A regular meeting of the Cincinnati City Planning Commission was held this day in the J. Martin Griesel Room of Two Centennial Plaza.

Present: Mr. Byron Stallworth, Chair
Mr. John Eby, Vice-Chair, Commissioner
Assistant City Manager Sheryl Long, Commissioner
Mr. Jacob Samad, Commissioner
Ms. Anne Sesler, Commissioner
Vice Mayor Christopher Smitherman, Commissioner

Staff Present: Ms. Katherine Keough-Jurs, Director
Mr. Marion Haynes, Legal Counsel
Mr. Alex Peppers, Supervising City Planner
Mr. Jared Ellis, City Planner
Ms. Stacey Hoffman, Senior City Planner
Mr. Andy Juengling, Senior City Planner
Ms. Samantha McLean, City Planner
Ms. Kira Palmer, AmeriCorps VISTA
Mr. James Weaver, Senior City Planner
Ms. Chandra Yungbluth, Assistant to the City Manager

Mr. Stallworth called the meeting to order at 9:02 a.m. and asked that everyone join in the Pledge of Allegiance.

Mr. Stallworth indicated that Item 6, a report and recommendation on a proposed sale of City-owned property at 529 Dandridge Street in Pendleton, was removed from the agenda by request of the City Manager and the Department of Community and Economic Development.

Consent Agenda – Quasi-Judicial

ITEM 2
A report and recommendation on a proposed subdivision of land and variances to the Subdivision Regulations at 2680 and 2686 Grandin Place in Hyde Park. The Department of City Planning staff recommended that the City Planning Commission:

APPROVE the proposed subdivision of land at 2680 and 2686 Grandin Place in Hyde Park.
Commission Action:
Adopted the staff’s recommendation for Item 2 on the Quasi-Judicial Consent Agenda.

Motion: Mr. Eby
Second: Mr. Smitherman
Ayes: Mr. Eby, Ms. Long, Mr. Samad, Ms. Sesler, Mr. Smitherman, Mr. Stallworth

Consent Agenda – Legislative

ITEM 5
A report and recommendation on proposed easements at 1614 Hoffner Street in Northside. The Department of City Planning staff recommended that the City Planning Commission:

APPROVE the proposed easements at 1614 Hoffner Street in Northside.

Commission Action:
Adopted the staff’s recommendation for Item 5 on the Legislative Consent Agenda.

Motion: Mr. Eby
Second: Mr. Smitherman
Ayes: Mr. Eby, Ms. Long, Mr. Samad, Ms. Sesler, Mr. Smitherman, Mr. Stallworth

Consent Agenda – Quasi-Judicial

Mr. Samad recused himself from Items 3 and 4 and left the room at 9:06 a.m.

ITEM 3
A report and recommendation on a proposed subdivision of land at Fountain Square in the Central Business District. The Department of City Planning staff recommended that the City Planning Commission:

APPROVE the proposed subdivision of land at Fountain Square in the Central Business District.

Commission Action:
Adopted the staff’s recommendation for Item 3 on the Quasi-Judicial Consent Agenda.

Motion: Mr. Eby
Second: Mr. Smitherman
Ayes: Mr. Eby, Ms. Long, Ms. Sesler, Mr. Smitherman, Mr. Stallworth
Consent Agenda – Legislative

ITEM 4
A report and recommendation on a proposed amended and restated lease of City-owned property at Fountain Square in the Central Business District. The Department of City Planning staff recommended that the City Planning Commission:

APPROVE the proposed amended and restated lease of City-owned property at Fountain Square in the Central Business District.

Commission Action:
Adopted the staff's recommendation for Item 4 on the Legislative Consent Agenda.

Motion: Mr. Eby
Second: Mr. Smitherman
Ayes: Mr. Eby, Ms. Long, Ms. Sesler, Mr. Smitherman, Mr. Stallworth

Mr. Samad returned to the room at 9:07 a.m.

