

PLANNING COMMISSION

Minutes of Meeting

April 10, 2019

1. Call to Order

Mayor Kevin Hardman called to order the regular meeting of the Sharonville Planning Commission.

2. Roll Call

Present: Mayor Kevin Hardman, Jim Lukas, Bill Martin, Sam Schutte, and Bill Knight.

3. Approval of Minutes Written Summary and Audio Recording

Mayor Hardman asked for any additions or corrections to the minutes from the March 13, 2019 meeting. They were approved as written and distributed.

4. Old Business:

None.

5. New Business:

1. **Outdoor Dining Conditional Use Application– 11102 Main Street – Angilo’s Pizza – Joe Sucato from Angilo’s Pizza on behalf of building owner Ted Richter.**

Joe Sucato from Angilo’s Pizza on behalf of building owner Ted Richter requested Planning Commission approval for a Conditional Use Permit to allow “Outside dining, consumption of food and beverage” at 11102 Main Street in the Support Mixed-Downtown (SM-D) Zoned District.

Sarah Dircks briefly explained the details of documents submitted. Per Sharonville Ordinance 1135.03(e)(3) “outdoor dining, consumption of food and beverages” can be permitted in the SM-D zoned district provided Planning Commission reviews and approves the request. Mrs. Dircks explained, the applicant is still in the beginning stages of deciding how they want to have their outdoor seating area but the intent is to create a patio area in the currently grassed area at the southern end of the building. All property owners within 100 feet have been notified of the meeting.

Before inviting the applicant to come before the Commission to answer any remaining questions, Mrs. Dircks notes the Department of Community Development recommends that the Planning Commission consider the following conditions for approval:

1. Applicant/Owner will need to obtain a building permit through the Department of Community Development prior to any construction of patio area.

Mr. Sucato from Angilo’s Pizza was present at the meeting and readily answered questions posed by the Planning Commission.

Bill Knight inquired about pavement surface

Mr. Sucato further detailed his vision for the outdoor seating. His plans included building a 15’ x 19’ stamped concrete patio. They plan to have around 2-4 tables set out for guest to sit on. There will be a fenced area around the patio, currently they are looking at an aluminum railing.

Mayor Kevin Hardman inquired if the applicant will have sole access to the outdoor seating area or if all building tenants will be able to use the seating area

Mr. Sucato confirmed that Angilo's Pizza will have sole access to the patio area, and it will be gated off and supervised by Angilo's.

Mr. Schutte inquired about tables and chair that will be used in the outdoor dining area.

Mr. Sucato noted that they submitted a proposal to Economic Development for the outdoor patio area and they intend to have the seating area bolted to the cement and they would like an awning or umbrella over the seating.

Mayor Hardman made a motion to approve the application, with the conditions stated by in the Staff Summary with the additional condition that if Planning Staff has an issue with the proposal when submitted than the applicant will have to re-appear before Planning Commission.

All Planning Commission members were in favor and the Conditional Use permit was approved with the following conditions:

1. Final design of the patio shall be granted by administrative staff prior to issuance of a permit. If planning staff objects to the design, than the applicant shall re-appear before Planning Commission for approval.
2. Applicant/Owner will need to obtain a building permit through the Department of Community Development prior to any construction of patio area.
3. All improvements and work indicated on construction drawings / documents shall be approved as part of this Conditional Use Permit and must be installed and maintained in good repair and replaced as necessary to remain in compliance with the Conditional Use Permit approval.

2. Sign Improvement Plan Approval – 11550 Chester Road – Suzanne Davidoski from Sharon Hills Daycare.

Suzanne Davidoski from Sharon Hills Daycare located at 11550 Chester Road in the Northern Overlay district requested a Sign Improvement Plan approval from Planning Commission in order to remain compliant with the March 26, 2019 deadline to submit a Sign Improvement Plan.

