

BOARD OF ZONING APPEALS MEETING
OCTOBER 22, 2019
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Mr. Ramirez

II ROLL CALL

Members Present: Joe Ramirez, Dave Nienaber, Jeffrey Anderson, Robert Weidlich, Carolyn Ghantous, Carmen Daniels

Members Absent: Douglas Stahlgren

Staff Present: Gregg Taylor

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF SEPTEMBER 24, 2019

Chairman Ramirez: The chair will accept a motion to accept the minutes from September 24, 2019.

Mr. Nienaber: So moved.

Mr. Anderson: Second.

Chairman Ramirez: It has been moved and second. All in favor by voice vote.

(Voice vote taken and the minutes were approved with a vote of 6 to 0 with 1 member absent.)

V CORRESPONDENCE . None.

VI REPORTS

Report on Council

Chairman Ramirez: Mrs. Ghantous.

Mrs. Ghantous: Thank you Mr. Chairman. City Council met on October 16th. The first thing that took place was that we met two new Public Works employees, Jeromy Hogeback and Colton Phelps and the both seemed like extraordinary young men and we are happy to have them. Both made mention of working here for a long time so I thought that was pretty cool. Then we had a presentation from Jeff Agricola who is the director of the Public Works Department about the replanting of the trees on Route 4 and he gave an extensive update on the urban forestry program. It took a long time but it was very informative and interesting. We only had two ordinances to discuss. We had Ordinance No. 41-2019 and that was authorizing the Mayor and Clerk of Council to enter into a contract with Clark Schaeffer and Hackett for the professional accounting services for the audit of the city for the years ending 2019 through 2023. That was a first reading so there was no action taken. The next ordinance was Ordinance No. 42-2019 and that was authorizing the Mayor and Clerk of Council to enter into a contract with TEC Engineering for design and engineering services necessary for the State Route 747 and Kemper Road intersection project. That passed with a 7 to 0 vote. Jeff anything to add?

Mr. Anderson: No, that's it.

Mrs. Ghantous: Do you guys have any questions or concerns? Alright, that will conclude my report. Thank you.

Chairman Ramirez: Thank you for the report.

Report on Planning Commission

Chairman Ramirez: Planning Commission, I think probably the shortest meeting that I have attended. We met on October 8th. One item was the RDA Group Architects on behalf of Morris Home and Ashley Homestore, 11755 & 11765 Commons Drive, Springdale, Revision to the PUD. In short what they wanted to do is modify the face of the whole mall there so that it all looked alike. If you are familiar with that, Ashley has the %A+frame entrance and some of the others have a lower and rectangular face on the façade. A nice presentation, we had no discussion on it. It was finally approved with a 7 to 0 vote. Any questions on that? That was our only item for the day.

VII CHAIRMAN'S STATEMENT

Ladies and Gentlemen, this is a Public Hearing, and all testimony given in cases pending before this Board is to be made a part of the public record. All testimony and discussion relative to said variance is recorded, and it is from this recording that our Minutes are taken.

Citizens testifying before this Board are directed to sign in on the clipboard in the rear of the room, take their place at the podium, state their name and addresses and the facts as they are pertinent to the subject before this Board.

As this is a Public Hearing, being sworn in prior to giving testimony is required by law.

At this time, please stand up, raise your right hand and repeat after me:

President Ramirez: If you think you may want to testify make sure that you have signed in at the back. Okay. Raise your right hand and repeat after me:

*I (state your name)
Do solemnly swear
To tell the truth, the whole truth
And nothing but the truth,
So help me God.*

Please be seated. Please be advised that anyone who was not standing and sworn in cannot testify unless they request the Chair to be sworn in as they come up to the podium.

Chairman Ramirez: At this time please remember to turn off or turn down your cell phones or any other communication devices.

VIII OLD BUSINESS

None.

IX NEW BUSINESS

A. Hixson Architecture Engineering Interiors, on behalf of Executive Centre 1, 111 Merchant Street, Springdale, Ohio, variance request from section 153.253 (F) to reduce green space and section 153.302(B) of the zoning code to reduce parking space size and increase the number of parking spaces. (Application 35713)

