

Madeira Planning Commission Minutes from August & October 2016. The approval of the minutes from both of these Planning Commission meetings was intentionally delayed until February 21, 2017.

Please note that the August 15, 2016 Planning Commission minutes were “altered”, Pages 10 & 11.

Please note that the October 17, 2016 Planning Commission minutes were “altered”, Page 12. The June 20, 2016 Planning Commission minutes have not been yet been addressed.

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# August 15, 2016 Planning Commission Minutes Delayed and Altered (February 21, 2017)

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CITY OF MADEIRA PLANNING COMMISSION

AGENDA

February 21, 2017 at 7:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ACCEPTANCE OF AGENDA

V. NOTICE OF OTHER MEETINGS OR EVENTS

- Mayor's Court February 22 and March 15, 2017, 6:30 p.m.
- City Council February 27 and March 13, 2017, 7:30 p.m.
- Budget and Finance February 27, 2017, 6:00 p.m.
- Parks and Recreation Board March 8, 2017, 7:00 p.m.
- Parks and Recreation Board March 8, 2017, 7:00 p.m.
- Senior Commission March 20, 2017, 6:00 p.m.

VI. GUESTS AND REGISTERED VISITORS

- None

VII. HEARINGS ON APPLICATIONS FOR DEVELOPMENT PROPOSALS, CONDITIONAL USES & VARIANCE REQUESTS OR REZONING PROPOSALS

- A. Public Hearing No. 1, Case ZA-2017-01  
Address: 8126 Lancewood Court  
Applicant: Angela J. Stein  
Property Owner: Same  
Request for front yard setback variance
- B. Public Hearing No. 2, Case ZA-2017-02  
Address: 7909 Mapleleaf  
Applicant: Buckhead Homes, Inc.  
Owner: Same  
Request for a variance to construct a new home on a non-conforming lot
- C. Public Hearing No. 3, Case ZA-2017-03  
Address: 6776 Woodland Reserve Court  
Applicant: Matt Cooper of Thomas Decks, LLC  
Owner: Scott and Lisa Altman  
Request for a setback variance to construct a deck
- D. Public Hearing No. 4, Case ZA-2017-04  
Address: 7446 and 7450 Dawson Road  
Applicant: Robert Lucke Homes  
Owner: Mr. and Mrs. Frederick Pressler  
Request for a variance from Section 151.063 requiring the depth of a lot shall not be more than 3 times the width of the lot. The proposed lot split/consolidation would produce 3 lots, each lot measuring 51.52 feet wide by 275+ feet deep.
- E. Case No. 5, Case ZA-2017-06  
Address: 8003 Euclid Avenue  
Applicant: Atlantic Sign Company  
Owner: Gerber Collision & Glass  
Request for a sign height variance
- F. Request for final plat approval for Maple Avenue Plat
- G. Review of development plan approval for Deluxe Nails, TROD#2 District

VIII. COUNCIL REPORT

IX. NEW BUSINESS

- None

X. OLD BUSINESS

- None

XI. ACCEPTANCE OF MINUTES

- Planning Commission Meeting Minutes

XII. ADJOURNMENT

- August & October 2016 meetings - delayed and altered.

**MADEIRA PLANNING COMMISSION  
REGULAR MEETING MINUTES  
August 15, 2016**

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**I. CALL TO ORDER**

The meeting was called to order by Ms. Schlagbaum at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Ms. Schlagbaum.

**III. ROLL CALL**

A. Members present:

Kyle Hern	Steve Karoly
Rob Kneip	Tammy Schlagbaum
Doug Burkey	Chris Hilberg
Mickey LeRoy	

B. Members absent:

None

C. Officials/Staff present:

Thomas W. Moeller, City Manager  
Brian Fox, Law Director

D. Officials/Staff absent:

Amanda Zimmerlin, Assistant City Manager

**IV. ACCEPTANCE OF THE AGENDA**

Motion by Mr. Hern, second by Mr. Hilberg, to approve the agenda. Motion approved by unanimous roll call vote.

**V. NOTICES OF OTHER MEETINGS OR EVENTS**

- Special Planning Commission Meeting August 16, 2016, 6:00 p.m.
- Mayor's Court August 17, 2016, 6:30 p.m.
- Street Dance August 20, 2016, 6:00 p.m. to 11:00 p.m.
- Budget and Finance August 22, 2016, 6:30 p.m.
- City Council August 22, 2016, 7:30 p.m.
- Mayor's Court September 7, 2016, 6:30 p.m.
- Concert in the Woods September 10, 2016, 6:00 p.m. to 8:00 p.m.
- City Council September 12, 2016, 7:30 p.m.
- Parks & Recreation Board September 14, 2016, 7:00 p.m.
- Senior Commission September 19, 2016, 6:00 p.m.



## VI. GUESTS AND REGISTERED VISITORS

- Todd Kinskey, Hamilton County Regional Planning Commission. The Hamilton County Regional Planning Commission provided a presentation concerning Planning for Madeira and what might work.
- Doug Oppenheimer, 7431 Mar Del, voiced his concern over the Special Planning Commission Meeting Scheduled for August 16 being held in Executive Session. He also made reference to the June 20 Planning Commission meeting and the Swing Line Grill Project.
- Mike Mauch, questioned why the August 16 Special Planning Commission Meeting would be held in executive session.

\*\*\*Before the Public Hearings began, Brian Fox, Law Director, stated that he would be administering an oath before the hearings began. \*\*\*

## VII. HEARINGS ON APPLICATIONS FOR DEVELOPMENT PROPOSALS, CONDITIONAL USES, AND VARIANCE REQUESTS, OR REZONING PROPOSALS

- A. Public Hearing No. 1, ZA-2016-0033  
Address: 7616 Euclid  
Applicant: Brian and Laura Frazier  
Property owner: Same  
Zone: Residence A  
Request for a side yard setback variance

### 1. PUBLIC HEARING

- Ms. Schlagbaum opened the Public Hearing at 7:31 p.m.
- Mr. Moeller presented the case. The subject site is in a Residence A single-family zone and is surrounded by Residence A single family zoning to the north, and west, Madeira Indian Hill Joint Fire District Station 65 to the east and the Madeira Municipal Building to the south. The applicant applied for and was granted a permit to construct the current home on the lot in June 2014. The foundation of the home is compliant with zoning and maintains the 7.5 feet from the property line. The eaves project 12 inches and the gutter projects 6 inches into the setback. The homeowner indicates that the AC unit is 4.33 feet from the property line. This property was part of a lot split that was granted in 2013. This property (lot #1) was granted a variance for frontage.
- Brian Frazier, 7616 Euclid, stated that there was no survey and that a tape measure was used to establish the setback projections.
- Ms. Schlagbaum asked if there were any comments from the audience.

### 2. PUBLIC COMMENT

- Hearing none, the public hearing was closed at 7:50PM.

**3. DISCUSSION**

- Motion by Mr. Hern seconded by Mr. Karoly to table the application until the applicant provides an accurate survey.