Mrs. Dircks presented the request before the Planning Commission, detailing the changes which the applicant has proposed making to their existing sign, which includes:

1. Adding additional stone veneer base
2. Maintaining existing up lighting
3. Installing new low-lying plants/grass
4. Repainting existing 2" x 4' x 5'- 2-sided Sign
5. Replacing post with repainted 4" x 4"x 8' posts
6. Removing "Now Enrolling" sign from on top of existing sign

Mrs. Dircks reiterates that last month marked the end of the grace period for business owners to submit a Sign Improvement Plan. As of the meeting there are eight business owners who have not satisfied the Sign Improvement Plan requirement.

Before inviting the applicant to come before the Commission to answer any remaining questions, Mrs. Dircks notes the Department of Community Development recommends that the Planning Commission consider the following conditions for approval:

1. All improvements and work indicated on construction drawings / documents shall be approved as part of this Sign Improvement Plan and must be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Sign Improvement Plan approval.

Suzanne Davidoski and Joe Elmore from Sharon Hills Daycare were present and prepared to answer any questions posed by the Planning Commission. Mr. Elmore was present to answer any questions regarding maintenance and installation of sign improvements.

Mr. Schutte inquired about color and style of stone that would be used under the sign.

Mr. Joe Elmore confirmed the stone would be gray stone, 4 x6 base that will wrap around the sign base.

Mr. Lukas commented that he believed it would be a very nice improvement.

Mr. Lukas made a motion to approve the Sign Improvement Plan.

Mayor Hardman made a second motion to approve the Sign Improvement Plan.

All Planning Commission members were in favor and the Sign Improvement Plan was approved with the following conditions:

1. All improvements and work indicated on construction drawings / documents shall be approved as part of this Sign Improvement Plan and must be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Sign Improvement Plan approval.

3. Sign Improvement Plan Approval – 11499 Chester Road – Ralph Shine on behalf of Sharonview Corporate Center.

Ralph Shine on behalf of Sharonview Corporate Center located at 11499 Chester Road in the Northern Lights Overlay district requested a Sign Improvement Plan from Planning Commission. The existing sign is ground sign in good condition in the Northern Lights Overlay District. The proposed signs improvements included repainting the sign and adding manicure landscaping around the base of the sign.

Mrs. Dircks presented the request and notes the Department of Community Development recommends that the Planning Commission consider the following conditions for approval:

1. All improvements and work indicated on construction drawings/documents approved as part of this Sign Improvement Plan review be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Sign Improvement Plan.

Ralph Shine on behalf of Sharonview Corporate Center was present and answered questions posed by the Planning Commission. Before questioning, Mr. Ralph Shine added that they will be adding new internal LED lighting to the sign.

Mayor Hardman made a motion to approve the Sign Improvement Plan

A second motion was made by Mr. Martin

All Planning Commission members were in favor and the Sign Improvement Plan was approved with the following conditions:

1. All improvements and work indicated on construction drawings / documents shall be approved as part of this Sign Improvement Plan and must be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Sign Improvement Plan approval.

4. Conditional Use to Expand a Non-Conforming Setback in Residential (R1-B) Zoned District – 10509 Thornview Drive – Grace Frey

Ms. Grace Frey resident of 10509 Thornview Drive requested a Conditional Use to expand a non-conforming rear yard setback. This request is a slightly complicated request because of the non-conforming setback and it was brought to the Department of Community Development's attention because the applicant began work without a permit.

A brief history of the property was presented by Mrs. Dircks. On March 5, 2019 a code case was opened for work without a permit. On March 12, 2019 the applicant submitted a permit. The applicant's permit request was denied because the proposed deck was under construction 8' away from the existing garage. Sharonville Ordinance 1125 (c) requires that 20' of distance be maintained between a main building and detached garage. The applicant's house is already within the minimum 20' setback, therefore there is an established non-conforming setback which they are seeking to expand. The deck received conditional approval from Building Official subject to Planning Commission approval. On April 2, 2019 the applicant was given notice to cease work until after the Planning Commission meeting. The applicant is seeking permission to expand their deck to 8' away from their detached garage.

