MINUTES OF THE CITY PLANNING COMMISSION
J. MARTIN GRIESEL ROOM

December 17, 2004
9:00 A.M.

PRESENT: ***Appointed Members***:
Terry Hankner, Caleb Faux, Curt Paddock, Valerie Lemmie, Jacquelyn McCray James Tarbell and Donald Mooney

***Community Development and Planning Staff*:**
Margaret Wuerstle, Steve Briggs, Rodney Ringer, Caroline Kellam, Felix Bere, and Virginia Vornhagen

Law Department:
Julia Carney

CALL TO ORDER

Mr. Hankner, chair pro tem, called the meeting to order.

MINUTES

The minutes of the December 3, 2004 meeting were presented.

Motion: Mr. Mooney moved approval of the minutes as presented.
Second: Mr. Faux
Vote: All ayes (5-0), motion carries.

CONSENT ITEMS

ITEM #1 -- A report and recommendation on the sale of City-owned property located on West Court Street to Uptown Community Partners Limited Partnership.

ITEM #2 -- A report and recommendation to authorize a lease agreement with Fifth Third Bank for a portion of the parking lot at the Business Development and Permit Center to install and operate an automatic teller machine.

Motion: Mr. Mooney
Second: Mr. Faux
Vote: All ayes (7-0), motion carries

DISCUSSION ITEMS

ITEM #3 -- A report and recommendation on the final Corryville University Village Urban Renewal Plan.

Sr. Staff Planner, Ms. Katherine Keough-Jurs, presented this item. Ms. Keough-Jurs reminded the Planning Commission that this is the final presentation of the Corryville University Village Urban Renewal Plan. There have

been 13 meetings with the community groups and neighbors, the last meeting being November 18, 2004, which was well attended. Of the 40-50 people who attended the most were very much in agreement with the plan, just a few had questions with regard to eminent domain. After responses to this question by the Planning Staff, the members of the community seemed satisfied and this time all community members were in agreement with the proposed Urban Renewal Plan. The Planning Staff will keep the community groups advised of the progress of this Plan and the community will follow up regularly with information meetings. The Planning Staff recommends approval of the final Corryville University Village Urban Renewal Plan.

Motion: Mr. Mooney moved approval to adopt the Urban Renewal Plan
Second: Mr. Faux
Vote: All ayes (7-0), motion carries

ITEM #4 – A report and recommendation for an ordinance authorizing the narrowing of City-owned property located at Spring Grove Avenue and Harrison Avenue.

Sr. Staff Planner, Rodney Ringer presented this item. The company, Business Information Systems, has a warehouse on Spring Grove Avenue at the corner of Harrison Avenue. It does not have proper access to its facility and in order to put the proper access in place it will need to expand onto Spring Grove Avenue. After the proper access is in place they will add Greenery including trees at an approximate cost of $6,400. Mr. Ringer noted that he had heard from Fifth Third Bank representatives had responded in a negative way to this expansion onto Spring Grove, however, there were no Fifth Third Bank representatives at this meeting.

Ms. Hankner, chair pro tem, noted that absent any responses in the negative, a vote would be in order.

Motion: Mr., Mooney voted approval of the Staff Plan for BSI expansion
Second: Mr. Faux
Vote: All ayes (7-0), motion carries

ITEM #5 – A report and recommendation to rename a portion of Queen City Avenue, Old Queen City Avenue and name a newly constructed connector street Lick Run Way in the neighborhood of South Fairmount.

Mr. Steve Briggs, Sr. City Planner presented this item on renaming a portion of Queen City Avenue. A high-speed connector street has been completed between upper and lower Queen City Avenue and this would be named Lick Run Way. The older residential street portion will pick up the name of Old Queen City Avenue. The response from the community has been positive.

Motion: Mr. Mooney moved approval of Staff Report and Recommendation
Second: Mr. Faux
Vote: All ayes (7-0), motion carries

ITEM #6 – A report and recommendation on a Plat of Subdivision, Record Plat, for the Sonoma Hill Subdivision located in the neighborhood of Madisonville, north of Duck Creek Road and west of Strathmore Drive.

Mr. Steve Briggs, Sr. City Planner presented this item on the Sonoma Hills Subdivision regarding the layout. The Planning Commission approved the Sonoma Hills subdivision last year. The street is substantially complete, except for surfacing and all utilities are in. This will create a subdivision of a total of 33 lots, with 32 of those lots for homes. Staff recommends approval of this Plat Subdivision meets the subdivision regulations and all agencies have approved.

Motion: Mr. Mooney moved approval of Staff Report and Recommendation
Second: Mr. Faux
Vote: All ayes (7-0), motion carries

ITEM #7 – A report and recommendation on an application to construct a 2,000 square foot addition at 3524 Edwards Road, within the Urban Design District #4 and Interim Development Control (IDC) District #62 in the community of Hyde Park.