**4. ROLL CALL**

Tammy Schlagbaum	No
Doug Burkey	Yes
Chris Hilberg	No
Rob Kneip	Yes
Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	Yes

**Motion to table the variance passed 5-2.**

- B. Public Hearing No. 2, ZA-2016-0031  
Address: 7351 Ridgestone  
Applicant: Lucke Homes  
Property owner: Same  
Zone: Residence AA  
Request for a height variance

**1. PUBLIC HEARING**

- Ms. Schlagbaum opened the Public Hearing at 8:00 p.m.
- Mr. Moeller presented the case. The subject site is in a Residence AA single-family zone and is surrounded by Residence AA zoning. The panhandle lot was approved with the preliminary plat approval for the new Camargo Ridge Subdivision in October 2014. The Criteria for approving a panhandle dwelling is listed below. Responses to the requirement are indicated in RED. Section 150.30 (G) Criteria for panhandle dwellings. Planning Commission shall approve the development of a dwelling on a panhandle lot only if the proposed plan meets the following criteria: The Architectural Review Officer shall review the application, including the architectural plans, to ensure that the proposed new building(s) and structures are compatible and complement the existing buildings in the vicinity, including architectural style, exterior construction materials, size of building, and the height and relative elevation of the buildings. In addition, the Architectural Review Officer shall review the application to ensure that the principal building meets the minimum square footage required by this Zoning Code and, also, that the proposed building is no larger than 120% of the largest conforming building on a lot contiguous to the proposed panhandle lot, including the principal building (existing or proposed) on the front lot. A permit for a home at 7341 Ridgestone was issued in January 2016 7331 Ridgestone was issued August 2016 and 7361 Ridgestone, the panhandle lot to the east was issued in September 2015. The applicant indicates that the home on the proposed home is 2,888 sq. f.t. The proposed home does not exceed the 120% limit. The plans are subject to ARO review.  
The front of the dwelling on the rear lot shall face toward and be substantially parallel to the rear yard line of the front lot, unless the Planning



Commission determines that a different alignment is preferable and will have no greater impact on the use and enjoyment of adjoining properties. Planning Commission shall designate in writing any specific conditions which must be completed as part of the approval. The front of the building faces the newly created street of Ridgestone. The principal dwelling on the rear lot shall not be constructed closer than 50 feet from the front property line of the subject panhandle lot. The site plan indicates that the home is 71.94' from the rear of the front lot. The subdivision was granted a front setback variance in October 2014 allowing the front yard setback to be 40'. The principal dwelling on the rear lot shall not be constructed closer than 40 feet from the rear and side property lines of the subject panhandle lot. The site plan indicates that the home will be 77.8ft from the rear property line and greater than 100 ft. from the side property lines. Adequate screening shall be required for aesthetic or privacy purposes whenever the Planning Commission determines that the proposed dwelling, parking area, driveway or accessory structures would be detrimental to the use and enjoyment of adjoining residential property unless the screening was provided and maintained. Consideration shall be given to recommendations of the Architectural Review Officer in these matters. The plan submitted to PC in October 2014 shows the lot as wooded to the west and south of the lot. No landscaping plan was submitted with the plans. The landscape plan for the site is subject to ARO review.

- Ms. Schlagbaum asked if there were any comments from the audience.

**2. PUBLIC COMMENT**

- Hearing none, the public hearing was closed at 8:06PM.

**3. DISCUSSION**

- Motion by Mr. Hern seconded by Mr. Hilberg to approve the application as submitted.
- The Commission discussed the setbacks and ensured that the height was not greater than 35 feet per code.

**4. ROLL CALL**

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	Yes
Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	Yes

Motion to grant the request to build a home on an approved panhandle lot passed 7-0.

- C. Public Hearing No. 3, ZA-2016-0034  
Address: 7028 Wallace Avenue  
Applicant: Dan Lauterbur  
Property Joe and Amanda Shults  
Zone: Residence B  
Request for a setback and lot coverage variance

**1. PUBLIC HEARING**

- Ms. Schlagbaum opened the Public Hearing at 8:07 p.m.
- Mr. Moeller presented the case. The subject site is in a Residence B single-family zone and is surrounded by Residence B single family zoning to the north, south, east and west. Currently the home's driveway and garage face Laurel. Plans indicate that the applicant proposes to move the driveway and curb-cut further west on Laurel toward Wallace Avenue. The applicant proposes to demolish the existing 10'x5' porch that faces Laurel Avenue and construct a 10'x25' porch that extends across the front of the home. This is a corner lot and the home is required to maintain a 40 foot setback for both the Wallace and Laurel frontage. The proposed porch will maintain the same setback as the current porch at 8.6ft necessitating a variance. Currently there is a 12'x12' wooden deck and concrete patio on the rear of the home. The applicant proposes demolish the deck and patio and construct an addition on the rear of the home. The plans indicate that the addition will be 41.7 feet from the rear property line and 8.5 feet from Laurel Avenue. The applicant also proposes to construct a 12'8"x19'4" deck on

the rear of the new addition. The deck will be 29.1ft from the rear property line and 22.08 ft. from Laurel Avenue. The home in its current state covers 22.16% of the lot. The proposed changes would increase the lot coverage to 32%.

- Ms. Schlagbaum asked if there were any comments from the audience.

**2. PUBLIC COMMENT**

- Hearing none, the public hearing was closed at 8:20PM.

**3. DISCUSSION**

- Motion by Mr. Karoly seconded by Mr. Hilberg to table the application until the applicant provides a revised site plan, floor plan, and elevations.

**4. ROLL CALL**

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	Yes
Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	Yes



**Motion to table the variance passed 7-0.**

- D. Public Hearing No. 4, ZA-2016-0037  
Address: 7305 Osceola Drive  
Applicant: Charles Brown  
Property owner: Gloria Properties LLC  
Zone: Residence B  
Request for a height variance

**1. PUBLIC HEARING**

- Ms. Schlagbaum opened the Public Hearing at 8:22 p.m.
- Mr. Moeller presented the case. The subject site is in a Residence B single-family zone and is surrounded by Residence B single family zoning to the north, south, east and west. The applicant applied for a demolition and building permit for this home in September 2015. The measurement should have been taken from the front elevation existing grade to the highest point of the structure. The plans were reviewed by the Chief Building Official and he determined that the height of the building from the existing grade is 34 feet.
- Ms. Schlagbaum asked if there were any comments from the audience.

**2. PUBLIC COMMENT**

- Don Fogel, stated that he wanted to ensure that building heights and lot coverage issues are addressed properly in code.
- Patty Connelly, 7914 Tances, expressed her concerns regarding the height of the house.
- Jim Tepe asked if the Plans Examiner signed off on the plans.
- Ms. Schlagbaum asked if there were any other public comments. Hearing none, the public hearing was closed at 8:39PM.

**3. DISCUSSION**

- Motion by Mr. Burkey seconded by Mr. Hern to table the application until the applicant provides a revised site plan.

**4. ROLL CALL**

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	Yes
Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	Yes

**Motion to table the variance passed 7-0.**

- E. Public Hearing No.5, Case ZA-2016-0036  
Address: Windwood Place  
Applicant: Windwood Partners LLC/ L. Michael Belmont  
Owner: Diana B. Stewart  
Zone: Residence AA  
Request for preliminary plat approval with a request for a variance for a private street and front yard setback variance.

