

The Tuesday, December 12, 2006 meeting of the Delhi Township Zoning Commission was called to order by Chairman Charlie Fehr at 7:00 p.m. at the Administration Building. The meeting began with the Pledge of Allegiance to the Flag.

Members present:

Charlie Fehr

John Wickstrom

Jayne Berning Patton

Ed Jung

Also present:

Thomas R. Stahlheber, Director of Development Services

The Commission received certification that the rules pertaining to the Sunshine Law had been adhered to for the meeting.

Resolution 2006-04

Mrs. Patton moved and Mr. Jung seconded to approve the minutes of the Commission's April 18, 2006 meeting. Mssrs. Fehr, Wickstrom, Jung and Mrs. Patton voted aye. Motion carried.

The hearing on case ZC2001-3 (landscape and lighting plans) was convened.

Mr. Stahlheber advised that the approval of the final development plan affecting the Glens of Delhi Condominiums in case ZC2001-3 was conditioned upon the submission of landscape, lighting and signage plans at a point in the development where its impact on neighboring properties could be better evaluated. He commented that the Commission previously had approved the signage plan. He noted that at this hearing the Commission needed to review and take action on the proposed landscape and lighting plans, and that those plans have already been implemented.

John Homer, Hal Homes, 9545 Kenwood Road, advised that all of the Township Horticulturalist's comments and concerns have been addressed in the proposed, implemented landscape plan. He commented that modifications to the originally proposed plan include redesigning and relocating plant layout and substituting plants on the hillside behind building #8 (Rapid Run frontage) and, installing trees so to screen the privacy fence along the east property line from the residences on Dundas.

To Mr. Jung's question as to if sufficient screening was provided by the landscape materials as installed or would it need to mature Mr. Homer responded both. Mr. Homer advised that his understanding was that the only area where mature screening was expected was in the vicinity of the lighted ground sign at the entrance to the development where additional large Norway Spruce trees were planted.

Mr. Stahlheber confirmed that revisions made to the originally proposed landscape plan were in response to comments from the Township Horticulturalist. He commented that upon inspection the Horticulturalist has found the plan as implemented to be in keeping with the screening/buffering requirements of the Zoning Resolution.

Mr. Stahlheber advised that the lighting plan consists of the installation of pole mounted gas light replica light fixtures along the streets serving the development. He commented that the Horticulturalist noted the lights bleeding over onto neighboring properties east, on Allenwood & Dundas. Mr. Stahlheber noted that inasmuch as there was some bleed-over from the development onto those properties that there also was some bleed over of the lights at those properties onto the development.

Mr. Wickstrom advised that he didn't think that the bleed-over issue was significant.

Mr. Jung advised that he concurred with Mr. Wickstrom.

Mrs. Patton advised that she felt that the westernmost residence on the north side of Dundas was being negatively affected by the bleed-over. To her question as to if any complaints had been received from the owner of that property Mr. Stahlheber responded in the negative.

Mrs. Patton advised that she felt that a number of the residences on Allenwood would be affected by the bleed-over from the light between buildings #3 & 5, noting that at the time of her inspection that light was not operating. Mr. Stahlheber advised that he had witnessed the light operating and that the residences on Allenwood were no more affected by such light than residence on Dundas were by the light nearest them.

Mr. Stahlheber advised that the Zoning Resolution contains minimal regulations concerning lighting. He commented that procedurally so long as light doesn't bleed-over onto neighboring properties the lighting is determined to be code compliant. He noted that it was very difficult to quantify light intensity without the Resolution containing some particular standards. He advised that more and more communities are adopting regulations that contain particular light intensity standards measured generally at the property line. He commented that a photometric drawing indicating the foot-candle intensity of the lights along the streets serving the development had been submitted. He noted that he stood at the property line nearest the light between buildings #3 & 5 and that he observed very little light bleeding-over. He advised that in addition to the bleed-over issue is the issue of the appearance of the intensity of the light fixtures themselves and that such issue is not addressed by the Resolution. He commented that if one stood on the property line and looked at the residences on Allenwood one would see the rear of those residences lit-up by the developments' lights, and that if one stood on the property line and looked at the development one would see the buildings of the development lit-up by the neighboring residences rear yard spot lights.

