

The Tuesday, April 22, 2008 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
Marijane Klug
Ed Jung

Also present:

Thomas R. Stahlheber, Director of Development Services
David C. Lane, Law Director

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

Resolution 2008-1

Mr. Wickstrom moved and Mrs. Klug second to approve the minutes of the Commissions' August 7, 2007 meeting, but to dispense with the reading. Mssrs. Fehr, Jung and Wickstrom and Messes. Klug and Patton voted aye. Motion carried.

The hearing on case ZC2008-1(6079 Cleves Warsaw Road) was convened.

Mr. Stahlheber advised that the case involved a request to change the zoning at 6079 Cleves Warsaw from "A2" residence to "O" office to facilitate reuse of the existing single-family residence and detached garage at the property. He commented that use of the residence will convert to an office and that the second floor of the detached garage will convert to an accessory apartment. He noted that the request had been forwarded to the Hamilton County Regional Planning Commission for review and recommendation.

Applicant Jonathan Woche, McBride Dale Clarion, 5725 Dragon Way, Suite 220, Cincinnati, Ohio advised that he was acting on behalf of the property owner, LARC Properties, LLC, and that he submitted an application for a zoning amendment in Case ZC2008-1 requesting a change in zoning from "A2" Residence District to "O" Office District for property at 6079 Cleves Warsaw Road. He commented that the property is 0.78 gross acres in size. He noted that the existing residence would convert to an office and that the second floor of an existing detached garage will convert to an accessory apartment. He advised that there were no intentions to make exterior alterations to the buildings at this time. He commented that the existing driveway will remain and will be expanded as necessary so to comply with parking requirements. He noted that a preliminary site plan had been submitted. He advised that he believes the proposed zone change is appropriate inasmuch as it will serve to provide a transition from the adjacent retail use to neighboring single-family residences. He commented that redevelopment of the vacant property on the north side of Cleves Warsaw opposite the subject property is anticipated, and

that such redevelopment may include a zone change to something other than single family residence which it is currently zoned. He noted that he received Mr. Stahlheber's staff report, discussed such with his client, and that they are in full agreement with the suggested conditions of approval, namely submission of a detailed site plan when appropriate, provision of required parking, and clarification of paving materials/lighting/buffering.

To Mrs. Klug's question as to how the requested zone change would increase the tax base of Delhi Township Mr. Wocher advised that the subject property's value would increase as taxes for office uses are greater than for single-family residential uses.

Mrs. Patton advised that the extensive retail uses to the west/northwest of the subject property serve as a deterrent to further use of same as a single-family residence. She commented that an office use would be a less intensive use.

To Mrs. Patton's question as to if the existing house at the subject property was torn down could something else be rebuilt on the lot Mr. Stahlheber responded in the affirmative.

To Mrs. Klug's question as to if the existing house at the subject property was torn down could the neighboring business be extended onto same Mr. Stahlheber responded in the negative stating that retail uses are not permitted in office districts.

To Mrs. Klug's question as to what could be built on the subject property if it were zoned "O" Mr. Stahlheber advised single-family residences, multi-family residences, churches and office buildings would be permitted.

To Mr. Wickstrom's question as to if any accessory structures would be built on the subject property Mr. Wocher advised that there was an existing shed on the property and that he was unaware of any plans for any new structures.

To Mr. Wickstrom's question as to why a change to "O" rather than "OO" was being proposed Mr. Wocher advised that with such minimum amount of changes proposed to the existing buildings and subject property the "O" district was determined to be all that was needed.

Mr. Wickstrom advised that there is a sewer easement at the subject property that extends from the rear yard to Cleves Warsaw. Mrs. Patton commented that MSD will be raising the sewer up.

To Mrs. Patton's question as to if there was enough room at the subject property to leave the shed and add the required additional parking spaces Mr. Wocher responded in the affirmative.

To Mr. Fehr's question as to if the Township is promoting the expansion of office as opposed to residential uses Mrs. Patton advised that the Delhi Township Land Use Policy and Strategy Plan explicitly calls for the expansion of office uses.

Mr. Stahlheber advised that the Land Use Policy and Strategy Plan promotes consideration of amendments proposing office uses, not necessarily to infuse office uses into established residential districts but on a case by case basis where such amendments would result in a step down in intensity of uses.

Mr. Stahlheber advised that Regional Planning voted 5-0 to recommend denial of the subject zone change request. He commented that their recommendation was based on two issues: they do not like single letter zone change requests because planned district requests afford more control over developments; and, if the existing building is torn down that a new, taller building having lesser setbacks could be constructed. He noted that a new building would have to be constructed subject to existing minimum regulations affecting the "O" Office district.