#### 1. PUBLIC HEARING

- Ms. Schlagbaum opened the Public Hearing at 8:48 p.m.
- Mr. Moeller presented the case. This is a preliminary plat review. The applicant is requesting a variance from section 151.058 Private Streets and Reserve Strips, a front yard setback variance measured from the proposed private street and section 151.048 Lot Regulations Re: Maximum Lot Depth. The applicant came before Planning Commission in February 2016 to request a variance from section 151.058 Private Streets and Reserve Strip of the Madeira zoning code. At that meeting the applicant was requesting approval for a 9 home development with a 27 foot wide private drive and a front yard setback of 30 feet from the edge of pavement.
- Changes in Application:
  - This application differs from the February submission in the following ways:
    - Private Street was widened from 22 feet to 27 feet
    - 3 foot sidewalk is shown on the south side of the private street
    - The applicant has included 9 additional off street parking spaces
    - The proposed homes are set back from the edge of pavement at 30 feet rather than 20 feet.
    - The development shows 9 lots rather than 10 lots
- Mike Belmont spoke on behalf of the project and explained that he has provided the information requested by the ARO.
- Ms. Schlagbaum referenced the geotechnical information provided and allowed the applicant to provide more information.

#### 2. PUBLIC COMMENT

- Bill Harrison, Seven Hills Club Board of Trustees, he stated that they requested Mr. George Nelson to present on behalf of the Seven Hills Club.
- George Nelson discussed the geotechnical report and the comments he provided. He stated that he was concerned that if there are geotechnical problems with site it will affect all of the property values. The geotechnical report and Mr. Nelson's comments written on it are available for review at the office of the City Manager.
- Joe Willingforth, Project Manager for the site, indicated that many downspouts from the condos daylight on the property and the layout of the lots will not be detrimental to the hillside.
- Ms. Schlagbaum asked if there were any other public comments. Hearing none, the public hearing was closed at 9:20PM.



**3. DISCUSSION**

- Motion by Mr. Burkey seconded by Mr. Karoly to approve the application as submitted.
- Mr. Hern stated that there needed to be an easement for the sidewalks to allow for public usage.
- Mr. Kneip asked if it is a private street if the City Engineer still reviews. Mr. Kneip stated that he believes it is possible to provide a public street at this location.
- Mr. Moeller stated yes, there is still a review.
- The Commission continued to discuss the application.
- Mr. Burkey amended the previous motion.
- Motion by Mr. Burkey seconded by Mr. Karoly to approve the preliminary application with the condition that there are no more retaining walls added to the application and there is an easement for sidewalks to allow public access.

**4. ROLL CALL**

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	No
Kyle Hern	Yes
Steve Karoly	No
Mickey LeRoy	No

**Motion to grant the variance and approve the preliminary plan with conditions passed 4-3.**

- F. Case No. 7, ZA-2016-0028  
Address: 7710 Railroad Avenue  
Applicant: Thomas M. Powers  
Property Owner: B&B Mower Services, Inc.  
Zone: Main Street Core  
Request for Final Application

**1. PUBLIC HEARING**

- Ms. Schlagbaum opened the Public Hearing at 10:02p.m.
- Mr. Moeller presented the case. The ARO Memo was provided for the development plan. He reminded Planning Commission that the Initial Application plan was reviewed at the June 20, 2016 meeting and that there were some issues that needed to be resolved. The applicant was granted a variance for the parking and the sign height. He stated that the plans submitted by the applicant are also provided.
- Mr. Hern asked if this is truly the final plan. He stated that he thought the last hearing was only for the variances and not the development plan.
- Mr. Moeller stated that this is only final if Planning Commission does not have any other issues with the application.
- Mr. Kneip referenced a letter from the ARO regarding a letter from Mr. Tepe.

- Mr. Moeller stated that this is separate and was provided for information. The ARO memo is dated August 4.
  - Mr. Karoly inquired about the parking requirements shown in the ARO memo.
  - Mr. Moeller stated that Mr. Ballweg was trying to show that there are two ways to calculate parking, by square footage or by seats. The greater number is what prevails.
  - Thomas Powers, 7608 Euclid, stated that he did not have anything additional. He stated that he has submitted the requested information and is requesting approval.
  - Mr. Karoly asked about the dumpster location and wanted to ensure that there would be nothing standing outside the enclosure. He wanted to make sure that this was considered.
  - Mr. Powers stated that he wants the building to look nicer than the Planning Commission does.
  - Mr. Burkey asked how that was an enforceable standard.
  - Mr. Moeller stated that the City does have a general nuisance ordinance.
  - Mr. Kneip asked if the outdoor dining would be year round. Mr. Powers stated that it is weather dependent.
  - Mr. Kneip asked about storage. Mr. Powers stated that it would be held in the partial basement of 700ft.
  - Mr. Hern stated that he is happy to see that the dumpster is on private property, however, he has questions about access and the public parking. Is there a limit to the amount of time someone can park at the space that is in front of the dumpster.
  - Mr. Moeller stated that there can be time limits placed on parking.
  - Ms. Schlagbaum stated that she needs clarification for the parking area. She stated that while the parking lot is now a separate case that will be brought by the City, she questioned if the parking lot would be able to physically be developed with the dimensions of the building.
  - Mr. Burkey stated that a survey is needed to show the dimensions.
  - Mr. Moeller stated that the transformer will be located by Duke. This will allow for the movement and enclosure of the dumpster currently taking up a space on Railroad Avenue.
  - Ms. Schlagbaum stated that the landscape plan needs the plant material and size identified.
  - Ms. Schlagbaum asked if there were any other comments or questions to the applicant or staff. Hearing none she opened the floor to public comment.
- 2. PUBLIC COMMENT**
- The Law Director administered an oath for each of the witnesses supporting or opposing the application.
  - Mike Mauch, 5611 Mapleridge, stated that there were no copies available to the public in paper form. He asked if there are any spots dedicated to the restaurant. He asked if the application stated there were five spaces dedicated for carryout. He also asked about people parking and leaving their cars.



- Mr. Moeller responded that it is within the City Council's purview to limit the time for parking but that it had not been discussed by Council at this time.
- Doug Oppenheimer, 7431 MarDel, asked Mr. Moeller what was promised to the Dove Company.
- Mr. Moeller stated that the agreement with Dove LTD that they are granted 5 spaces. He stated that there has not been a discussion on how these parking spaces will be designated.
- Cheri Misleh, 5710 Windridge, stated that she is in favor of the project.
- Jim Tepe stated his concern over the project and the survey requirement for the project.
- Ms. Schlagbaum asked if there were any other public comments. Hearing none, the public hearing was closed at 10:40PM.

### 3. DISCUSSION

- Motion by Mr. Hilberg seconded by Mr. Hern to approve the final development plan as submitted subject to final approval by the ARO.
- Mr. Karoly asked about the dumpster and the transformer being moved and if those should be conditions of approval.
- Mr. Burkey stated that he struggled with the lack of a site survey. He stated that he was not comfortable approving this as final without the survey.
- The Commission continued to discuss the need for a site survey prior to approval.
- Mr. Hern stated that he felt that this was still a preliminary application and not a final development plan.
- Ms. Schlagbaum stated that given the comments at the meeting, Planning Commission does not seem comfortable approving the application as final.
- Mr. Hilberg amended his motion.
- Motion by Mr. Hilberg seconded by Mr. Hern to approve the initial application as submitted subject to final Planning Commission and ARO approval.