Richard Bolger, 5226 Glen Creek Drive, advised that he was a board member of the Glens of Delhi Condominium Association. He commented that residents of the development feel that the lights are very attractive and don't have a problem with where they were located.

Mr. Fehr advised that he had some concern for the light bleed-over onto neighboring properties east and that it would apparently be difficult to install shields on the type of light fixtures used.

Mr. Stahlheber reiterated that there had been no complaints received concerning the lights.

Mr. Wickstrom reiterated that he didn't have a problem with the lights. He commented that their intensity is no greater than any other street lights within the Township.

Mr. Stahlheber advised that his observation was that the light bleed-over from the neighboring properties onto the development was more intense than that from the development onto the neighboring properties.

Mr. Stahlheber advised that at the hearing where the Commission approved the developments' final development plan, delaying action on the proposed landscape and lighting plans, that there were two neighbors present who requested being notified of the hearing where those plans would be discussed. He commented that those individuals were so advised and that he had not heard from them.

Mr. Jung advised that the key was there hadn't been any complaints.

To Mrs. Patton's comment that the gate at the end of Dundas, between two sections of screening fencing, was not very appealing Mr. Stahlheber advised that such was installed at the request of the Fire Department inasmuch as that was the secondary, emergency access into the development. Mr. Stahlheber commented that the gate also serves to prevent vehicular cut-through traffic. He noted that that particular type of gate is commonly used in other communities for the same purpose.

Resolution 2006-05

Mr. Wickstrom moved and Mr. Jung seconded to approve the proposed landscape and lighting plans in case ZC 2001-3 noting that they met with the approval of the Township Horticulturalist and that no opposition to them had been expressed. Mssrs. Fehr, Wickstrom, Jung and Mrs. Patton voted aye. Motion carried (formal resolution attached).

The hearing on case ZC2002-2 (landscape, lighting and signage plans) was convened.

Mr. Stahlheber advised that the approval of the final development plan affecting Allison Landscape in case ZC2002-2 was conditioned upon the submission of landscape, lighting and signage plans at a point in the development where its impact on neighboring properties could be better evaluated. He commented that at this hearing the Commission

needed to review and take action on those proposed plans, and that they have already been implemented.

With respect to the requirement that a lighting plan be submitted Mr. Stahlheber advised that actually there was only one light on the property that burned 24 hours a day, that owing to its location that that light didn't affect any neighboring properties and that no additional lighting was proposed. He commented that in light of the above the Commission could consider resending the requirement for the submission of a lighting plan.

Todd Allison, 889 Anderson Ferry Road, provided photos of proposed signage. He advised that the plan included replacing the existing sign atop the water feature at the corner of Anderson Ferry & Rapid Run with an engraved stone and relocating the existing sign to the pole barn, installing permanent wall signs on the soffets of the main building, installing seasonal, temporary signage on the walls of the main building, and installing directional/labeling signage on the large retaining wall at the aggregate material bins.

To Mr. Wickstrom's question as to the permanence of the stone sign at the northernmost drive on Anderson Ferry Mr. Allison advised that such comes and goes inasmuch as it is used at garden shows.

To Mr. Fehr's question as to if the County Engineer had any concerns for the signage and landscape materials within and/or in close proximity of the right-of-ways Mr. Stahlheber advised that the plans were reviewed by that agency and that they expressed no opposition/concern.

Mr. Allison advised that one additional proposed sign was proposed, a small wall sign to be mounted on the proposed greenhouse addition to the main building. Mr. Stahlheber advised that a proposed modified development plan included additional signage and suggested that that should be consolidated with the overall signage plan for the development.

To Mr. Jung's question as to if permits would need to be obtained for the seasonal, temporary signage on the main building Mr. Stahlheber suggested they be exempted.