Sr. City Planner, Caroline Kellam presented this item on construction of an addition to a building at 3524 Edwards Road. Ms. Kellam also distributed a few photos to the Planning Commission to review. This addition to a building on 3524 Edwards Road requires review because it is within an IDC with Urban Design (formerly known as an EQ). There are guidelines to consider when proposing the addition and signage before allowing a building permit. A mailing was sent to the surrounding property owners as well as the Hyde Park Community Council. There have already been two reviews by the sub-committee of the Hyde Park Community Council, the second review was more formal and you have a letter from the sub-committee in support of this project.

This property had recently been put up for sale and the potential buyer plans to build a 2,000 sq. ft. mix use addition on this wood frame mix-use building. The addition would house a design firm office upstairs and a retail store on the first floor. Staff wood frame two-story addition does meet the guidelines for the Urban Development. A variance for relief from three parking spaces, as they need six spaces from the community parking lot, behind the structure.

One planned sign would be on a wall and that would be acceptable. However, although a sign on the retaining wall would be acceptable, the owners have requested a ground sign. A variance would be required because ground signs are not included in this IDC. Staff felt it would be better to have a sign on the retaining wall (maximum of 12 feet) rather than a ground sign that could be larger. Findings are outlined in the report in order to grant the variances. There are four findings to grant the building permit that are outlined in the recommendation. Mr. Paddock questioned the special circumstances or conditions that would allow conformance to the code. Ms. Kellam the 2,000 sq. ft. addition is with code, the variances are on the signage. Mr. Paddock asked about the variances on the signage. Ms. Kellam responded lighting behind the property to illuminate the parking behind the property. Ms. Kellam addressed the requirements of the ground sign versus the retaining wall sign. Ms. Hankner pointed out the Findings within the Staff Report for Mr. Paddock's review.

Ms. Kellam said that the potential owner, Ms. Lori Wellinghoff of 3583 Montreith, was at the meeting and could make a presentation if the Commissioners would require it. Ms. Wellinghoff told the Commissioners that the proposed building would be a set back, which was not required. The lot is slopped and the retaining wall is a lot of cement, which she planned to plant greenery to cover it somewhat. She not only felt it was in good taste, but also in line with business signs already in place at businesses along the street.

Mr. Faux asked about the sign, in that the major objection was the potential size. Ms. Hankner questioned what would be needed to come to agreement with the code. Ms. Kellam said that a variance would be required to allow the ground sign, but we must limit the size. Ms. Hankner suggested the staff and the proposed owner come to an agreement on the size, and then come back to the Planning Commission meeting with their decision. Ms. Lemmie questioned that the variance could just come from the zoning commission for review. Ms. Carney of the Law department stated that the variance should come back to this Commission. Ms. Lemmie questioned the timeline and Ms. Wellinghoff responded that the sign would be one of the last things to go in place. Ms. Hankner again requested Staff and Ms. Wellinghoff come back to the Planning Commission for the final okay on the sign.

Motion:	Mr. Mooney moved approval of Staff Report and Recommendation, but return to the Planning Commission on the approval of the ground sign.
Second:	Ms. McCray
Vote:	All ayes (7-0), motion carries

MR. MOONEY LEFT THE MEETING AT 9:25 A.M.

I **ITEM #8** – A report and recommendation for a Proposed Change of Zoning in the North Avondale/ Reading Road Business District from CN-M Commercial Neighborhood-Mixed to CN-P Commercial Neighborhood – Pedestrian and RM-12 Mixed Residential.

Sr. City Planner, Mr. Larry Harris presented the item on the Zone Change request for the Business District in the North Avondale/Reading Road area. The requested change would be from CN-M Commercial Neighborhood-Mixed to CN-P Commercial Neighborhood-Pedestrian and RM-12 Mixed Residential. Mr. Harris explained that before the general zone re-write of February 2004 this area included T-zones and restrictions, this is IDC #59. This is the final zoning for transition sites as well as the general area that the sites.

Ms. Hankner asked if this item had been presented at a previous time. Mr. Harris responded that this was a slightly different area and zoning. Ms. Hankner said she had received e-mails from the owner that neither he nor his legal counsel could attend. Mr. Kraus addressed the Commissioner to the effect that the IDC is about to expire in February 13, 2005. Ms. Lemmie said that she remembered some background in that the property owner was given the option to give something in writing so that the Commission could have the benefit of that, but declined to do so. Also, that we must move forward to extend the time frame on the IDC. Mr. Harris responded in the affirmative. Mr. Harris told the Commissioners that Staff is in the process of mailing to the about the extension of the IDC for six additional months.

During the Staff Conference of December 2, 2004 the community was informed, the owner was not available, but Mr. Harris had talked to him a number of times since that meeting. There has been a problem with the mailing address for the owner. Mr. Harris has also just recently spoken to the owner's lawyer on Wednesday.