### 4. ROLL CALL

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	Yes
Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	Yes

While the motion to approve the initial application passed by a vote of 7-0 on August 15, 2016, the City subsequently became aware of a procedural defect with respect to its review of the Applicant's request for approval of his Initial Application.

- On or about January 9, 2017, the City issued correspondence to the Applicant, acknowledging a procedural defect impacting the Initial Application. The correspondence by the City is attached to these minutes as Exhibit A and incorporated by reference herein.
- The Law Director advised the Planning Commission to deny the application because of that defect, which would require the Applicant to submit a new application for development in the Main Street Core District, in the event he was inclined to pursue approval once more.
- By voting and approving these minutes, Planning Commission evidences their denial of the Applicant's request for approval of his MSC Initial Application, upon the advice of counsel.

#### VIII. COUNCIL REPORT

- Mr. Hilberg did not provide a Council report.

#### IX. NEW BUSINESS

- Zoning Code Update. The Commission had a brief discussion concerning the update of the Madeira Zoning Code. Mr. Hern discussed his attendance at the last Economic Development Committee meeting. He stated that he felt the Planning Commission was on the right track.

#### X. OLD BUSINESS

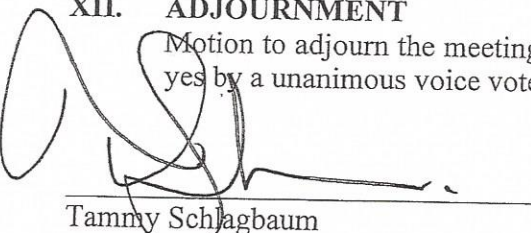
- None

#### XI. ACCEPTANCE OF MINUTES

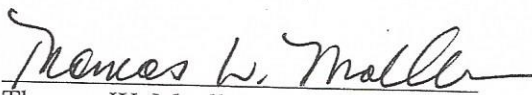
- Planning Commission Meeting Minutes, July 18, 2016
  - Motion by Mr. Burkey, seconded by Mr. Hern to approve the minutes as amended. All yes by a unanimous voice vote.

#### XII. ADJOURNMENT

Motion to adjourn the meeting at 11:15 pm made by Mr. Hern, seconded by Mr. Hilberg. All yes by a unanimous voice vote.



Tammy Schlagbaum



Thomas W. Moeller  
City Manager



EXHIBIT A

GRAYDON

Brian W. Fox  
Attorney  
Direct: 513-629-2706  
bfox@graydon.com

January 9, 2017

Mr. Tom Powers  
7608 Euclid Avenue  
Cincinnati OH 45243

Dear Mr. Powers:

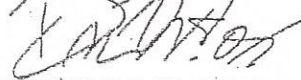
On behalf of the City of Madeira and the Planning Commission (collectively, the "City"), I am writing to notify you of the need for resubmission of your application for zoning approval at 7710 Railroad Avenue, which is located in the Main Street Core District ("Application ZA-2016-0028").

After reviewing your file, analyzing relevant provisions of the Ohio Revised Code, and consulting with the Ohio Ethics Commission (the "Commission") in Columbus, I regret to inform you that there may have been a procedural defect with respect to the City's consideration of Application ZA-2016-0028 that could cloud the foundation of any approval eventually obtained from the City.

Even though the Commission and I reached a similar conclusion regarding the unintended procedural irregularity - that it's not clear whether it would be ultimately problematic going forward, it is obvious that the most prudent course of action moving forward is to request you submit a new application for zoning approval. While I am sure this is unwelcome news, the Planning Commission will take necessary precautions to make certain you do not encounter the same problem.

Thank you for your cooperation and understanding. If you have any questions regarding the content of this letter, please feel free to contact the City Manager's office directly.

Sincerely,



Brian W. Fox  
Law Director

Cc: Mr. Tom Moeller  
Council  
Planning Commission

# October 17, 2016 Planning Commission Minutes Delayed and Altered (February 25, 2017)

Please Scroll Down.....



CITY OF MADEIRA PLANNING COMMISSION

AGENDA

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    - Owner: Mr. and Mrs. Frederick Pressler
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    - Request for a sign height variance
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  - Planning Commission Meeting Minutes - August & October 2016 meetings - delayed and altered
- XII. ADJOURNMENT

**MADEIRA PLANNING COMMISSION  
REGULAR MEETING MINUTES  
October 17, 2016**

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**I. CALL TO ORDER**

The meeting was called to order by Ms. Schlagbaum at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Ms. Schlagbaum.

**III. ROLL CALL**

A. Members present:

Doug Burkey	Mickey LeRoy
Kyle Hern	Tammy Schlagbaum
Steve Karoly	Chris Hilberg, Council Rep
Rob Kneip	

B. Members absent:

None

C. Officials/Staff present:

Thomas W. Moeller, City Manager  
Brian Fox, Law Director  
David Ballweg, ARO/Building Department

D. Officials/Staff absent:

Amanda Zimmerlin, Assistant City Manager

**IV. ACCEPTANCE OF THE AGENDA**

Motion by Mr. Hilberg, second by Mr. Hern, to approve the agenda. Motion approved by unanimous roll call vote.

**V. NOTICES OF OTHER MEETINGS OR EVENTS**

- |  |                               |
|--|-------------------------------|
| • Leaf Collection                        | October 10-December 23, 2016  |
| • City Council Meeting                   | October 24, 2016, 7:30 p.m.   |
| • Mayor's Court                          | October 19, 2016, 6:30 p.m.   |
| • Senior Commission                      | October 21, 2016, 6:00 p.m.   |
| • Girls' Night Out (Cincinnati Magazine) | November 4, 2016, 5:30-8 p.m. |
| • Parks & Recreation Board               | November 9, 2016, 7:00 p.m.   |
| • City Council Meeting                   | November 14, 2016, 7:30 p.m.  |

**VI. GUESTS AND REGISTERED VISITORS**

- None



**VII. HEARINGS ON APPLICATIONS FOR DEVELOPMENT PROPOSALS,  
CONDITIONAL USES, AND VARIANCE REQUESTS, OR REZONING PROPOSALS**

- A. Public Hearing No. 1, ZA-2016-0035  
Address: 6037 Johnson Street  
Applicant: Classic Living Homes  
Property owner: Adoniça L. & Timothy D. Coyle  
Zone: Residence A Single Family  
Request for a lot split/consolidation, no variances.