Consent Agenda – Quasi-Judicial

ITEM 1
Mr. Ellis presented a report and recommendation on a proposed subdivision of land at 3680 and 3682 Grovedale Place in Hyde Park. The Department of City Planning staff recommended that the City Planning Commission:

APPROVE the proposed subdivision of land at 3680 and 3682 Grovedale Place in Hyde Park.

Speakers and Discussion:
Mr. Stallworth asked Mr. Ellis what David Pfaltzgraff-Carlson’s engagement in the process had been. Mr. Ellis responded that Mr. Carlson, a resident at 3629 Stettinius Avenue, attended the meeting held on January 19, 2020. Mr. Stallworth further inquired about the engagement from other members of the public. Mr. Ellis stated that approximately twelve impacted residents and concerned neighbors attended the January 29, 2020 meeting.

The applicant and landscape architect were sworn in by Mr. Haynes.

Mr. Burke, legal counsel for the applicant, presented two witnesses, Chris Pernice, owner of Monarch Homes (the applicant) and Ryan Geismar, a landscape architect with Human Nature.

Mr. Burke asked the applicant about his profession and the subject property. Mr. Pernice confirmed that he was the owner of Monarch Homes and is a homebuilder and developer. The company has worked on large subdivisions and infill projects, constructing approximately 25-30
single family homes per year. He stated that he acquired the subject property in September of 2018. At that time, the subject property consisted of two parcels, one with a two-unit condominium and the other parcel was vacant. His proposal included three parcels, each to have a single-family home constructed on them. The subject parcel was approximately 27,000 square feet; the parcels would be 8,050, 8,940, and 10,215 square feet. The subject property was zoned Single-family Residential (SF-6), which required a minimum of 6,000 square feet. No variances were requested for the proposed subdivision.

Mr. Pernice spoke regarding the trees; he stated that all the trees that were removed were located on the subject property, 3680 and 3682 Grovedale Place. They were removed in March of 2019 to meet the recommendations of the U.S. Fish and Wildlife Service, Indiana Bat Conservation Plan. He then had the condominium status of the property removed prior to consolidating the lot and beginning the subdivision process.

Mr. Pernice continued, stating that he met with a member of the Urban Forestry Board, who recommended he work with a landscape architect to design his plan, which was why he hired Human Nature. He also met with Matt Painter and his attorney, participated in a meeting organized by City staff, and met with John Capannari on site to discuss his concerns regarding screening. Mr. Pernice noted that the landscape plan changed after meeting with neighbors to address their privacy concerns.

Mr. Pernice stated that he had reached out to the Davey Tree Company to evaluate the tree on the property line and the three trees near the property line that had their trunks on the Painter’s property. Mr. Pernice said there was no way to guarantee that the trees would survive and they had offered to cover the cost of removing the trees, but that it would need to happen when the existing building was removed to have optimal access to the trees.

Ms. Sesler asked if he had heard back from the Painter family regarding the offer to complete the work recommended by Davey Tree Company. Mr. Pernice responded that he had not heard back.

Mr. Burke called on Ryan Geismar, landscape architect with Human Nature. He asked Mr. Geismar if the recommendations from Urban Forestry (Exhibit J) were addressed in the landscape plan. Mr. Geismar responded that they had been addressed and proceeded to present the landscape plan. As part of the plan, he completed a tree assessment/evaluation of the existing trees and their critical root areas. The plans included tree preservation, an ecological restoration zone, and the plantings schedule.

Mr. Stallworth asked how many times the neighbors had seen the landscape plan. Mr. Burke responded that the neighbors saw the landscape plan at the January 29, 2020 meeting. Since that time, an additional fourteen arborvitae had been added near the southern property line.
Mr. Stallworth inquired about on-site grading and water runoff. Mr. Pernice responded that as a next step in the City’s Coordinated Site Review Process he would need to submit a mass grading plan for review. To date, no regrading had taken place on site.