Mr. Lemmie asked if staff would have enough time between the gap and the extension of the expiration date to complete your studies. Mr. Harris indicated that the studies have been completed and are ready to make presentation on this item. If the Planning Commission decided this item, we would not have the IDC go out and it would be a very tight schedule to complete the requirements. The City Council would have to work with us on scheduling the item on the agenda to prevent gap time, Mr. Harris indicated.

Mr. Harris also remarked on items before Common Pleas court by this owner regarding another site. The case is still being heard. The two permits were requested for Reading Road and Paddock Road and they are now in litigation. The Reading Road site was under a variance by the Hearing Examiner had that variance was overturned by the Zoning Board of Appeals and thus into Common Pleas. The Paddock Road question is not yet before Common Pleas. Ms. Hankner pointed out that she had asked about this background, because if we are already in litigation on something else, then that makes due process even more important. Mr. Faux proposed that the Planning Commission act on the extension on the IDC today. Ms. Wuerstle indicated that a Staff Conference would be required first. The notices sent out were for a conference on December 27, 2004. The earliest we could get back to you, Ms. Wuerstle said, would be January 7, 2005.

Ms. Hankner then requested that M/M Kraus give some background to the Planning Commission on this. Ms. Gerri Kraus objected to the postponement because of past experience with the attorney for this party and has been for many years. This attorney uses this midis operandi quite often to delay, and also with his court hearings. If the community is always present, then so should the attorney and his client. The community should not be subject to his machinations.

Mr. Kraus then spoke to clarify the fact that there is two cases currently in the Court of Common Please relate to the OLD code. The subject now before the Planning Commission is under the new code IDC.

Ms. Hankner had a speaker's card against the change, but before they speak she wanted to make sure that under discussion now is the concept of postponement, now she asked Mr. Stewart to come forward with his question. Mr.

Stewart said that he has a funeral home at 3939 Reading Road and was concerned about the property values changing with the zone change.

Ms. Hankner asked the Commissioners if they had any input on the postponement. Mr. Faux said that he was inclined to move ahead, referencing his experience with zone change and the owner should have specific knowledge of what is going on because of all the meetings and conversations with Mr. Harris. A part of the issue is the neighborhood plan, which is directed toward making this district pedestrian oriented, and now allow business, which are auto oriented (drive-through) facilities. Mr. Faux, felt that this particular property wants the auto-oriented business. Mr. Tarbell supported Mr. Faux and so did Ms. McCray. Ms. Hankner indicated that an actual vote would not be needed in order to proceed with the published agenda. Now that we have dealt with the question of postponement, now Larry let's go back to hearing the issue.

Mr. Harris began to discuss the adoption of the code in February 2004 that included a study of the T-Zones. Map presentation includes two that were a part of the IDC. Indicated the representative section on the map that was used in the study. In September Staff requested an extension of the IDC on certain properties, which the Planning Commission granted. The study culminated in late October, early November and made presentations to the community on the summary (which is included in the report).

MR. PADDOCK LEFT AT 9:40

The only area (the central area) that was considered for a change was indicated by Mr. Harris on the map and is designated a CN-M, Commercial Neighborhood, Mixed Use and does allow auto and pedestrian oriented business. Most of the community members present felt that this was not in keeping with their Plan (1995 put in place) which reads to enhance the business district with businesses that were compatible with the residential nature of the community. The property abuts residential property. Mr. Harris felt an appropriate re-zoning would be to provide the same protection in the T-Zones under a new code. The result would be two recommendations, primarily in the central area designate CN-P (restricts the auto oriented). To the property to the north in order to protect that particular property it would be necessary to extend RM 1.2 across to the next parcel that would extend the buffer.

Neither CN-M nor CN-P would allow for a drive through as requested by the owner, but under RM 1.2 can be allowed for parking, a conditional use. This would allow the owner to provide a design that must require a buffer for the property, a public parking area. Mr. Harris pointed out different parking lots throughout the area, to keep customer walking along the shops and eventually returning to their cars.

Mr. Harris then addressed Mr. Stewart's question on valuation of property with zone changes. CN-M and CN-P are essentially the same, but on the CN-P there is no drive through allowed, but allowed in the M. There is no restriction on the use of the property by the zone change it would condition it to make it more pedestrian friendly, which agrees with the Urban Design Plan of 1995.

Ms. Hankner thanked Mr. Harris and then asked if M/M Kraus had other thoughts to share. Mr. Kraus commended Mr. Stewart on changing a gas station and placed a funeral home in the property. Mr. Tarbell addressed the property valuation of Mr. Stewart, if Mr. Stewart would refer to the community involvement in Hyde Park that the Community Council wants to improve the area, but keeping it pedestrian friendly. Improvement such as Mr. Stewart's funeral home and similar property improvement within this zone change spectrum would certainly promote an increase in property values.