**1. PUBLIC HEARING**

- Ms. Schlagbaum opened the Public Hearing at 7:05 p.m.
- Mr. Moeller presented the case. The applicant requested the consolidation of a parcel on the west side of Johnson Street and north of Cherokee Drive, surrounded by other Residential A properties. It was originally platted as three (3) 50 foot wide lots. These lots are currently owned by the same owner with a single family dwelling straddling the property lines of the two (2) south lots; the third lot to the north is currently undeveloped. The proposal is to consolidate all three (3) lots and re-subdivide them into two (2) lots measuring 75 feet wide with approximately 18,000 square feet in area. This would make each lot conforming to the lot size requirement in the Residential A District, i.e., a minimum of 75 feet in width with 11,000 square feet in area. Mr. Moeller recommended that, should the Planning Commission approve this request, it would require that the existing house be demolished before finalization of the deeds and recording of the new lot subdivision; this stipulation was confirmed by David Ballweg. This case had been continued from the September 19<sup>th</sup> meeting because it had been misrepresented as a variance; additional information was needed.
- Mr. Bill Hines of Classic Living Homes represented the property owners and was available for questions.
- Ms. Schlagbaum asked if there was anyone present who wished to be heard on this case.
- Ms. Schlagbaum asked if there were any comments from the audience.

**2. PUBLIC COMMENT**

- Mr. Jeff Taylor, 6102 Cherokee Drive, asked how this reconfiguration would affect the discharge of an existing cavitette at 6110 Cherokee Drive. He also asked if the terrain would be changed.
- Mr. Moeller stated that he was not aware of this cavitette. It was presumed that any new homes would be on a public sewer system. Any on-site treatment of wastewater would need to be approved through the Board of Health.
- Mr. Grant Gibson, 6141 Cherokee Drive, expressed concerns about storm water drainage.
- Ms. Schlagbaum advised that the drainage patterns onto adjacent properties were not allowed to change with new construction. The Building Department would review the topography during the building permit application process.
- Hearing no further comments, the public hearing was closed at 7:15 PM.

**3. DISCUSSION**

- Motion by Mr. Hern, seconded by Mr. Karoly to approve the application as submitted.

**4. ROLL CALL**

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Kyle Hern	Yes
Chris Hilberg	Yes
Steve Karoly	Yes
Rob Kneip	Yes
Mickey LeRoy	Yes

**Motion to grant the application passed 7-0.**

- B. Public Hearing No. 2, ZA-2016-0034  
Address: 7028 Wallace Avenue  
Applicant: Dan Lauterbur of Riley & Rees, Inc.  
Property owner: Joe & Amanda Shults  
Zone: Residence B  
Request for a setback variance on a corner lot and lot coverage variance

**1. PUBLIC HEARING**

- Ms. Schlagbaum opened the Public Hearing at 7:18 p.m.
- Mr. Moeller presented the case. The plans have been revised from what was presented at the Planning Commission in September. The property is located at the corner of Wallace Avenue and Laurel Avenue and is surrounded by Residential B zoning. The plans were to demolish a 12' x 12' building and construct an addition to the rear of the property with an 11' x 17' deck. The owners were planning to remove and rebuild a front porch and a canopy over the garage. These plans exceeded the maximum lot coverage allowed from 28% to 32%. The plans have been revised since it was first heard in August.
- Mr. Moeller stated that no one had contacted the Administrative Office regarding this case.
- The owner Joe Shults and his architect were present. It was determined that the lot coverage was based on the structure and the deck; the ramp was not part of the plans. The plans showed a "new 6' high fence" on the Laurel side. The architect for the project advised that there should not be a ramp or privacy fence on the plans.
- Ms. Schlagbaum asked for comments from the audience.
- Hearing no further comments, the public hearing was closed at 7:28 PM.

**2. DISCUSSION**

- Ms. Schlagbaum read the answers to the Duncan Factors Variance Work Sheet with a discussion following.
- It was determined that the plans would have to be reduced at least 280 square feet to comply with code and eliminate the need for a variance. There were discrepancies from what the applicant was requesting and what the plans



submitted said. There was concern for what purpose they were requesting a variance.

- Mr. Ballweg advised that none of the revisions had been made on the plans that he had suggested; the architect thought revised plans dated September 13<sup>th</sup> had been submitted. The only plans on file were dated September 9<sup>th</sup>. Mr. Ballweg advised that he would be glad to go over the details regarding setbacks and lot coverage with the applicant
- Motion by Mr. Leroy, seconded by Mr. Karoly to table a decision on this case in order to get revised plans and verify lot coverage.

### 3. ROLL CALL

Tammy Schlagbaum	Yes
Doug Burkey	No
Chris Hilberg	Yes
Rob Kneip	No
Kyle Hern	No
Steve Karoly	Yes
Mickey LeRoy	Yes

**Motion to table the application passed 4-3.**

- C. Public Hearing No. 3, ZA-2016-0042  
Address: 6715 Rose Crest Avenue  
Applicant: George McFarren  
Property owner: Cynthia Gray  
Zone: Residence A  
Request a side yard setback variance to build on a non-conforming lot

#### 1. PUBLIC HEARING

- Ms. Schlagbaum opened the Public Hearing at 7:48 PM.
- Mr. Moeller presented the case. The subject property is located on the west side of Rose Crest Avenue, north of Dawson Road; it was in a Residence A zone and is surrounded by Residence A zoning. It was platted prior to annexation in 1971. It was subdivided under county regulation and is presently a legal non-conforming lot. Under Residence A requirements, a lot must have a minimum of 11,700 square feet of area. This subject lot has 5,547 square feet; it is also sub-standard in width at 43.95 feet (minimum is 75 feet in width). The applicant is also requesting a side yard setback variance for the property. The survey indicates that there will be 5.97 feet from the foundation to the property line with an 11 inch overhang. This would necessitate a variance of 2.525 feet from the north property line and 2.525 feet from the south property line; the side yard setback in a Residence A zone is 7.5 feet.
- Ms. Schlagbaum asked for clarification of the variances requested.
- Mr. Moeller advised that the applicant was requesting a front yard setback and two (2) side yard variances. In Residence A, the front yard setback is 50 feet.

Front yard setback averaging was not an option because there were not enough homes on either side of the subject property. The new home will set back approximately 1.5 feet farther than the other homes to the north on Rose Crest. Minimum side yard setback in this zone was 7.5 feet.

- Ms. Schlagbaum asked for confirmation of measurements showing on the plans. Mr. Ballweg advised that, in discussions with the builder, measurements were from the face of the gutter to the property line, not from the foundation.
- There being no further questions for the staff, Ms. Schlagbaum asked if the applicant had anything to present.
- Mr. George McFarren, applicant and builder, came forward. He went over the measurements shown on the proposed plan.

## 2. PUBLIC COMMENT

- Ms. Schlagbaum asked if anyone was present that wanted to be heard concerning this case. There being no one, the public hearing was closed at 7:58 PM.

## 3. DISCUSSION

- Motion by Mr. Burkey, seconded by Mr. Hern to approve the application as submitted.
- Ms. Schlagbaum read the answers to the Duncan Factors Variance Work Sheet with a discussion following, examining site plan and discussing grade elevations with Mr. Ballweg.
- Mr. Burkey amended his original motion to approve the application based on the 5.975 foot side yard setbacks shown on the site plan with the understanding that this measurement is to the face of the gutters and that the front yard setback is 30 feet to the face of the rake board; Mr. Hern seconded the amended motion.
- Mr. Kneip asked for clarification. Discussion ensued regarding the dimensions.

