

**MINUTES OF THE AMBERLEY VILLAGE
COUNCIL WORK SESSION
MONDAY, DECEMBER 17, 2019**

The Council of Amberley Village, Ohio met in a work session at the Amberley Village Municipal Building, 7149 Ridge Road, on Monday, December 17, 2019 at 5:00 p.m. Mayor Muething called the meeting to order. The following roll call was taken:

PRESENT

Richard Bardach
Peg Conway
Ed Hattenbach
Elida Kamine
Thomas C. Muething
Ray Warren
Natalie Wolf

ALSO PRESENT

Scot Lahrmer, Village Manager
Wes Brown, Zoning & Project Administrator
Tammy Reasoner, Clerk of Council
Bryan Snyder, Hamilton County Department of
Planning & Development

Mayor Muething welcomed everyone to the meeting of the Amberley Village Council Work Session regarding zoning text for Amberley Green. He led those in attendance through the Pledge of Allegiance.

CITIZENS TO SPEAK

Susan Glazer of 9055 Rolling Ridge Lane addressed Council with questions she said posed at the most recent Council meeting. She asked if the Village would have exact information regarding job creation by JCC at Amberley Green, and said she had concerns regarding traffic congestion despite the minor impact of the JCC proposal at Amberley Green.

Ms. Wolf made a clarification that Council was not making zoning changes to accommodate the JCC, but rather to prepare for any development that might take place at Amberley Green.

Ms. Conway stated the Work Session was not the forum for back and forth, and said questions and answers will be possible at a future meeting.

Mr. Warren commented that there were differing views on what the JCC has proposed and communicated. He requested that by the end of January, Mr. Lahrmer present the latest proposal from the JCC. Since the JCC has issued literature with a projected increase in Village revenue, Mr. Warren requested with the same time frame, the source of this revenue increase. He also asked for an update on the status of the Amberley Green clubhouse.

Colin Driscoll of 6600 Ridge Road acknowledged the meeting was to decide on zoning. He cited state and county documents regarding the appraisal process, and requested an independent appraisal on the Amberley Green property before changing the zoning.

Ms. Wolf stated Council was working on zoning, as the majority of residents elected the members to do so. Mr. Muething emphasized that residents do not want 100% residential development at Amberley Green, so this is why zoning is being changed. He stated a judge required Amberley Green to be zoned Residence A.

AMBERLEY GREEN ZONING TEXT

Mr. Lahrmer stated there had been comments offered on zoning text on November 12. He said Bryan Snyder redrafted the coding language based on these comments, so the document contains language that is different than our last meeting.

He reminded Council to keep in mind the process is to send the updated draft to the Planning Commission, which will then refer it back to Council with recommendations. He said both processes involve public meetings. If a draft is finalized tonight, he said, there could be a resolution referring it to the Planning Commission at the January council meeting.

Mr. Lahrmer said Mr. Snyder was in attendance to answer questions and add any finishing touches to the zoning text.

Mayor Muething asked Council members if they had any questions.

Ms. Kamine stated she felt the majority of the community wants Amberley Green to remain green space, and was generally concerned about putting out a document that includes all of these uses. She stated we need to be clear these are not recommendations.

She was concerned there was no way to set aside land in the zoning code, and stated she wanted to begin conversation about how to do this before zoning changes are finalized to ensure the Village doesn't lose future access to the land. She expressed concern that the Village would have to develop its own plan to set aside land for itself, and asked how to go about retaining some of the Amberley Green property.

Ms. Wolf said the Village would have to adhere to all the zoning rules just like anyone else.

Ms. Kamine suggested Council start planning for park space now.

Mayor Muething said the zoning at Amberley Green remains Residence A, so the way to get a portion of property rezoned is to have a plan. He said the remainder of the land remains Residence A until someone proposes to develop it and requests it be changed.

Ms. Kamine said she understood the zoning code on its own was not written to preserve the green space, and requested that communication to the public regarding the document be carefully crafted to reflect Council's commitment to green space. She also asked how traffic studies were managed in the process.

Mr. Snyder said the zoning code language had been updated to reflect requests from the last two meetings, and referenced page 10, section (C)3.

Mr. Hattenbach requested visuals for reference at future meetings to enable Council to see where to place green space, etc. He said when looking at the MKSK study, for example, it was possible to see what exists in which areas of the Green.

Mr. Bardach asked if the zoning code had been reviewed by an attorney. Mr. Lahrmer said it had not, but ultimately, it would. Mr. Bardach said he wanted a third party to review the code.

Mr. Brown pointed out that right now, a park would not be permitted in Residence A, and the Village actually needs to change zoning to allow a park.

Mayor Muething asked if “site area” and “parcel” (referenced on page 3) were the same, and said he wanted to change the language to “parcel.” He said this is currently not a requirement in our residential areas.