Ms. Hankner then asked for a motion from the Planning Commissioners

Motion:	Ms. McCray moved approval of the zone change request
Second:	Ms. Lemmie
Vote:	All ayes (5-0), motion carries

ITEM #9 – A report and recommendation on a zone change request for property at 5848 Winton Ridge Lane in Winton Hills.

Sr. City Planner, Mr. Felix Bere presented this item on a zone change request for the property at 5848 Winton Ridge Lane. Mr. Bere reminded the Commissioners of their instructions that the property owner and the community get together to come to a compromise agreement on this item. The property owner wants a change from the previous SF-20 (before the general zoning re-write) to an SF-6. The community will not agree to that. A letter from Mr. Russo, of the Hillside Trust, against a change in zone change request was included in the packet to the Commissioners.

Ms. Hankner then asked all speakers against the zone change request to address the Planning Commission to identify themselves, names and addresses and limit their presentations and/or if in agreement with the other presenters, to just identify themselves and indicate agreement in some way.

- Police Officer Barnes, of 1012 Ludlow Avenue, but patrols the district in question. He had checked the police records on the Winton Ridge Lane area and during the period of January 2003 to November 2004 there have been 12 auto accidents. Along the 5800 block of Winton Ridge there have been seven accidents.

- Mr. Skip Holmes, 5940 Winton Ridge and lived there for 12 years, presented to the Planning Commission, a petitioners and letters signed by all area property owners indicating they are against the zone change request.

- Mr. Sue Sales, 5922 Winton Ridge, statistical data from the Hamilton County Auditors Office. The information excludes the Brielmaier property because of its large size in comparison to the surrounding properties. Two tax appraisal districts. The upper ridge with the Brielmaier property the majority is taxed by College Hill, the balance is in Winton Hills. We want our zoning to stay SF-20. Only one duplex is on Winton Ridge, the balance is single-family homes. All but three are owner occupied. On the upper ridge are homes with tax evaluations of up to $240,000 and average lot sizes of 104,000 sq. ft. On the lower ridge there are 38 homes with valuations of up to $190,000 with an average lot size of 70,000. That is more than three and one half times what the current zoning requires. Average length of residence in each home is 27 years.

- Vivian Wagner, 6014 Winton Ridge and lived there 29 years. She is a naturalist and loves the rural atmosphere. Wild flora and fauna with streams and a diverse forest. The woodland spreads out along many property lines. Birds, beasts and butterflies diversity. The development should respect the character of the neighborhood as well as make a profit for Mr. Brielmaier.

- Lisa Siders-Kenny, 5902 Winton Ridge Lane and lived there for 10 years with husband and daughter. This area includes Apple Lane, Wooden Shoe Hollow and Longwood Lane shows the heritage of the early German settlers who farmed there to bring vegetables to the City. During the 1870 the VanWermers leased small parcels of the land for the specific purpose of vegetable gardening. The VanWermers were to be later known as benefactors to the University of Cincinnati. Many of the parcels were bought outright and the families still live in the area. Some houses date to the 1800s (Civil War). There is one home in the area that was built in 1804 and the local cemetery include Civil War veterans even a few Revolutionary War veterans.

- Dan Begin, 5855 Winton Ridge Lane directly across the street from the Brielmaier property. There has been no development plan presented by Mr. Brielmaier, so the following are statistics based on a worst-case scenario. Mr. Begin will present numbers to present the opposition case. With an SF-6 single family home building there is a potential of building a single-family homes every 6,000 sq. ft. Mr. Brielmaier has stated that he has 15 acres to develop, which would give him 100 single-family homes. With the

assumption that every family will have two cars it would become a vehicle population of 200 cars added to a twisting narrow two-way road with no sidewalks. The only access would be Winton Ridge Lane. If Mr. Brielmaier were to go to a RM 2.0, which is multi-family, using the formula with a 15-acre development, a total of 300 multi-family homes on the property. This would require access roads. With a possible 300 duplexes we could be looking at 600 families and the auto traffic would increase exponentially. If there were a need for a bus stop, it would be a mile and a half walk without sidewalks.

The Post Office requires all mail boxes on the east side of the street. In the 1960s the City built Winton Road, a four-lane street, to handle the area increase in traffic. The firehouse one engine, one life squad is in Winton Place an old established house. The statistics from the firehouse are that 30% of their runs are for Winton Terrace, a multi-family unit.

- Thomas Mantei, 5968 Winton Ridge for over 20 years. We question the devaluation of our homes if a multi-family housing were constructed. The average size of the property on the upper side is two and one half acres. Maintaining SF-20 if there were development would require access to the sewer system. MSD charges up to $12,000 per household for large lots. Private contracts have indicated that tie ins would cost $8,000 to $12,000 per household. The result would be that 16 homeowners would face a bill on the sewer lines alone of approximately $20,000, for properties that may lose value with the building of multi-family dwellings in the area. Mr. Mantei also posed the question of a storm system with the sewer system. This area has been in existence for approximately 170 years. The current residents would like to maintain an owner occupied neighborhood.