The Department of Community Development recommends that the Planning Commission consider the following conditions if the Planning Commission decides to approve conditional use to expand a non-conforming use:

1. All improvements and work indicated on construction drawings/documents approved as part of this Conditional Use Approval shall be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use approval.

Mark Hair on behalf of Grace Frey was present and answered questions posed by the Planning Commission.

Mr. Knight had concern about the 2x4 being used to construct the deck and concluded that final building details would have to be sorted between the contractor and the city building inspector.

Upon inquiry from a few members from Planning Commission, Grace Frey explained that the existing garage is used only for storage. However, she noted that the angle of the drive and position of the deck does allow for room if someone would want to drive in to the garage. She concluded that she has no intentions of driving into the garage or selling the house.

Mr. Hair further proceeds by saying was a deck on the property which was recently been damaged by a storm. The previous deck went out 7' from the house and had a roof structure over it. Ms. Frey is only increasing the deck 1 foot from the pre-existing deck. Eventually he would like to reinstall the roof area.

Discussion among the board continued to determine if the deck was even visible from the neighbor's property or if the newly installed privacy fence reduced issue.

Mr. Schutte expressed concern with the lack permit, safety, and concerns with re-sale if a future owner would like to access the garage. He reminded the applicant to apply for permits in the future.

No one in the audience was present with public comment. Mrs. Dircks noted the rear yard neighbors had called the Department to express no objection to the Conditional Use. Additionally one neighbor stated that it would be a safety hazard to not have an exit feature since the house rear door is elevated.

A Motion was made by Mr. Martin.

A second motion was made to approve was made by Mr. Schutte

All Planning Commission members were in favor and the Conditional Use Permit was approved with the following conditions:

1. All improvements and work indicated on construction drawings / documents shall be approved as part of this Conditional Use Permit and must be installed and maintained in good repair and replaced as necessary to remain in compliance with the Conditional Use Permit approval.

5. Conditional Use Permit Approval – 11150 Maple Avenue – Melody Vergenz from Klusty Sign Associates, on behalf of Princeton City School District – Sharonville Elementary.

Melody Vergenz from Klusty Sign Associates, on behalf of Princeton City School District, requested Planning Commission Approval for a Conditional Use Permit for an Electric Message Center (EMC) sign on a Public Facility (PF) Zoned Property. The proposed sign will have a 3' x 6' digital live area and replace the existing sign on the property.

The conditional use request was brought before Planning Commission for two reasons. Mrs. Dircks noted the first, and primary reason the case is being presented to the commission is because the digital sign abuts residential properties. All neighbors within 100ft of the property have been notified of the meeting.

The second item for Planning Commission discussion would be to determine if the type of digital message, in the digital live area would conform to the standards outlined in Sharonville Ordinance 1159.04(0) or if additional approval needed granted. Mrs. Dircks explains that 1159.04(o) permits EMC signs in the city of Sharonville provided the sign:

1. Lights shall automatically dim to a corresponding time of day or weather;
2. Display shall be static and may not display animated, scrolling, moving or flashing messages or video which simulates such animation.
3. Each static message shall be at least eight seconds with no longer than two seconds between each message change
4. EMC signs shall be maintained in accordance with Section 1153.16 (Maintenance of Signs) of the Sharonville Zoning Code; and
5. If the proposed EMC does not meet the above standards, they will need Planning Commission approval.

Before inviting the applicant to come before the Commission to answer any remaining questions, Mrs. Dircks notes the Department of Community Development recommends that the Planning Commission consider the following conditions for approval:

1. The conditions outlined in Sharonville Ordinance 1159.04(0)
2. All improvements and work indicated on construction drawings / documents shall be approved as part of this Conditional Use Approval shall be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use approval.