To Mr. Jung's question as to if seasonal, temporary signage would be attached to the proposed building addition Mr. Allison responded in the affirmative. Mr. Allison advised of being very particular about the condition of such signage and that they would be replaced as needed.

Mr. Stahlheber advised that there were a number of landscape materials in the Anderson Ferry right-of-way, and reiterated that the County Engineer has expressed no objection to such.

To Mr. Fehr's question as to if the various concerns expressed at the amendment hearing with respect to the existing/proposed plant materials on the hillside to the rear of the development have been adequately addressed Mr. Stahlheber responded in the affirmative.

Mr. Stahlheber advised that both the landscape and signage plans make mention of applicants intent to plant certain landscape materials in such a way as to spell out the company name on the hillside above the large retaining wall. He suggested that such not be included as part of either the landscape or signage plans. The Commission concurred.

Resolution 2006-06

Mr. Wickstrom moved and Mrs. Patton seconded to approve the proposed landscape and signage plans, and to rescind the requirement that a lighting plan be submitted, in Case ZC2002-2. Messrs. Fehr, Wickstrom and Jung, and Mrs. Patton and voted aye. Motion carried (formal resolution attached).

The hearing in Case ZC2006-1 (Allison Landscape final development plan modification) was convened.

Mr. Stahlheber advised that proposed was a modification to the existing final development plan affecting Allison Landscape at 889 Anderson Ferry Road. He commented that the proposed modification includes an addition to the main building, changes to the parking lot layout, the addition of a curb cut and additional signage.

Todd Allison, 889 Anderson Ferry Road, advised that the proposed building addition consisted of an 894 sq.ft. greenhouse attached to the west side of the existing main building. He commented that the addition would be 18' high and measure 24' by 36'. He noted that the front façade of the addition would in line with the front façade of the main building. He advised that the addition would have only a 21' front yard setback from Rapid Run due to an existing sewer easement cutting through the subject property. He commented that reconfiguring the footprint of the proposed addition would not increase the setback. He noted that the reduced setback would have no negative impact on ingress/egress, on site traffic flow or sight visibility.

To Mr. Wickstrom's question as to what materials would be used in constructing the addition Mr. Allison advised galvanized steel with polycarbonate Plexiglas.

To Mr. Jung's question as to if the location of the addition would be next to the firewood sign Mr. Allison responded in the affirmative.

To Mr. Wickstrom's question as to if the greenhouse addition was in lieu of a second story addition to the main building as was originally proposed Mr. Allison responded in the negative advising that the greenhouse was in addition to the originally proposed, future second story addition.

Mr. Stahlheber advised that an issue existed with respect to the north front yard setback of the proposed addition. He commented that whereas a 50' front yard setback is required a 21' north front yard setback is proposed. He noted that such was due to the configuration of the existing main building on the subject property and a sewer easement running through the property adjacent the rear building line of both the main building and the addition. He advised that there was no way to increase the setback while maintaining the proposed size of the addition. He advised that the amendment affecting the subject property recognized that the main building did not meet the required north front yard setback and that such was noted in the approval of both the amendment and final development plan. He commented that the proposed addition would not negatively affect traffic sight visibility, emergency access to the site or internal site circulation. He advised that if the Commission wished to approve the proposed addition they would need to cite Sec. 137.3.4 of the Zoning Resolution so to modify the setback requirement for just cause.

Mr. Stahlheber advised that the proposal also included a proposed additional curb cut on Anderson Ferry. He commented that the amendment affecting the subject property included the elimination of two of the original four curb cuts serving the property, those nearest the intersection of Anderson Ferry & Rapid Run Roads. He noted that the proposed additional curb cut would be south of the existing curb cut and would serve as site access for heavy vehicles. He advised that the County Engineer has expressed no objection, subject to the property owner obtaining a right-of-way permit.