## 4. ROLL CALL

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	No
Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	Yes

Motion to approve the application passed 6-1.

- D. Public Hearing No. 4, ZA-2016-0044  
Address: 7271 Jethve Lane  
Applicant: C. Scott & Jennifer L. Gehring  
Property Owner: Same  
Zone: Residence B  
Request for a front yard setback variance and a lot coverage variance.



## 1. PUBLIC HEARING

- Ms. Schlagbaum opened the Public Hearing at 8:15 PM.
- Mr. Moeller explained the facts and circumstances involved in the applicant's request for a variance without suggesting approval or denial. The property was located in a Residence B zone and was surrounded by Residence B zoning. The applicant was proposing a 26' x 36' (936 square feet) addition to the back of the existing home. The existing house had an existing footprint of 1,934 square feet. The lot size currently exceeds the 7,000 square foot minimum lot size in a Residence B zone; the lot measured 135.02' by 60' (total 8,101.2 square feet). The application was also for 35% lot coverage which exceeds the Residence B zone required maximum of 28%.
- The Commission Members inquired as to the calculations of lot coverage numerous times.
- Ms. Schlagbaum noted that the applicant's proposed lot coverage on the site plan is 35.9%.
- The Law Director administered an oath upon each of the witnesses supporting or opposing the applicant's request.
- Mr. Gehring's Architect stated that the total lot coverage would be 35.9%.
- Based on the list of property owners submitted with the application, Mr. Burkey was concerned that one of the neighboring properties may not have been notified about this hearing. Mr. Moeller stated this would be checked with the notification list in the file, which was not available for this meeting.
- Mr. Gehring, the applicant and property owner, was present for questions. In his presentation to the Commission, Mr. Gehring advised the lot coverage maximum had been 35% when they bought the house in 2008 but was changed to 28% in 2014. He also stated that most of the homes on Jethve Lane were built in the 1950's; most of the existing homes had covered front porches and varied greatly on their front setbacks. He stated that his existing home was already non-conforming because there was a 40' front setback requirement in a Residence B zone; the present home had a front setback of 34', and the 4' x 4' stoop made it 30'. He would like to build a 6' x 9' covered front porch, bringing it 28' to the front property line. The proposed rear addition would line up with the back and side of the current structure, in other words, it squares off the house. It would not be visible from the street.
- Mr. Gehring addressed the Duncan Factors with the Commission.

## 2. PUBLIC HEARING

- Ms. Schlagbaum asked if anyone was present that wanted to be heard concerning this case. There being no one, the public hearing was closed at 8:41 PM.

## 3. DISCUSSION

- Motion by Mr. Kneip, seconded by Mr. Hilberg to approve the application as submitted.



- In further discussion, there was a concern about some conflicting information between the site plan and the floor plan submitted. There was concern about egress from the second story via windows. Information on the height of the proposed structure from existing grade was needed. Discussion continued about the lot coverage percentage.
- Members of the Commission stated that members of the community have raised concerns regarding the construction of larger homes in neighborhoods comprised of smaller structures.
- Mr. Karoly stated that he wanted to know more about the construction plans, include trimmings, treatments, finishes, etc.
- Motion by Mr. Hilberg, seconded by Mr. Burkey, to table the application to allow for the plans to be clarified and revised.

#### 4. ROLL CALL

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	Yes
Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	No

#### Motion to table the application passed 6-1.

Ms. Schlagbaum called for a five minute recess.

- E. Public Hearing No. 5, ZA-2016-45  
Applicant: City of Madeira  
Property Owner: Same  
Zone: All Residential Districts  
Zoning Text Amendment to Section 150.09, 150.29 and 150.41.

#### 1. PUBLIC HEARING

- Ms. Schlagbaum opened the Public Hearing at 9:02 PM.
- Mr. Moeller presented the case. At the last Planning Commission meeting (September 19, 2016), the Commission agreed to submit to Council text amendments for consideration. Copies of the drafts for each section had been provided in each members' packet. Mr. Moeller reviewed the different revisions to consider.
- There was a concern by the members that the information provided was not the latest proposed amendments and exhibits and asked that corrected information be submitted for the next meeting.

#### 2. ROLL CALL

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	Yes

Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	Yes

**Motion to table the public hearing passed 7-0.**

- F. Case No. 6, ZA-2016-0028  
Address: 7710 Railroad Avenue  
Applicant: Thomas M. Powers  
Property Owner: B&B Mower Services, Inc.  
Zone: Main Street Core  
Request for Final Development Plan Approval

**1. PUBLIC HEARING**

- Ms. Schlagbaum opened the Public Hearing at 9:09 PM.
- Mr. Moeller presented the case. The information before the Commission was a copy of application materials including a concept drawing and proposed parking information. There was a concern about parking as it pertains to the adjacent property owner to the east. He advised that the architect on the project, Mr. Wentz, was present for questions.
- Ms. Schlagbaum confirmed that there was more detailed information required, e.g., a more detailed lighting and signage plan. She stated that she would like the Commission to consider the bigger vision of the project and what it would do for the community as part of the Main Street Core District (MSCD) before asking for more details on the project. Ms. Schlagbaum read the MSCD checklist. Discussion followed concerning the MSCD requirements and this project.
- Ms. Schlagbaum asked if the applicant would like to make a presentation to the Commission. Mr. Wentz reviewed the proposed plans.

**2. PUBLIC HEARING**

- Ms. Schlagbaum asked if anyone was present that wanted to be heard concerning this case.
- The Law Director administered an oath for each of the witnesses supporting or opposing the application.
- Mr. Moeller was asked by the Planning Commission about an electrical transformer that would be used for the property from the Hosbrook House. Mr. Moeller stated that Duke Energy is to provide a proposed revision to any underground utilities for the area. He also advised that for years the present overhead utilities on Railroad Avenue have encroached over the private property. Duke Energy, at their expense, would move a pole on Railroad Avenue away from the property line. In addition, there was also an underground electrical service that would be installed through the back of the Hosbrook House property to a transformer. Duke was assessing the situation and how they would provide electrical service to the whole area, including this new building. At this time, it was not definite whether a new transformer was needed or not. Mr. Moeller said he was still waiting for Duke to come back with a plan.