Chris Lockhart of Princeton City School District was present and answered questions posed by the Planning Commission. He confirmed Mrs. Dircks inquiry; the school district plans to conform to the conditions as stated by the Sharonville Ordinance 1159.04(0). The primary objective of installing an EMC sign at the school is to have a uniform sign across the district that is easier to update and change messaging.

Mayor Hardman further inquired if their intent to conform to Sharonville Ordinance 1159.04(0) was because the City has outlined it as conditions to have administrative approval, or of the School would like to seek additional variance. Item five in Sharonville Ordinance 1159.04(0) permits Planning Commission to grant allowance, if they would like signs messaging to be animated rather than static.

Mr. Lockhart explained that district does plan to adhere to the Sharonville Ordinance 1159.04(0). While discussion on the sign was open, in case the district eventually would like animated messaging on their EMC sign, Mr. Lockhart officially requests a variance to permit animation on the signage.

Mr. Lukas expressed interest in the two neighbor calls. One call requested denial of the EMC sign because it could be distracting and cause accidents. The other call requested the sign had no sound.

Mr. Lockhart confirmed there will be no sounds coming out of the sign.

Sharon Young, 3557 Beekley Woods, inquired if the sign angle would change from its current position. She explained she lives across the street and currently is unaffected by the schools sign. She came to the meeting to know if the new sign would change causing lights to shine on her house.

Mr. Lockhart confirmed the sign location was not going to change, so the angle of the sign would stay the same. He further put her at ease by saying he was not sure how the light would shine on her house but as a friend of Sharonville Elementary, if the lights became an issue she should contact him directly and he would be accommodating to modify the lights.

A motion was made by Mayor Hardman to approve the request, granting a variance to allow animation on the sign.

A second motion was made by Mr. Martin and Mr. Lukas.

Mr. Schutte abstained from the vote on this request. All remaining Planning Commission members were in favor and the conditional use permit was approved with the following conditions:

1. A variance from Sharonville 1159.04(0)(2) was granted to permit animation on the Electric Message Center Sign
2. Lights shall automatically dim to a corresponding time of day or weather;
3. Each static message shall be at least eight seconds with no longer than two seconds between each message change
4. EMC signs shall be maintained in accordance with Section 1153.16 (Maintenance of Signs) of the Sharonville Zoning Code; and
5. All improvements and work indicated on construction drawings / documents shall be approved as part of this Conditional Use Approval shall be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use approval.

6. Conditional Use Permit Approval – 11850 Conrey Rd – Melody Vergenz from Klusty Sign Associates, on behalf of Princeton City School District – Stewart Elementary.

Mrs. Dircks presented the second Conditional Use request submitted by Melody Vergenz from Klusty Sign Associates, on behalf of Princeton City School District, is requesting Planning Commission Approval for a Conditional Use Permit for an Electric Message Center (EMC) sign on a Public Facility (PF) Zoned Property. The proposed sign will have a 3' x 6' digital live area and replace the existing sign on the property.

The conditional use request is nearly identical to the previous case presented before the board. This sign however, does not abut residential properties. The proposed "digital live area" requested by the applicant alluded that there would more non-static images that would require additional Planning Commission Approval.

Mr. Lockhart of Princeton City School District was present and he confirmed that on behalf of the school he would like to officially request a variance to permit animation on the sign.

A motion was made by Mayor Hardman to approve the request, granting a variance to allow animation on the sign.

A second motion was made by Mr. Knight.

Mr. Schutte abstained from the vote on this request. All remaining Planning Commission members were in favor and the conditional use permit was approved with the following conditions:

1. A variance from Sharonville 1159.04(0)(2) was granted to permit animation on the Electric Message Center Sign.
2. Lights shall automatically dim to a corresponding time of day or weather;
3. Each static message shall be at least eight seconds with no longer than two seconds between each message change
4. EMC signs shall be maintained in accordance with Section 1153.16 (Maintenance of Signs) of the Sharonville Zoning Code; and
5. All improvements and work indicated on construction drawings / documents shall be approved as part of this Conditional Use and must be installed and maintained in good repair and replaced as necessary to remain in compliance with the approved Conditional Use approval.

