGNATION PROCESS**

Mr. Snyder outlined the designation process, which would include the following: submission of a concept plan; discussion ahead of time; presentation to Planning Commission; Planning Commission recommendations to Council; and Council-held public hearing. If approved, the final development plan is prepared.

Mr. Snyder stated the final development plan must be approved again to ensure consistency with concept plan. He said the plan can be amended if needed when something has to be changed along the way, and minor changes can be approved by staff. Mr. Snyder added that anything that doesn't fit into the "minor" category, which is listed in the code, would have to go back through the public process

Ms. Conway asked what would happen if a contractor didn't live up to their agreement, to which Mr. Snyder replied changes would have to be made through legislative action, overwriting the previous action. He said the usual result is to go back and adopt a new plan, which eliminates the previous plan.

Mayor Muething said that as owners of the property, Amberley Village controls what happens on it. He stated this was why zoning the property Residential A is not a risk until such time as the Village decides to sell part of the property.

Mr. Lahrmer said the distinction is Amberley Village owning the property, which makes the safeguards different.

Mr. Hattenbach asked if there were a comparable district in the area.

Mr. Snyder said Summit Park in Blue Ash might be similar, but the challenge lies in the unknown terms of usage. He said there is nothing similar in any of the townships or the county.

Ms. Wolf asked Mr. Snyder to walk through the thought process regarding attached homes vs. detached homes. Mayor Muething asked that this be held for comments later.

Mr. Warren stated there was nothing regarding environmental impact or storm water management, and asked how these would be addressed.

Mr. Snyder stated zoning is not the area that addresses topics such as storm water regulations, as there are laws already in force in the Village.

### **COUNCIL DISCUSSION OF ZONING CODE DRAFT**

Mayor Muething asked if there were any other questions regarding the process of gaining approval within the zoning text. There being none, he directed Council back to the beginning of the document to accept comments. He reminded Council that comments were intended to become direction for staff.

### **PURPOSE STATEMENT**

Discussion was held regarding the purpose statement, including multiple concerns that enough emphasis was not being placed on maximizing green space. Mayor Muething agreed to rewrite the opening paragraph to reflect the emphasis on green space, and it was agreed to keep the second paragraph the same.

Mayor Muething asked for any additional input to be forwarded to Mr. Lahrmer for inclusion in the rewrite.

### **USE REGULATIONS**

Mayor Muething asked for Council direction to staff regarding usage regulations for Amberley Green. Council debated both the Principal and Accessory uses for the property, including pros and cons. Council members agreed they would like more time to review the document closely before committing to specific feedback.

### **HEIGHT REGULATIONS**

Mr. Lahrmer asked Council if there was agreement on the language regarding height regulations. After some discussion, Council agreed on the 35 foot height requirement.

### **REQUIRED MINIMUM LOT AREA, WIDTH AND SETBACK REGULATIONS**

Ms. Wolf stated she would like to see the zoning language include residential options beyond the scope of the current draft. Mr. Lahrmer recommended calling out specifically what type of housing Council might want to include.

Mr. Snyder said the zoning code could include specifications for more modern housing structures, and there are standards in place that could be utilized.

Ms. Wolf said Amberley Village Code is guided by old standards. She said the Village wants to look toward the future.

Ms. Conway stated zoning language should include different types of housing that are not in direct competition with the current housing stock in Amberley Village.

Mr. Lahrmer clarified council members were referring to zero lot lines and detached housing.

Mayor Muething said in preparation for the next work session, language should be drafted to include zero lot lines and detached housing, and reminded council members to forward their feedback to Mr. Lahrmer.

Ms. Conway stated she preferred not to submit feedback, as meetings of Council can benefit all from the discussion.

Mayor Muething said he wants staff to have time to research and make things more efficient. In response to a resident question from former Mayor Chuck Kamine regarding maintaining the original vision for Amberley Green, Mayor Muething said the plan will always be contingent upon Council to review, approve and revise. He stated that was the beauty of owning the property.

Ms. Kamine said she would like to understand what happens if and when we don't own the property for the next work session. She also opposes some of the proposed uses and questioned the consensus of land use. Ms. Kamine suggested discussion of community next steps, including how best to communicate to the public and accept feedback.

Mr. Hattenbach expressed that land uses that we want should be identified for the zoning code.

Mr. Bardach said he had concerns regarding getting the zoning right to prevent a lawsuit similar to the prior Amberley Green suit.

Mr. Snyder stated the property owner has to want the zoning change. He said only parcels are zoned, therefore, the issue only comes up when sold.

Mr. Warren expressed concern about building height and defining what we specifically don't want. For example, he's heard cemetery use suggested.

Ms. Conway was interested in seeing what areas of the property were developable based on terrain and slope, and suggested including an article in an upcoming newsletter regarding the official process, and how residents can provide feedback. She also suggested setting up a presentation opportunity. She also requested that agricultural and gardening uses should be called out.

Ms. Wolf stated that a coffee shop, ice cream shop and a place to get a glass of wine should be uses in the code. She also prefers contemporary housing with zero lot lines.

Mayor Muething reminded council members to forward any comments to Mr. Lahrmer, and reiterated he would redraft the purpose statement to include an emphasis on green space. He then thanked Mr. Snyder for his work on the opening draft.

There being no further business, the meeting was adjourned at 8:05 p.m.

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Tammy Reasoner, Clerk of Council

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Mayor Thomas C. Muething