- Mr. Mike Mauch, resident, was concerned about the amount of money spent working on this project. Mr. Moeller advised that he would be able to provide information on billed consultant work, but not on the amount of City Administrative time spent on this project because it wasn't tracked because of the many things the staff must do on a daily basis.
- Mr. James Tepe, resident, asked if there was a final application.
- Mr. Moeller advised that the final application was being reviewed now dated October 12, 2016. This was in the packet filed on the website.
- Mr. Tepe expressed concern about the zoning process.
- Mr. Tepe was concerned about the traffic design on Railroad Avenue. Mr. Moeller advised that it is intended to remain a two-way street; Duke Energy also needs to move a pole about 5-6 feet away from a property line, but it should still leave enough room on Railroad Avenue. The survey shows property lines, but does not represent the street information.
- Mr. Tepe stated that Mr. Ballweg had stated that it was his understanding that this was being treated as a restaurant when considering the number of parking spaces.
- Mr. Moeller explained that most restaurants have bars within them. That being the case, his interpretation of the zoning code is that if the overwhelming amount of use of the property is for a restaurant and not strictly for serving alcohol, it would be considered a restaurant. This was an interpretation confirmed by the Law Director in the past.
- Ms. Schlagbaum thanked Mr. Tepe for his comments, but reminded him that the application before the Commission at this time was for the building. The parking had already been discussed and considered under a separate variance case.
- Mr. Fox asked if Mr. Tepe was the property owner of McCabe Hardware at 7725 Laurel Avenue. Mr. Tepe stated he was president of Robert McCabe Company. Mr. Fox asked how long he owned the property. Mr. Tepe stated they leased the property in 2011 and then purchased the property in either 2014 or 2105. Mr. Tepe then stated he was unwilling to answer any further questions and asked that any questions be submitted to him in a letter.
- Mr. Douglas Oppenheimer claimed that the amount that the City had spent on the project is readily available, and he would post them on his website tomorrow. This project had been advertised as a request for a "final development plan". He asked for clarification on what this meant.
- Ms. Schlagbaum confirmed that this was about the building itself.
- The matter before the Commission was whether to approve or deny the applicant's final application relative to his proposed development in the Main Street Core District.
- Mr. Oppenheimer stated that he had heard a lot of different questions about electric, transformers, sewers, etc., already discussed. He asked if everything that was discussed this evening would be included under the final development plan.
- Ms. Schlagbaum advised that the Commission had not had its discussion as yet.
- Mr. Oppenheimer stated that he hoped that all of these things previously brought up would be discussed further before final approval was given.



- Ms. Schlagbaum confirmed that it was just the building before the Commission. She asked if there was anything else needed as far as the building dimensions as shown on the plan. It was noted that there were enough details on the plan at this time; the plans submitted for the building permit would include more detailed information.
- Mr. Kneip asked if they would be allowed to move interior plans around.
- Mr. Burkey stated that the only reason interior changes would matter was if it affected the seating count, which, in turn, would affect the number of allowed parking spaces.
- Mr. Hern questioned whether the development plan as proposed met the MSC District requirement of providing a small town feel, pedestrian-friendly environment, de-emphasis of surface parking, and other standards listed in Chapter 166.
- There was a concern that the approval of the preliminary plan sent a message to the applicant that he could invest in the development of this property.
- Ms. Schlagbaum reviewed what needed to be considered at this time. The information presented of the parcel and buildings was adequate. Detailed signage was presented in a variance. Mr. Moeller said there were no other signs being planned; any additional signs would need to be approved.
- The plans dated October 12, 2016 were the plans that needed to be reviewed at this meeting.
- Mr. Leroy stated, as far as the landscaping and buffering was concerned, the plans should show how sidewalks would be used to allow foot traffic to access the property. Parking was shown right along the building.
- Mr. Kneip stated there had been four (4) different parking options, and this one was selected as the best option. Landscaping was shown on the west, north and south of the building.
- A detailed lighting plan for the building and parking lot was needed. The plans showed building materials, dimensions and general uses. If the open air patio area was to be enclosed, it would need to come back to the Commission. Discussion continued about removing the optional windows and overhead door from the plan at this time and leave for future review. There was a question about cooking outdoors.
- Exterior building elevations showing proposed appearance of building was included.
- Parking lot issues, including pedestrian and vehicular circulation within the site and adjacent property, were revisited by Mr. Hern. The Commission was referred to MSC District, Chapter 166.60/61. To the extent possible in the MSC, surface parking should not be visible from Miami Avenue. He noted there was parking on three sides of the building, which is not pedestrian-friendly and conducive to a small town feel. There was a concern about visibility of the surface parking from Miami Avenue, the proposed curb cut and the effect on pedestrian sidewalks of having multiple curb cuts/access points to parking. The rear of the development already has one access point, so only one more access point is permitted. He stated that the proposed development would meet the standards of Chapter 166 if the owner and the City removed the curb

cut located to the west of the proposed development, removed several parking spots on the side of the proposed development and replaced the asphalt with landscaped screening, and continued the public sidewalk – uninterrupted by curb cuts or access points to parking – from Miami Avenue along Railroad Avenue and up to the front entrance of the proposed development. He stated that without conditions that resolve these issues, the proposed development would not reasonably meet the aesthetic standards for developments in the MSC described in Chapter 166, would not conform with the requirements of Chapter 166, and would not satisfy the intent and purpose of Chapter 166.

- Mr. Moeller noted there had been earlier discussion about selling a portion of the Muchmore House property to be used as part of this project. Later, there was discussion about a long term lease arrangement. The Madeira Historical Preservation Commission did not feel that use of historical property would be appropriate for this use.
- If the electrical transformer currently on the Hosbrook House property needed to be made larger to service this new development, the Madeira Historical Preservation Commission would review how it is to be located on the City's property within the historic district property.
- Motion by Mr. Hern, seconded by Mr. Hilberg, to approve the final development plan application as submitted subject to the following conditions:
  - Review and Approval by Planning Commission of the parking plan in relation to the final development including the new parcel that is to be purchased by the City.
  - Removal/Closure of the Railroad Avenue curb cut at the west parking lot access from Railroad Avenue.
  - Removal of asphalt parking totaling three (3) parking spaces at the southwest corner of the public parking lot in back of the Muchmore House and the addition of landscape screening at the developer's expense.
  - Extension of sidewalk from Miami Avenue to the subject property to replace the curb cut that is to be removed from the west parking lot entrance.
  - All plans involving Historic District Property would be reviewed and approved by the Madeira Historical Preservation Commission.
  - Identify All Storm Water Issues Related to the New Construction. The applicant is responsible for meeting all regulations at their expense.
  - Finalize Utility Locations including the relocated pole and transformer for electrical service and included as part of the final plan.

## 2. ROLL CALL

Tammy Schlagbaum	No
Doug Burkey	No
Chris Hilberg	Yes
Rob Kneip	Yes



Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	No

While the motion to approve the application with conditions was verbally passed by a vote of 4-3 on October 17, 2016, the City subsequently became aware of a procedural defect with respect to its review of the Applicant's request for approval of his Final Application.

- On or about January 9, 2017, the City issued correspondence to the Applicant, acknowledging a procedural defect impacting the Final Application. The correspondence by the City is attached to these minutes as Exhibit A and incorporated by reference herein.
- The Law Director advised the Planning Commission to deny the application because of that defect, which would require the Applicant to submit a new application for development in the Main Street Core District, in the event he was inclined to pursue approval once more.
- By voting and approving these minutes, Planning Commission evidences their denial of the Applicant's request for approval of his MSC Final Application, upon the advice of counsel.