PUBLIC HEARING

Chairman Ramirez: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. This is a CAGIS view of the site. It is currently zoned OB. This is a site plan prepared by the applicant that indicates the existing conditions and then, assuming this works, this is the proposed modification to the parking area. If I might, let me give you some back ground on why we are here and how we got here. Our offices in general were built quite some time ago and our parking regulations were designed primarily for office space. Many individuals have their own office so the parking in general is three or four spaces per 1,000 square feet of office space. That was our code and that was what most of these buildings were built to a number of years ago. Since that time, we have been advised by basically the market place that the arrangement in offices has changed. There's two components, one is our Springdale specific place in the marketplace in terms of where we are in comparison to downtown to Blue Ash to West Chester and other competing markets and the other is just the nature of office occupants. Most offices now almost every plan that we see employs the huge open area in kind of the cube farm that you see on the TV show *The Office* basically. So, what happens is that it is a much more densely packed environment and most of our current perspective office tenants are looking for significantly higher parking ratios than our existing spaces provide. Typically, I mean they're looking for as high as, in some cases, seven space is per 1000 square feet of office space and frankly we don't have anything that fits that bill currently. So, the number of months ago, will basically Eric Smith, who is the leasing agent for this property and others in the city, he is with CBRE. I'm sure he will speak momentarily. They approached us about trying to figure out a way to deal with this parking situation. Staff, combined with our consultants, our City Planner and our City Engineer, our Economic Development Department, conducted a lot of research among neighboring jurisdictions and just general planning purposes to see what the market is doing at this point in time with the parking question because we're not the only community facing it and it was determined that up to 30% of the parking spaces could potentially be designated as compact car parking spaces and again this is somewhat reflective of the folks who are working in these office spaces. By virtue of changing the size of some of the spaces and the aisle with needed for smaller cars, we are able to get a larger number of parking spaces in the same space. As many of our parcels are, there's really no more land to use per se to create this additional parking. About the only way to do it is to try to reutilize the space that we have to create a larger number of parking spaces. So, there is going to be going to Planning Commission for their consideration, with a number of other text amendments which is why this is taking so long to bring this before Planning Commission for their recommendation to Council to actually change the code. We have gone through the Zoning Code pretty much line by line and have recommendations for some changes and among those changes are some language that Mrs. McBride has in her report relative to changing some of these parking requirements. With that in mind, the applicant set about the business of trying to figure out a way that they could come up with a number of parking spaces that they feel like they need in order to make this building remain competitive. By the way this is the Humana space if the 111 Merchant didn't mean anything to everybody. Clearly, they want to retain that tenant. So, the idea here is to basically take the western part of the parking field and we designated as compact car spaces which allows them to not only change the size of the space that also reduce the drive aisle which is why they were able to significantly increase the number of parking spaces. As part of the proposal and also the kind of in line with what we see the new parking ruling might be, all of the spaces, you cannot intersperse these compact spaces with other spaces because to use those spaces would be very difficult and you wouldn't be able to reduce the size of the drive aisle because presumably people would be there with full size trucks and SUV's and whatnot. You would identify the area of compact car space and the thought process is that if somebody is not driving a compact car they are not going to try to park in that area. That remains to be seen but in any event that is the thought process behind it and that is why part of the requirements are that these spaces be grouped, they are identified with a different color, they are signed differently so that perspective users would be able to identify the correct spaces. So, essentially there's really three variances that are required of you folks tonight based on the application that is before you. Number one is you would allow them to have up to 30% of their parking field be identified as compact car spaces. Number two is that you would enable them to reduce the green space on the property from about 20.2% to I think about 19.2% it is about a 1% decrease. Then finally we have a provision in our code, for vehicular use areas. That is what that VUA is in Mrs. McBride's

report is referring to where if they site is ~~over~~ parked, meaning that there is more than 30%, there's an additional 30% or more over what is required by our code the idea is to provide additional vehicular use area, landscaping, and they are unable to provide that again because there is just no room on the site. So, those are the three things that are before you. The compact cars space, a slight reduction in the green space and then waving off the additional landscaping requirement due to the increase parking. I believe that is about all that I have for you at this time. So, I would turn it over to the applicant. Thank you, Mr. Chairman.

Chairman Ramirez: Thank you Mr. Taylor for that detailed report. At this time would the representative for Hixson please step forward? Please state your name and address.

Mr. Schreyer: James Schreyer, 8394 Ridgevalley Court, Cincinnati, Ohio.

Chairman Ramirez: I believe Mr. Taylor probably stated most of what you wanted to speak to but if you would give us your version of why should we extend to you a variance.