- Mr. Bruce Aspery of 865 Longwood Lane speaking to the issue of the value of the Brielmaier property. Historically has been and is currently valued as a single-family residence with a value according to the tax records $173, 600. According to Mr. Brielmaier only 15 acres of his 21 acres can be developed because many years ago his family sold the easement to the Cinergy, which include towers and high voltage wires. Mr. Aspery noted that Mr. Brielmaier tried to sell his property at $32,000 per acre or $680,000 with no sewers and he had no offer. Similar property with sewer access have sold at much lower rates, for example Evergreen Baptist with 7.2 acres is listed at $17,600 an acres, and it sold at $13,200 and it is between Winton Road and Winton Ridge Lane. The Waldorf School of 20 acres at $20,000 is on Winton Road, close to North Bend Road. Mr. Aspery also noted other land sales. The Brielmaier property abuts three single family residences and the back portion abuts the property of Procter and Gamble, its Winton Hills Technical Center, along with the Salvation Army off North Bend Road. Both the properties are approximately 500 ft. from Mr. Brielmaier's property, but they include green space on their property as buffers. Other forms of development could take place on Mr. Brielmaier's property, for example Clifton Ridge when built was 10 one-half acre lots in the 1990s. Venetian Gardens in College Hill had two developers, each having approximately 40 single-family homes. The Brielmaier property could accommodate 40 homes. Mt. Airy Oaks has recently been developed with owner-occupied townhouse condominiums. Most of these included hillside properties.

- Ed Rolfert, of 5614 Winton Ridge Lane and his family has lived on the Ridge for over 100 years. Mr. Rolfert has charts to distribute to the Planning Commission. These statistics include comparables of lot size. Just recently two lots were sold with Winton Road frontage they include sewers and all utilities. As noted in the chart. The two properties mentioned before and were recently sold for $20,000. After offering to help Mr. Brielmaier sell his property the community received offers of $23,800 an acre. The current value of the Brielmaier property on the Hamilton County Auditors records is $8,228 per acre. This property is easily saleable as is without change of zoning designation.

- Pat Ernst of 5124 Winton Ridge is opposed to the zone change request.

- Nancy Deiters of 5133 Winton Ridge is opposed to the zone change request.

- Mary Kinstler of 5851 Winton Ridge is opposed to the zone change request.

- Leslie Wilsong of 5855 Winton Ridge is opposed to the zone change request.

- Judy Deiters of 5133 Winton Ridge is opposed to the zone change request.

- Eric Wagner of 6014 Winton Ridge Lane and is opposed the zone change request.

- David Rosenberg, a 28 years resident at 5115 Wooden Shoe Hollow, and speaking on behalf of the Cincinnati Neighborhood Zoning Task Force. Wooden Shoe Hollow Neighborhood Alliance and Winton Place Community Council Zoning Sub-Committee. Community members are impressive in their presentation and their patience. Our community has been at this Planning Commission meeting as well as Planning Staff Conferences. The City Staff has backed our opinions with the reports to the Planning Commission. There were also meeting with the community and Mr. Brielmaier and his lawyer. Mr. Brielmaier has not listed the property for sale.

  The community would like the Planning Commission to come to a decision against the zone change request. If the decision is not against the zone change the community would like to have an IDC placed on the property until the community can respond to whatever the reasons are for not coming to a decision to vote against the zone change request. If there is a fear of lawsuits the community will go directly to City Council to support the Planning Commission to uphold the City's zoning laws. We want a workable zoning template for our northwest corridor in Gray Road. We have been promised City resources for this end; however, the Gray Road Land Use Study appears to be another debacle like the Brielmaier problem.

- Jim Bodmer a 41 years plus resident of College Hill now living at 1631 Harbeson Avenue. Mr. Bodmer is a past president of the Forum and currently treasurer and states that the College Forum as well as the Community Urban Redevelopment Corporation lends its support to the community against the zone change request.

- Leo Brielmaier of 5848 Winton Ridge and his lawyer Ms. Michelle Fleming began to present Mr. Brielmaier's case. The lawyer indicated that the request is to place the zoning back to what had previously been in place before the zoning re-write. The lawyer is indicating on a map the areas of Mr. Brielmaier's property and the Salvation Army's property that had been zoned R-4 multi family district equivalent to the current RM 2.0 to SF-20 including Mr. Rolfert's property. The property to the south of Mr. Brielmaier's property remains R-4 the same as RM 2.0 this came about because a line was drawn. The line could have been inserted in other ways. Ms. Flemming stated that change does come about, for instance the Over-the-Rhine area, and that change is for the better. Mr. Brielmaier also mentioned the easement for the power line was in place before the Brielmaier family bought the property as eminent domain. There are three main points on this matter:

  The Staff Report did not mention that the community was asked if they would agree to the SF-10 designation and they responded against it. They were asked if they would accept SF-6 and again they responded against it. This kind of response indicated to Ms. Fleming that there was no consideration of a compromise. The community did mention that they would try to market the property but Mr. Brielmaier has not heard from anyone, not even Mr. Rolfert.