Mr. Lane advised that ninety-five percent of the properties in the Township are located in single letter zone districts, and that planned districts are very much the exception. He commented that whereas the Township prefers planned district zone changes as they afford more control over the subject development that that doesn't mean that it is the only tool available or the right one for any particular development. He noted that it is important for the Commission to be aware that most Township properties are not in planned districts.

Mr. Stahlheber advised that Regional Planning's denial recommendation mirrors that of their Staff Report noting that the Township prefers planned district zone change requests and their concern for re-development of the property should ownership of it change. Mr. Stahlheber reiterated that should the subject property be redeveloped in the future that such would have to be developed subject to existing minimum regulations affecting the "O" Office district, or any future revisions thereto. Mr. Stahlheber commented that the Commission needs to have confidence in what regulations exist that affect the various zone districts.

Mr. Stahlheber advised that the Township has a land use policy that encourages office uses and the utilization of the zone change process to assure that office zoning occurs in appropriate locations where such can serve as a buffer between commercial and residential land uses.

Mr. Stahlheber advised that the only issues that need resolved concerning the subject zone change request are the existing parking space in the front yard, the paving material to be utilized in the drive/parking lot expansion, and buffering the property from neighboring residential properties. He commented that the issues would need to be addressed for the Commission to recommend approval of the request or the approval conditioned upon such compliance. He noted his confidence in the current office district regulations to adequately address the issues noted.

To Mr. Wickstrom's question as to if the Township received reports from County Public Works, the County Engineer, and Metropolitan Sewer District Mr. Stahlheber responded in the negative. He advised that typically it is Regional Planning's responsibility to forward zone change requests to the various agencies requesting comments/recommendations.

To Mr. Wickstrom's question as to if the Fire Department has commented on the zone change request Mr. Stahlheber advised that they have advised that if the request is approved that the resulting change in use classification of the building will result in permits needing obtained from them.

To Mrs. Patton's question as to what the maximum height limitation in the "O" district was Mr. Stahlheber responded three stories and/or forty-five feet.

Mr. Chip Brigham, 4931 Delhi Pike, advised that he was President of Delhi Business Association and that such organization was in favor of the requested zone change. He commented that LARC Properties LLC, is a longstanding member of the Delhi Business Association and have won many awards for ethical, outstanding business practices. He noted that the proposed office use would serve as a good transitional use between existing businesses and residences.

Resolution 2008-2

Mr. Wickstrom moved and Mrs. Patton seconded to approve the proposed zone change at 6079 Cleves Warsaw Road in case ZC2008-1, changing the zone district designation from "A2" Residence to "O" Office, conditioned upon all improvements and the change in use being in compliance with the Delhi Township Zoning Resolution and the regulations of Hamilton County Engineer, Hamilton County Public Works, Metropolitan Sewer District, Cincinnati Water Works and Delhi Township Fire Department. Mssrs. Fehr, Wickstrom and Jung and Messes. Klug and Patton voted aye. Motion carried. (formal resolution attached)

Old Business:

- Mr. Stahlheber advised that the developer of the Woodlands Condominium was required to submit for the Commissions' review/approval landscaping, lighting, and signage plans. He commented that the development is now eight years old, is not complete and that such plans have not been formally submitted. The Commission directed Mr. Stahlheber to contact the developer requesting the submission of the required plans.
- To Mr. Stahlheber's suggestion the Commission agreed to hold a series of workshops whereat each of several identified text amendment subjects would be discussed generally, with Mr. Stahlheber then utilizing the Commission members' comments and suggestions in drafting the proposed language of the amendments.

New Business:

- Mr. Stahlheber advised that Mrs. Patton had been reappointed to the Commission.
- Mr. Stahlheber advised the Board of Trustees has accepted a Corridor Plan for the Delhi Pike Business District which was prepared by the University of Cincinnati. He commented that a consultant has been hired to look at one aspect of the plan. He noted that at the present time the Commission has not been asked to be involved with the plan but that he anticipated being involved in the future.
- Mr. Stahlheber advised Kroger has purchased the abandoned Gold Star Chili building on Delhi Pike which will be demolished and replaced by a gas station.

- Mr. Stahlheber advised that McDonalds is considering replacing their existing building on Delhi Pike at the current location sometime this year.
- Mr. Stahlheber advised that 5/3 Bank will be building a new bank on the Delhi Garden Center site this year. He commented on not knowing what will happen to their existing building at the intersection of Delhi & Greenwell.
- The Commission discussed Allison Landscaping parking at a residentially zoned property at the northeast corner of the intersection of Rapid Run & Anderson Ferry. Mr. Stahlheber advised that the owner of that property has been issued an informal order concerning the matter.

There being no further business on motion of Mrs. Klug seconded by Mr. Jung the meeting was adjourned at 8:36 PM. Messrs. Fehr, Wickstrom and Jung and Messes. Klug and Patton voted aye. Motion carried.

Thomas R. Stahlheber, Secretary