Mr. Stahlheber advised that the proposal also included additional signage for the proposed addition and that such signage was code compliant. He suggested that the Commission approve such signage, conditioned upon it being added to the signage plan affecting the subject property.

Mr. Stahlheber advised that the proposal also included a re-configuration of the parking lot resulting in a reduction in the number of parking spaces provided from 18 to 12. He commented that owing to the square footage of the existing main building, and addition thereto, that 12 spaces was code compliant. He noted that a potential issue would arise if and when the addition of a second floor to the main building, as is indicated on both the existing and proposed final development plans, is constructed. He suggested that the Commission approve the plan conditioned upon the parking requirements of the Zoning Resolution being complied with, noting that such would require additional parking spaces only upon construction of the second floor addition.

Mr. Allison advised that most of their customers who come in for bulk materials go directly to the aggregate bins by way of the gravel portion of the parking lot. He commented that they are in the process of setting up a checkout counter in the pole barn for these customers so they don't have to go into the main building.

To Mrs. Patton's question as to if the use of the proposed addition should increase the number of customers would additional parking be required Mr. Stahlheber responded in the negative noting that required parking is determined by the square footage of the buildings at the subject property.

Mr. Stahlheber advised that the dimensions of the parking spaces as indicated on the proposed development plan were not code compliant. He commented that approving the revised development plan conditioned on compliance with the parking requirements of the Zoning Resolution, as was previously suggested, would address the issue of the size of the parking spaces as well.

Mr. Stahlheber noted that in considering modifications to development plans that the Commission must make a determination as to if the modifications are considered major or minor, advising that only if considered minor could they proceed.

Resolution 2006-07

Mr. Wickstrom moved and Mr. Jung seconded to consider as a minor modification the proposed revised development plan in Case ZC2006-1 and to approve said plan, citing Sec. 137.3#4 of the Township Zoning Resolution so to allow a reduced north front yard setback, conditioning such approval on applicant obtaining within 90 days a permit from the County Engineer for improvements made within the right-of-way and the plan complying with the parking regulations of the Zoning Resolution. Messrs. Fehr, Wickstrom and Jung, and Mrs. Patton voted aye. Motion carried (formal resolution attached).

To Mr. Wickstrom's question as to if the fountain will operate all winter long Mr. Allison advised only so long as weather permits.

Old Business:

- Mr. Stahlheber advised that the Development Services' 2007 budget request included the hiring of a consultant to assist with the development of two text amendments, namely paving regulations and additional regulations pertaining to detached garages. He commented that those issues were given the highest priority inasmuch as they were issues dealt with regularly from a code enforcement perspective.

New Business:

- Mr. Stahlheber advised that at the request of the Delhi Pike Business District Task Force the Board of Trustees had agreed to fund a study of the Delhi Pike business district. He commented that the study would be conducted by the University of Cincinnati's College of Design, Architecture, Art & Planning in conjunction with the Hamilton County Development Corporation. He stated that a similar plan was developed twelve years ago. He advised of not knowing as to if the plan would at some point come before the Commission for review and/or endorsement prior to being submitted to the Board. He commented that he anticipated that the plan would suggest some alternative, non-business uses including residences.

- Mr. Stahlheber advised of a commercial alteration consisting of a coffee shop at 4800 Delhi.
- Mr. Stahlheber advised of having some discussions concerning the redevelopment of the former Delhi Garden Center property.
- Mr. Stahlheber advised of having some discussions concerning the redevelopment of the former Davitt & Hanser building.
- Mr. Stahlheber advised of having some discussions concerning the possible redevelopment of the Riverview Community Retirement Home property.
- Mr. Stahlheber advised that Mr. Jung had been reappointed to a five year term on the Commission.
- The Commission received department monthly reports for March-September 2006.
- The Commission received revised rosters.

There being no further business on motion of Mrs. Patton seconded by Mr. Wickstrom the meeting was adjourned at 8:35 PM. Messrs. Fehr, Wickstrom, Jung, and Mrs. Patton voted aye. Motion carried.

Secretary