Ms. Sesler asked if landscaping could help with wet areas. Mr. Geismar stated that the plan included plants most appropriate for wet land on the eastern end of the site where property owners tend to see more water.

Mr. Eby asked about regrading, especially since the site had a steep change in elevation from the street. Mr. Pernice stated that he was working with a civil engineer on the proposed regrading to address that. Mr. Eby further inquired how that proposal would affect the neighbors to the north and south of the subject property. Mr. Pernice stated that he was familiar with completing infill housing projects and intended to build swales on his own property to avoid discharging water onto other properties.

Mr. Eby asked about the arborvitae added near the southern property line of the subject property. He noted that at maturity, these trees could be 60-feet in height. He shared concerns about them falling over.

Mr. Smitherman asked about the age of the existing trees on the neighbor’s property. Mr. Geismar stated that he could speak to the diameter of the tree, but not the specific age. The mature trees were at least 20-years old; they were significant trees and provided significant canopy. Mr. Smitherman then asked what happens if the roots are cut/severed. Mr. Geismar responded that when the critical root zone was impacted, it will likely have adverse effects, such as the decline or death of the tree. He stated that the proposed landscape plan recommended removal of the mature trees due to the unknown nature of the adverse effects.

Mr. Smitherman reiterated his concerns that what happens on the subject property could have adverse effects on the neighbors. Mr. Burke responded that without this subdivision, the applicant could still legally move forward with a two-lot subdivision and construct two, single-family homes and be within seven-feet of the property line and be in full compliance with the Cincinnati Zoning Code.

Mr. Smitherman asked how many trees were removed from the subject property. Mr. Pernice responded that approximately 3-4 trees were removed in March of 2019, which he indicated on the map. Mr. Smitherman then asked about runoff.

Ms. Keough-Jurs stated that if the subdivision was approved, it would still need to go through the City’s Coordinated Site Review Process prior to submitting for permits. Issues such as runoff would be handled at a staff level by permit reviewing agencies. She reiterated that if the
applicant wanted to build more than one single-family home on the subject property, it would require a subdivision.

Mr. Haynes reminded the commission that there were additional considerations in the Subdivision Regulations that allowed the commission to look at the impact of the proposed development on stormwater drainage, natural drainage ways, the impacts on landscaping and root zones. Zoning was a component of the subdivision analysis.

Mr. Stallworth asked about the history of Monarch Homes, and if any neighbors of prior homes constructed had come back years later with runoff issues. Mr. Pernice said that had not occurred and that they had no outstanding complaints.

The following speakers were sworn in by Mr. Haynes:
Matt Painter, Peg Moertl, Jason Gray, and Ildiko Rab.

Mr. Matt Painter, 2574 Villa Lane, spoke in opposition of Item 1. He stated that there were three large sycamores, approximately 80-years old each, the largest of which leaned to the south over the Painter’s house. He discussed the tree evaluation he had completed by the Arbor Doctor that stated if the roots were cut, the trees would die. He suggested that there was a clear compromise and that was to only allow for two parcels and the construction of two, single-family homes. He further stated that the landscape plan was inadequate.

Mr. Painter quoted section 300-07(d)4 of the Subdivision Regulations that stated that the subdivision should be “designed to minimize disturbance to natural topography, tree cover, and natural drainage ways to avoid adverse impacts on area stormwater drainage.” He stated that currently stormwater ran behind Grovedale Place, all the way down his property. Since the applicant began developing the lot, there were now pools of water on the Painter’s and Capannari’s properties.

Mr. Samad asked Mr. Painter if he knew the residents to the north at 3684 Grovedale Place. He shared that they had submitted a letter of support for the subdivision. Mr. Painter stated that they were the only neighbors in favor of the subdivision and that they likely saw it as an improvement to the current situation.