Mayor Muething said for industrial areas, the structure can take up 50% of the property, but the parking lot is in the other 50%. Generally, in residential areas, he said setbacks preserve the green space. He asked if Council wanted to be consistent with the rest of the residential areas and stick with setbacks vs. the 50% requirement.

Mr. Snyder said the 50% rule could be made to apply to non-residential areas. Mr. Brown said it was added to the recent legislation for accessory structures.

Mayor Muething asked Wes to check. Wes said “structure” includes parking lots but not sidewalks and driveways.

Mayor Muething referenced section 154.84.4 and asked why there would be off-street parking requirements. He said it also doesn’t specify garage or driveway. His concern with parking was the potential for having a huge parking lot, so he wanted to scale back parking requirements.

Mr. Snyder said the number of parking spaces required was taken from Hamilton County Code and North Site language. Mr. Lahrmer said we wanted to at least require these, understanding the Planning Commission has the ability to waive them. He said the developer will inevitably ask for less parking.

Ms. Kamine asked about the zoning for the current parking lot, and how to account for its usage. Mayor Muething said if someone wanted to use the parking lot, which is zoned Residence A, they would have to apply for different zoning to allow it.

Mr. Muething referred to section 154.84.4 B Pedestrian Facilities, and asked why sidewalks are required when they are nowhere else in the Village. Mr. Lahrmer said it was customary to include them, require the maximum, and then allow the Planning

Commission to waive the requirement. Otherwise, he said, the Village will always be fighting for sidewalks if we want them on Amberley Green.

Mr. Hattenbach asked how often the Village would allow food trucks, and how “temporary” was defined. He added he has concerns regarding how to acquire the tax revenue.

Mayor Muething said approval would be needed to have a food truck in that space.

Ms. Conway inquired whether an approved applicant will also need a temporary use permit. She asked, for example, if an approved applicant could have food trucks every day without needing further regulation, or if this would have to be in their development plan.

Mr. Lahrmer said this would fall under accessory usage.

Ms. Conway asked about the longer-term impact of a study identifying potential parcels, and asked if there was any way to designate developable areas. She asked if Council was leaving this wide open. She said we have documentation of what’s developable and what’s not, but asked how best to preserve the land long-term.

Mr. Lahrmer said that is separate from zoning. Ms. Conway asked if a plan could be created for what we don’t want developed. Mr. Lahrmer said the slope study done by MKSK studios would determine where to designate non-developable areas. Ms. Conway said she wanted to have this documented in some way, understanding it was separate from zoning.

Ms. Kamine stated she is generally against the sale of the property for housing, and referred to “nursing home” under principal uses. She felt the potential for a nursing home would potentially set off a lot of residents. She said this was out of character for the community, not usable by the general public, and she had concerns about secondary usage. She stated she would prefer not including a nursing home in the plan, and doesn’t think residents want it.

Mr. Snyder stated it would have to be included if there was ever to be consideration of a nursing home of any kind.

Ms. Kamine asked regarding the next steps in the zoning process once the Council refers the text to the Planning Commission.

Mr. Lahrmer said there would be a resolution to refer the zoning code to the Planning Commission, which would then hold a public hearing. The Planning Commission would be given time to consider the draft before holding the public meeting, so assuming Council refers at the January meeting, it could be February or March before the Planning Commission meeting is held. Assuming they’re good with it, they’ll refer it back to Council, possibly in March. The Planning Commission gives direction to the law

director for the redraft, so this could be split into two or three meetings. Council could also meet two to three times.

Mr. Bardach suggested having a developer review the zoning code for vulnerabilities. He said his biggest fear is losing another lawsuit.

Mayor Muething confirmed the document should go first to Kevin McDonough and then possibly Attorney Fran Barrett for review.

He reminded Council the property is not zoned from this code; it just sets up the possibility for zoning changes for potential developers.

Mr. Snyder said it was possible to have a development agreement before selling or leasing the property.

Mayor Muething called for any other questions or comments.

Mr. Brown stated a variance wasn't meant to last forever; if the requested usage changes, the variance is revoked and the next user would have to resubmit a usage variance request. He said anything that changes the original usage plan would require review and approval by the Planning Commission.

Discussion was held regarding how enforcement of the zoning code can impact usage, particularly with second generation usage.

Mr. Lahrmer recommended establishing a fee structure in a separate document. In this situation, he said, it would prevent the Village from having the financial burden of review. According to Mr. Snyder, this would be the only district in the Village that requires a planning review fee. He said he has not heard of any other Village that didn't impose a fee for zoning certificates or variances.

Mr. Lahrmer confirmed that Council was in agreement regarding the building of another chapter to cover fees. He added he did not want it in the zoning code in case the fee schedule needed to be changed in the future.

Ms. Wolf thanked Mr. Snyder for his professionalism and expertise throughout the process, and said the Village was lucky to have what she'd heard was "the best in the business."

There being no further business, the meeting was adjourned.

Tammy Reasoner, Clerk of Council

Mayor Thomas C. Muething