  - Fairness – for 40 years the density of R-2 and R-4 now equivalent to SF-6 and RM 2.0 would have numerically allowed for 329 units. Now that number has been reduced numerically by 10 fold to a maximum of three units. The easement for the towers and high-tension wires seriously affects the development of the property.
  - Mr. Brielmaier was told by Planning Staff at a meeting that the zoning would change in name only. When the change was set in place there was no written notification of the change to lesser density. The

Rolfert property of 16 acres (immediately next to the Brielmaier property) and it is zoned RM 2.0. Ms. Fleming noted that the whole area was zoned RM 2.0 except for the Brielmaier property. She also noted that the Procter and Gamble property is zoned manufacturing.

- This property has no sewers, we have no buyers and the sewers would be necessary. The neighbors are concerned because they do not want to pay for the sewers and be taxed on sewers. This area is not zoned for park area.
- The property has also been under a non-conforming use for a construction company. Ms. Fleming felt the community would not want to have the property sold under the non-conforming use for a construction company.

- Ms. Fleming has reviewed the Staff Report that states that there is no official active community group representing this area. Also, there is no adopted plan that recommended a plan for the SF-20 zone. Winton Hills, Winton Place Land Use Redevelopment Plan Comprehensive Plan recommends specific uses including multi-family for the area. The reaction has repeatedly been the community does not want multi-family.

Ms. Hankner asked the Commissioners if they had any questions at this point. She also explained to the group at large that the request to get together again to discuss a compromise and it is disheartening that it did not happen. The Planning Commission will now vote on the Staff Report presented to us. As presented the reports indicates disapproval of the zone change from SF-20 to SF-6 and disapproval from SF-20 to RM 2.0.

Mr. Brielmaier addressed the Planning Commission about the community's reaction, as the sale of his property would bring forth a major change. The surrounding property is not parkland or a game preserve; it is wild with trees and weeds. There was a land use study complete in 1980 and the area has just about reached the point that was indicated in that study. There will be commercial parks coming in where the landfills are now. The sewers will come into place sooner rather than later and your property values will increase. But right now I see how some neighbors have tried to sell their property and the property is on the market for a long time and does not sell at the price indicated. Mr. Brielmaier said that his property has decreased by at least $40,000 over the years.

Motion:	Ms. Lemmie moves to adopt the recommendation of the Planning Staff to disapprove the zoning code changes.
Second:	Mr. Faux
Vote:	All ayes (5-0), motion carries

Mr. Faux would have been willing to entertain a compromise, but we have to accept what we have before us. Also, Ms. McCray indicated she had no choice but to uphold the Staff Report without seeing a development plan for the site.

ITEM #10 -- A report and recommendation on a proposed zone change from CC-M Commercial Community-Mixed District to CC-P Commercial Community-Pedestrian District at the intersection of Hamilton Avenue and North Bend Road in the College Hill Neighborhood Business District (NBD).

Ms. Katherine Keough-Jurs, Sr. City Planner presented this item. Ms. Keough-Jurs indicated that this would include material previously presented to the Planning Commission. This is a request for a re-zoning from CC-M to CC-P at the intersection of Hamilton Avenue and North Bend Road. This is the most prominent intersection in College Hill and would be the anchor for the Business District. The College Hill Quorum (the Community Council) and the College Hill Community Urban Redevelopment Corporation (CHURC) have requested in January of this year for the zoning study to be complete and an IDC (which was granted) and put in place by City Council in February and the extension went through in May. The IDC expires in February of 2005, which is why the completed zoning study is being brought to the Planning Commission now.

Staff recommends the rezoning from CC-M to CC-P for a number of reasons. The main reason for the zone change is the effort to implement the Urban Renewal Plan that was passed by Planning Commission and Council in 2002.

A big part of the recommendation was to make the parcel more cohesive and pedestrian friendly. The community is now actively pursuing a mixed-use development at this intersection, specifically commercial and retail on the first floors and residential on the upper floors. There are vacant properties at this intersection including the Shuller's site, the Kroger site and the CVS site. Staff does recommend the zone change from CC-M to CC-P. The zoning designation that would be most appropriate Staff feels that the CC-P does because:

1. CC-M would allow more auto-oriented uses, a problem the community wants to avoid,
2. CC-P requires new construction up to the lot line,
3. City Council has targeted some money to the redevelopment of the Shuller site last year. College Hill has been designated a Neighborhood Revitalization Strategy Area. HUD gave the designation to the College Hill community this summer. This intersection at Hamilton and North Bend is the key project for that revitalization effort.

Ms. Keough-Jurs then asked permission for the community members to speak.