Mr. Smitherman inquired about the timeline of the pooling of the water on Mr. Painter’s property. Mr. Painter said it became a problem since the trees were removed and dirt started getting moved around on site.
Ms. Sesler asked Mr. Painter if he was interested in the applicant’s offer to remove the trees. Mr. Painter shared his desire to keep the mature trees as it was the only remaining tree cover they had since the other trees were removed.

Mr. Samad asked Mr. Painter if he would be supportive of two houses. He stated that it could help to save Mr. Painter’s trees but that it affected the financial viability of the project. The applicant was under the impression that this was a buildable lot when he purchased it. Mr. Painter replied that two houses felt like a fair compromise.

Mr. Burke cross examined Mr. Painter. He asked how long the Painter’s had lived there, if they constructed the home and if any trees were removed in the process. Mr. Painter replied that they had lived in their current home for five years, that they had the house constructed and that no trees were removed to do so. They did lose one tree in a windstorm.

Mr. Burke asked Mr. Painter if he had Arbor Doctor go onto the subject property and inquired as to why the two stumps, not on the Painter’s property were assessed and included as part of the report to Mr. Painter. Mr. Painter responded that he had hired Arbor Doctor to assess the trees on his property.

Ms. Peg Moertl, 3663 Grovedale Place, spoke in opposition of Item 1. She stated that she had owned the house for twenty-six years and prior to that lived further down the street for fifteen years. She was very familiar with the neighborhood. Grovedale Place was a very narrow street; there was no sidewalk and no on-street parking permitted on this portion of Grovedale Place. Additionally, Grovedale Place was the primary ingress and egress to several hundred houses in a no outlet neighborhood that are at the terminus of Grovedale Place. She shared concerns with additional curb cuts, especially given the curve of Grovedale Place in that location. She continued to share concerns about a construction staging area and potential erosion.

Ms. Sesler asked Ms. Keough-Jurs how involved the Department of Transportation and Engineering had been on this project.

Ms. Keough-Jurs reminded the Commission that they were reviewing a subdivision, not a permit. If a subdivision was approved, the applicant would go through the full Coordinated Site Review process, which would include review by the Department of Transportation and Engineering.

Mr. Burke cross examined Ms. Moertl, asking if the proposed lots were roughly the same size as other lots on the street. Ms. Moertl referred to the map, stating that they appeared to be roughly the same size. Mr. Burke then asked if somebody would be permitted to demolish and build a new home on one of those existing lots. Ms. Moertl stated that she did not know.
Mr. Jason Gray, 3681 Grovedale Place, spoke in opposition of Item 1. He reminded the commission that he attended the last meeting when this item discussed and that he spoke about the loss of wildlife and the changing character of the neighborhood. He stated that the west side of the street contained old, unique homes with beautiful landscaping and trees that shared the character of the Hyde Park neighborhood. The east side of the street contained a row of nine, newer homes with garages that faced the street and it felt like a degradation of the neighborhood.

Mr. Gray continued, sharing that in his opinion, the best-case scenario would be to preserve the existing house. If the existing home was not preserved, he would accept two homes with more landscaping to the north and south of the homes to preserve some of the landscaping character of the neighborhood.

Ms. Ildiko Rab, 3681 Grovedale Place, spoke in opposition of Item 1. She shared concerns about water issues and potential erosion, especially if it compromised the street.

Ms. Sesler asked Ms. Keough-Jurs what the Coordinated Site Review Process entailed. Ms. Keough-Jurs explained that all permitting agencies reviewed the proposal and that approving a subdivision at this time did not permit construction. There were processes that needed to be followed and permitting agencies would need to review any proposed homes on the site, including the grading of the site.

**Derrick Blassingame was sworn in by Mr. Haynes.**

Mr. Derrick Blassingame, a Cincinnati resident who worshiped in the Hyde Park neighborhood, spoke in support of Item 1. He supported the proposed subdivision and development; it was good for the City and the community of Hyde Park. He shared his support for the nearby residents who shared their concerns, however, these concerns were typical of major development in any neighborhood. He further stated that as a City, we should be supporting development and the construction of new housing stock.