**G. Review of Development Application for Pub 81, Residential Scale Business Overlay District, Stage 2 Project**

**1. PUBLIC HEARING**

- Ms. Schlagbaum opened the Public Hearing at 11:05 PM.
- Mr. Moeller presented the case. He referred the Commission to the ARO report dated October 10, 2016. The initial application has been filed; the ARO was recommending approval of Stage 2 of the project. Final approval would be contingent upon the approval of the Stage 3 dimensional reviews and Stage 4 design review. The applicant and architect were present to answer questions. The property is located at 7840 Camargo Road in the Residential Scale Business Overlay District.
- Mr. Karoly asked if there was a landscaping plan.
- Ms. Schlagbaum stated that she understood that this was a conceptual review to understand what the project was and the design direction.
- The applicant, Chris Kepes, came forward to answer questions. It was stated that they are pursuing shared parking agreements that provided 75 to 80 parking spaces.
- A question was asked about what was going on with the basement; there was an indication that it was going to be used for storage. The plans indicated some large windows and a door that looked like it might be a party room of some kind. The applicant stated it might be an office.
- There was a question about estimated number of employees for this business. That information was not available yet.
- Mr. Kneip asked if Kroger was one of the parties agreeing to shared parking. They were referred to the packet information.



## 2. PUBLIC HEARING

- Ms. Schlagbaum asked if anyone was present that wanted to be heard concerning this case.
- Mr. Mauch, resident, stated this is a great project for Madeira.
- Mr. Oppenheimer, resident, asked the applicant how much money he had asked the taxpayers of Madeira to give him for this project. Was the applicant going to sell his parking lot to the taxpayers?
- Mr. Ashmore replied that there was no intent to sell parking to the city or have the city construct parking.

## 3. DISCUSSION

- Mr. Hern stated that he liked to see on-site parking; he liked seeing this kind of use close to the street even though it's not currently part of the Central Business District or Main Street Core.
- Mr. Kneip stated that it appears to maintain the residential look and feel in the area.
- Motion by Mr. Burkey, seconded Mr. Karoly, to approve the initial application of Stage 2.

## 4. ROLL CALL

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	Yes
Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	Yes

Motion to approve the application was passed 7-0.

## H. Request for preliminary plat approval for Tree Tops of Madeira (formerly known as Camargo Trail Subdivision)

### 1. PUBLIC HEARING

- Ms. Schlagbaum opened the Public Hearing at 11:18 PM.
- Mr. Moeller presented the case. Presently under construction on Camargo Road, the developer has purchased additional property in order to include an 8<sup>th</sup> building lot. The preliminary plat has been revised to add this lot. It does not change any of the construction drawings, according to the City Engineer. Mr. Abercrombie was present to represent the developer to answer questions.
- Ms. Schlagbaum asked when the final plat would come in.
- Mr. Moeller stated the final plat would come up for approval before the lots were ready to go on sale. If it mirrors the preliminary plat and all the zoning was in compliance, the developer would apply for the record plat. Approval would then be recommended.
- A question was asked about the configuration of Lot 1 and if it had been changed. Mr. Moeller advised that it had not been revised.

- It was determined that there would be a home owner's association that would be maintaining landscaping and the retention pond as is typical for these developments.
- Mr. Abercrombie came forward to answer questions. He stated that additional property became available, and it was purchased to add an additional lot.

**4. PUBLIC HEARING**

- Ms. Schlagbaum asked if anyone was present that wanted to be heard concerning this case. There being no one, the public hearing was closed at 11:23 PM.

**5. DISCUSSION**

- Motion by Mr. Hern, seconded by Mr. LeRoy to approve the application as submitted.
- It was determined that all lots are conforming lots.

**6. ROLL CALL**

Tammy Schlagbaum	Yes
Doug Burkey	Yes
Chris Hilberg	Yes
Rob Kneip	Yes
Kyle Hern	Yes
Steve Karoly	Yes
Mickey LeRoy	Yes

**Motion to approve preliminary plat was approved 7-0.**

**VIII. COUNCIL REPORT**

Mr. Hilberg reported on the following item:

- City Council held first reading on legislation that would vacate a portion of Morrison Place for the redevelopment of the former Kutol Products Site for the Leo Brown Group. Mr. Kneip asked if this was a change to their original plan. Mr. Moeller stated that due to a request by the City to provide a community meeting space for seniors, the developer redesigned the original concept that would now have all facilities under one building. This necessitated building over the Morrison Place right-of-way and they requested that the City vacate that portion of right-of-way. They will submit plans to relocate the east intersection of Morrison to align with Esther Lane. This is at their expense.

**IX. NEW BUSINESS**

➤ None

**X. OLD BUSINESS**

➤ None

**XI. ACCEPTANCE OF MINUTES**

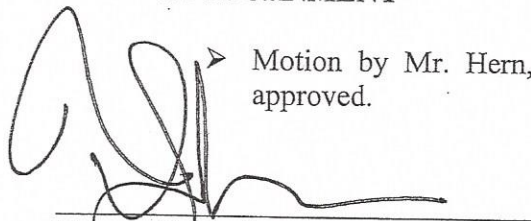
- Motion to approve the Special Session September 29 minutes as submitted by Mr. Burkey, seconded by Mr. Karoly. Motion approved by unanimous roll call vote.
- The minutes for the September 19<sup>th</sup> meeting would be reviewed and accepted or amended at the November meeting to give the Commission time to properly review them.

**XII. EXECUTIVE SESSION**

- None

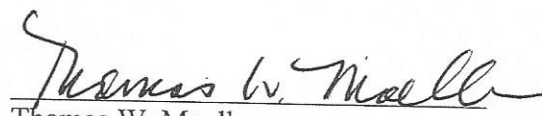
**XIII. ADJOURNMENT**

- Motion by Mr. Hern, seconded by Mr. Leroy to adjourn at 11:49 PM. Motion approved.



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Tammy Schlagbaum  
Planning Commission Chair



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Thomas W. Moeller  
City Manager



EXHIBIT A

GRAYDON

Brian W. Fox  
Attorney  
Direct: 513-629-2706  
bfox@graydon.com

January 9, 2017

Mr. Tom Powers  
7608 Euclid Avenue  
Cincinnati OH 45243

Dear Mr. Powers:

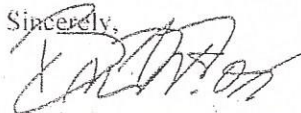
On behalf of the City of Madeira and the Planning Commission (collectively, the "City"), I am writing to notify you of the need for resubmission of your application for zoning approval at 7710 Railroad Avenue, which is located in the Main Street Core District ("Application ZA-2016-0028").

After reviewing your file, analyzing relevant provisions of the Ohio Revised Code, and consulting with the Ohio Ethics Commission (the "Commission") in Columbus, I regret to inform you that there may have been a procedural defect with respect to the City's consideration of Application ZA-2016-0028 that could cloud the foundation of any approval eventually obtained from the City.

Even though the Commission and I reached a similar conclusion regarding the unintended procedural irregularity - that it's not clear whether it would be ultimately problematic going forward, it is obvious that the most prudent course of action moving forward is to request you submit a new application for zoning approval. While I am sure this is unwelcome news, the Planning Commission will take necessary precautions to make certain you do not encounter the same problem.

Thank you for your cooperation and understanding. If you have any questions regarding the content of this letter, please feel free to contact the City Manager's office directly.

Sincerely,



Brian W. Fox  
Law Director

Cc: Mr. Tom Moeller  
Council  
Planning Commission

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