- Martin Weldishofer of 6081 Belleair Place, the director of Development for the College Hill Community Urban Redevelopment Corporation wanted to take the opportunity to reiterate the information Katherine has presented. Mr. Weldishofer also wanted to tell the Planning Commission that the community is moving forward with the Mixed Use development. We have a request for qualifications to the developing community out there, and received responses from interested developers and are in the process of reviewing them. Phase I of the development would be the Shuller's site.
- Thomas Schuermann of 5738 Wintrop reminded the Planning Commission that in January the Quorum was in favor of the zone change designation and today it is still in favor of the zone change request.
- Donald Shuller represents the owner of the property, he is not the owner. Right now the owner has an option contract with CHURC to sell the property. If CHURC exercises that option which will be known in the next couple of months, then the Shuller family is in favor with the down zoning. But what would happen if the CHURC contract does not evolve. If the option does not take effect and the IDC is not extended then the property owner would fight the down zoning because it would mean a loss in the sale value of the Shuller property.

Ms. Hankner asked the Chief Planner Margaret Wuerstle about the proper way to handle this extension of the IDC. A total of 34 days of noticing would be required in order to extend the IDC. Ms. Hankner asked if there would be another way to accomplish the IDC extension. The option through CHURC expires in June 30, 2005, unless CHURC has an offer on the option from a developer, and that could happen any day or not. Ms. Wuerstle explained that the Staff recommendation on what the area should be zoned would not change depending on what happens with the option. The study has been completed and the CC-P zone designation is appropriate. Mr. Faux indicated that the Shuller property was a key piece in the puzzle. We all hope that the project pursued at the moment is successful, but what is on the table now is not just the Shuller property. Ms. Hankner indicated that the Shuller position is changed by the results of this option.

Ms. Julia Carney indicated that in order to extend the IDC there are certain findings you must make, for example it was a complex study, it is not complete and yet staff has told us the study is complete. Ms. Carney also explained that there are inconsistent uses with the Plan. It would be difficult to make those findings in order to extend the IDC.

Mr. Shuller said there was no reason to include the Shuller property in the down zoning because of the CHURC option. To rezone it now would not really help anyone. Mr. Faux indicated there are other large sites, for example Rite Aid; the Staff recommendation is something that affects all of properties in the area. The basic concept developed by the neighborhood should apply to all and all should adhere to, whether it flies or not. Mr. Shuller indicated that the property would not be saleable as CC-P. Mr. Tarbell told the group that Council has worked toward where we are now with this project, and perhaps the proposal does not run along the lines of what was in place in the past, however, it was what is developed by Council. Mr. Tarbell even suggested comparing what is

going on in College Hill to what has happened at Michigan and Erie in Hyde Park Square. The result was a greater interest and benefit with what is now in place as opposed to keeping what was in place in the past and to keep that going.

Motion:	Ms. McCray moved approval of Staff Report of change in zone designation
Second:	Ms. Lemmie
Vote:	All ayes (5-0), motion carries

ITEM #11 – A report and recommendation on a zone change request by John and Kathy Brockhaus and Lois A. Broerman for an area in North Fairmount bordered by Ninann Ct. to the north, Guenther Avenue and Yoast Street.

Sr. City Planner Larry Harris presented this item. This came about from the 2004 re-write of the zoning code. A previous zoning of R-3 existed on the parcel. Mr. Harris explained that it was re-zone to an SF-2. One of the property owners, Mr. Brockhaus and his wife along with Ms. Lois Broerman, the Executive Director of the Community Center in North Fairmount petitioned to have the zoning changed from SF-2 to SF-6. They felt the SF-2 did not return the property uses that were there with the R-3, which was in place in the old code. The analysis of the old code version and the new code version found that the SF-2 is more like the SF-4, not the SF-6. On the merits that the effort was to return the property to an equivalent to R-3 that did not meet the R-3 and would actually been more restrictive on development.

Mr. Harris pointed out certain properties on the map that are owned by a group called Moonlight Properties. During the staff conference meeting, Moonlight Properties presented an opposition to the zone change because they had some development plans for their property along with some additional pieces of property. Mr. Harris' conclusion was that the Brockhaus' did not in a real sense have an argument with the return to the previous conditions. The opposition property owners that would also be affected by a zone change would be adversely affected by a zone change also. Mr. Harris recommended denial of the zone change request. Mr. Harris has spoken with Mr. and Mrs. Brockhaus and their lawyer to explain that the SF-2 was a reduction in zoning; however, the SF-4 would be inappropriate return to the R-3 privileges that were on the property beforehand. Mr. Faux wanted clarification on the property being SF-2 and wanted SF-6, which you recommended denial. But you would recommend approval of SF-4. Mr. Harris responded in the affirmative but not just because the SF-4 more properly matched the R-3 but Mr. Harris said that although there were property owners who wanted the zone change, but after investigation, they were not a majority of the property owners in the area. Mr. Harris indicated to the lawyer for Mr. and Mrs. Brockhaus that it would be better for the property owners get together as a group and petition a request for zone change, and Mr. Harris could then research on ownership and also the parcels in the area and review it anew.