Mr. Burke addressed the commission, stating that the law allowed a property owner to trim a tree, or its roots, if it encroached onto your property. The applicant had offered to remove the trees in question on the Painter’s property and there was no response. The proposed lots far exceeded the minimum regulations for the zoning that was in place. The Subdivision Regulations promoted natural resource preservation, however, Section 800-19 concluded with the language “without rendering the land nonproductive at the permitted density level.” The permitted density of this site would allow for four units.

Mr. Burke continued by referencing the Wasson Homes project that was reviewed by the commission. At that time, Mr. Burke had asked the commission not to approve the Wasson
Homes subdivision due to the massive variances requested and limited project details provided. Monarch Homes was proposing an extensive landscape plan with three conforming lots. If approved, a rigorous, multi-department review would still be required for the project to move forward.

**Mr. Stallworth made a motion to move the meeting into Executive Session at 10:38 a.m.**

**Mr. Stallworth made a motion to come out of Executive Session at 11:33 a.m.**

Mr. Stallworth stated that the commission appreciated the applicant engaging experts at Human Nature and Davey Tree Company, but that the Commission felt they did not have enough information to make a decision. He further requested that the applicant submit a Subdivision Improvement Plan for review at a future meeting.

Mr. Burke asked who the applicant should coordinate with in the meantime. Mr. Stallworth stated that Mr. Ellis would continue to be his point of contact. Ms. Keough-Jurs added that Mr. Ellis would ensure that the Subdivision Improvement Plan was reviewed by the Department of Buildings and Inspections and any other appropriate reviewing agencies.

**Commission Action:**

**Hold** the item until a Subdivision Improvement Plan was submitted and reviewed.

| Motion:  | Mr. Stallworth |
| Second: | Mr. Smitherman |
| Ayes:    | Mr. Eby, Ms. Long, Mr. Samad, Ms. Sesler, Mr. Smitherman, Mr. Stallworth |

**Other Business/Director’s Report**

Ms. Keough-Jurs and Ms. Chandra Yungbluth, assistant to the City Manager, presented an update on *Greater Cincinnati Counts: 2020 Census Complete Count Committee.*

Mr. Stallworth asked how college students would be counted. Ms. Yungbluth responded that college students living on campus would be counted through the group quarters counts. Students living off campus would need to respond by household, which would include roommates. She further stated that off campus students were among the hardest to count.

Mr. Smitherman asked why people don’t complete the census, understanding that many people want to know “what’s in it for them?” Ms. Yungbluth responded that there was often a fear about other agencies obtaining the information submitted in the census. She reiterated that all responses to the Census were safe, secure, and protected by federal law.
Mr. Stallworth asked if the Complete Count Committee had engaged with the television networks. Ms. Yungbluth responded that they were already working with Courtis Fuller from Channel 9 in addition to The Enquirer and CityBeat. The U.S. Census Bureau would also be running national campaigns.

Ms. Keough-Jurs gave a brief update, reminding commissioners that the City Planning Commission would not be meeting on March 6, 2020 due to the David J. Allor Workshop. She stated that the Neighborhood Summit would be held on Saturday, March 14 at the Cintas Center and encouraged commissioners to attend, even if it was only for part of the day. Finally, Ms. Keough-Jurs shared that the next meeting date of the City Planning Commission would be Friday, March 20, 2020.

The meeting adjourned at 12:22 p.m.
APPROVAL OF THE PROCEEDINGS OF THE CITY PLANNING COMMISSION

February 21, 2020

The minutes for the February 21, 2020 Regular Meeting are approved as distributed.

Katherine Keough-Jurs, AICP, Director
Department of City Planning

Byron Stallworth, Chair
City Planning Commission

Date: 4/17/2020

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