7. Recommendation to Rezone Hamilton County Parcel #608-0029-0010-00 in from Public Facilities (PF) to Residential R1-A (PUD) – 4105 Honeysuckle Court – Annette and Michael Durham on behalf Michael Waddle.

Mrs. Dircks presented a recommendation to rezone Hamilton County Parcel #608-0029-0010-00 request from public facilities (PF) to residential R1-A (PUD). The residence of 4105 Honeysuckle was built in 1948 and the property was annexed into the City of Sharonville on September 27, 1966 with Ordinance 66-52.

The property in question is comprised of three parcels. Two parcels are zoned R1-A (PUD) and one parcel is zoned PF. The two residential zoned parcels are undeveloped green space, the parcel zoned PF has the house that was built in 1948. Mrs. Dircks explained the applicant began the process of purchasing 4105 Honeysuckle Court from current owner Michael Waddle, when they discovered that the entire property was not zoned residential. The residence of 4105 Honeysuckle was once a large homestead, the property owner sold their surrounding land for the development of the subdivision and the adjacent church.

When the property was annexed in 1966 the zoning districts were drawn so that Hamilton County Parcel #608-0029-0010-00 was zoned PF. Over the last month there has been a number of complications with processing the sale of the property due to the property being zoned PF and R1-A (PUD). While the property is a grandfathered residential use the applicant has decided to proceed with a request to rezone the property so that there will be no additional confusion with having a non-conforming use.

Prior to the meeting, the applicants, Annette and Michael Durham, informed the Department of Community Development that they would be out of the country and that they would be unable to attend the meeting. The realtor, Rob Fix, was however able to attend to answer any questions.

Mayor Hardman inquired if the request to re-zone the property was due the concerns with having to appear before Planning Commission for expansion of non-conforming use request whenever they wanted to make an addition or if the request to re-zone was based on issues with the bank permitting the sale of the house.

Rob Fix confirmed the re-zoning was made due concerns with securing a mortgage on the house.

Mr. Allen Werrenbach, resident of 12030 Diamond view Drive, inquired if Planning Commission had the ability to place conditions on the land to prevent the future owners from developing a condo site over the lake on the property. He expressed concern that if the property owner sells the land or their kids inherit the property and developed the land, it could potentially destroy the habitat for turtles that live in the lake.

Mayor Hardman explained that the property around the lake is already zoned residential and they do not have the ability to place conditions on that land since it is not the subject of this application. Further discussion among the Planning Commission continued acknowledging the concern for the habitat. The commission was informed that any potential changes such as rezoning the property requires review for new development.

A motion was made by Mayor Hardman to recommend the rezoning of the property to R1-A (PUD).

A second motion was made by Mr. Lucas.

All Planning Commission members were in favor and a recommendation – Resolution 19-4 - was made to City Council to rezone the property residential. The anticipated Public Hearing and vote to rezone this property will be May 28, 2019.

8. Resolution 19-3: Amending Non-Conforming Use Zoning Code Text

Mr. Creech read resolution 19-3 to Planning Commission, which would modify the length of time that non-conforming uses on property can be voluntarily abandoned prior to the property having to conform to existing zoning code requirements. The resolution was requested by Planning Commission at the March 13, 2019.

Mr. Lukas made a motion to approve.

Mayor Hardman seconded his motion.

All Planning Commission members were in favor and Resolution 19-3 will proceed to City Council with the normal three readings. The anticipated Public Hearing for Resolution 19-3 will be May 28, 2019.

6. Discussion

None.

7. Adjourn

A motion to adjourn was made by Mr. Lukas, with a second by Mr. Knight.

The meeting was adjourned.

John M. Creech, Secretary

Kevin Hardman, Chairperson