Ms. Lemmie asked for clarification of the fact that although this is a recommendation for denial of a zone change, if the Staff were give a new petition, new research could be completed and possibly with a new result. Mr. Harris responded in the affirmative.

Mr. John Brockhaus of 2040 Yoast in North Fairmount indicated that the map used by Mr. Harris was a misrepresentation of the property he owned. He indicated on the map other properties that he owned. Yoast is on the side of a hill fronting a valley. Many streets are paper streets. Both of his homes were built over 100 years ago with a German heritage. The seven homes on Yoast constitute 800 feet of road frontage. On the other side there are seven homes with 800 feet road frontage. Randall Avenue has three homes on it approached by a driveway which is not City maintained. The square footage of each lot is 3,000 sq. ft. In the past if you built a home to conform to the code would require two lots and that would be 6,000+ sq. ft. Either SF-4 or SF-6
Mr. Brockhaus explained that he owned 95% of the property on Guenther Avenue north of Yoast. Quite a bit of the property ownership abuts Baltimore Pike Cemetery. Mr. Brockhaus explained that he had spoken to most if not all of the surrounding homeowners, but if it takes a more a more structured effort he will get back to Mr. Harris that way.

Ms. Carney of the Law department explained that homes could be built without kept to the code. Some properties are owned by companies/corporations and left vacant. She was curious why there was a change to SF2, wouldn't it be better as SF-6.

Mr. Faux agreed with the idea that an SF-6 would be a more appropriate zoning designation.

Ms. Hankner asked the speakers against the zone change request to come forward.

Mr. Al Wittich of 6240 Swanbrook, with his attorney Mr. A. C. Covatta, said that he felt the change to an SF-6 would allow something close to the development of a subdivision. Mr. Wittich did not feel that the location would sustain a subdivision. He agrees with the recommendation of the Staff Report, but he could also agree to an SF-4.

Motion:	Ms. McCray moved approval of Staff Report on denial of change in zone designation
Second:	Ms. Lemmie
Vote:	All ayes (5-0), motion carries

ITEM #12 – A report and recommendation for a zone change request by the North Fairmount Community Center for property located on Beekman Street between Carll and Denham Streets.

This item was presented by Mr. Larry Harris, Sr. City Planner on a zone change request in North Fairmount from SF-2 to CC-M. Mr. Harris said that the property owners that he had heard from regarding this zone change request from SF-2 to CC-M had been in favor of it. After research had been completed Staff found in favor of the zone change request.

Motion:	Ms. McCray moved approval of Staff Report recommending the change in zone designation
Second:	Ms. Lemmie
Vote:	All ayes (5-0), motion carries

ITEM #13 – Re-examination of CN-P zoning on Linwood Avenue around Mt. Lookout Square as requested by the Commission at the December 3, 2004 meeting.

Mr. Rodney Ringer had been assigned the land study for the area in Mt. Lookout. The study was initiated because of the questions from property owners after the overall zoning re-write of February 2004. There is an attorney who representing one property owner, who has indicated his client would like the study to proceed.

Motion:	Ms. McCray moved approval to continue with the zoning study by staff
Second:	Mr. Faux
Vote:	All ayes (5-0), motion carries

WALK-IN ITEM –

ITEM #14 – A report and recommendation on the vacation of a portion of Hawthorne Avenue in Price Hill to facilitate the construction of the new Price Hill School.

Sr. City Planner, Katherine Keough-Jurs, presented this. Mr. Keough-Jurs explained to the Commissioners that the item should have been included with the Consent Items. Most of this project has been previously presented to the Planning Commission, but this particular portion is a holdover. Two property owners have been approached about their locations. It has come to Planning's attention that these two properties would be on the site of the planned Price Hill School. One property owner has agreed to the _____, however, the other owner does not want to take the property exchange. Both the Law department and the Real Estate department have been working with the property owner on this vacation, a six-week notification must first take place. Ms. Keough-Jurs explained that the Staff recommends vacation of both these properties for the building of the new school.

Motion: Ms. Lemmie moved approval of the Staff Report and the Staff working with The Law department and Real Estate to have the property vacated.
Second: Ms. McCray
Vote: All ayes (5-0), motion carries

Ms. Lemmie is leaving at 11:25 a.m.

Mr. Faux remarked on the need to swear in our new Commissioner Mr. Curt Paddock.

Another reminder was to choose a new chair for the Planning Commission for the upcoming year.

OTHER BUSINESS

ADJOURN

Motion: Mr. Faux moved for adjournment
Second: Ms. McCray
Vote: All ayes (4-0), motion carries.

_____ _____

Margaret A. Wuerstle, AICP
Chief Planner
Department of Community
Development & Planning

Donald Mooney, Chair
City Planning Commission

Date: _____ Date: _____