Mr. Schreyer: Yes sir. First of all, good evening and thank you Mr. Taylor for the summary. Mr. Taylor's summary was in fact correct. To elaborate a little bit on what he was indicating regarding increased density of spaces that is true that what we have seen from the design perspective is a much higher occupant load per square foot. At the time the building was built about, it was not uncommon to have 200 to 225 square feet per person. With the nature of the Humana space, the actual occupant load is down and a low 100. So, additional people requiring the additional spaces. So, the root cause of why we are here today is that we have a specific request from the occupant, as part of a new lease negotiation for a specified number of parking spaces and those parking spaces have been calculated relative to the number of actual seats that currently exist within the space. So, the client has taken into consideration diversity in their occupant load from people being away on vacation for working at home and determined that they need 1040 spaces to meet their needs. So, as Humana is in negotiation for renewing the lease to continue operating in this space, they have looked into and forecasted out their requirements into the future and determined that this was the amount of available space. So, a very salient reason why there is this specific request of the Zoning Board. As we look at the site, obviously we have gone through a number of iterations to try to achieve that end result. As Mr. Taylor pointed out we are constrained by the obvious boundaries of the property itself. There is obviously strong consideration to maintaining or improving the green space in any way that we possibly can. So we've got a little bit of space planning going on here to try to achieve the end results for the client while still maintaining the overall integrity of the space and not creating hazardous condition for obviously the people entering and exiting with their vehicles. As Mr. Taylor noted we are seeking a variance to allow for 30% of the total number of spaces to become compact car spaces. This would allow us to achieve the 1040 total space is needed. The consequence of that is that as we reshuffle those spaces within the area and look to repurpose space, while we are putting back some green space there is a slight reduction in the over-all green space percentage from 20% to about 19%. So, we think that we have done a good job of trying to balance the needs of the client against obviously the intent of the Springdale zoning requirements and we feel that while we are seeking a variance that it is well within the spirit of the zoning laws. Hopefully that answers most of the questions.

Chairman Ramirez: Thank you. At this time we will let members ask you questions and then after that we will go back to you if you'd like to add anything and then finally we will have a vote.

Mr. Schreyer: Very good.

Chairman Ramirez: At this time, Mrs. Daniels.

Mrs. Daniels: Good evening, Carmen Daniels. I had a couple of questions. How did you determine that the majority of the cars that you are adding will be compact cars and come with it this percentage?

Mr. Schreyer: We did not make a determination about the actual cars been used. Compact cars refers to obviously, the dimensional requirement that they are 8 feet wide and so they are more comfortable obviously with a compact car. The reality is that occasionally you will have much wider vehicles that will be entering and then it becomes a bit more challenging. I think, my own experience is LaSalle parking lot has even narrower spaces than this and while the majority of the cars have shrunk over time for energy efficient means, you still do, occasionally, get those much larger vehicles. So, in those circumstances where you do not have compact cars, those individuals are going to be seeking out more traditional spaces as they become available.

Mrs. Daniels: What type of signage will you have to prohibit the larger vehicles from coming into that section that you are going to denote as compact?

Mr. Schreyer: I don't believe that there is any specific prohibition against larger vehicles using compact car spaces.

Mrs. Daniels: I just thought about the turning. I read something about the lanes would be narrower. So, how will you prohibit the larger vehicles turning there?

Mr. Schreyer: Sure, so it was noted that the lanes were 22 feet wide, they are in fact 24 feet wide so they are slightly larger than what is required. As far as the specific spaces themselves, there is a requirement that the spaces are designated and so it is noted that in any restriping or repurposing of the space, the lanes would be noted typically by an offset color for lane marking. So, there is a clear visual indication for anybody that is new to the site and may not be aware that it is a compact space. Sometimes these spaces are marked with an offset color something different than a yellow, a blue. Sometimes where you're got, and you are probably familiar with this in going into a parking structure, it will say compact space only. So, there is no specific provision from someone with a large SUV parking in that other than they are going to be space challenged and they know that they are going to be up against other vehicles. Just as sort of a measure of practicality, because it is not necessarily a public building, it is a private use building the occupants would obviously be self-aware of, at least after the first week where spaces are designated on the lot that are in fact compact car and the expectation that while there is no prohibition that they would not use those spaces that they would adjust their habits accordingly and seek out larger spaces when they have a larger vehicle.

Chairman Ramirez: Is there a need for handicap compact car parking?

Mr. Schreyer: Typically, handicap is not designated either between compact or regular size. The handicap provisions are basically is a one size fits all and it is usually around the worst case scenario, a large conversion van with the pop out of the side so you get a much wider space for any handicap accessible space plus the intermediate space for kind of the landing area for the wheel chair access.

Chairman Ramirez: So, the current handicap spaces will not be affected?

Mr. Schreyer: Correct. I think as part of any repurposing, any restriping of it, the restriping, because it is almost for the entire lot, we would be looking at making sure that current striping for handicapped areas would come up to current standards. So, it is not just the width but the landing zones and any appropriate signage. All of which changes year to year.

Chairman Ramirez: Mr. Nienaber.

Mr. Nienaber: Thank you. I just had three kind of general questions about the design. First of all I think the design is brilliant in terms of cramming that many extra spaces in.

Mr. Schreyer: All credit to the gentleman in the jacket.

Mr. Nienaber: Does angled in parking give you any more spaces or fewer spaces? Because my main thought was you wouldn't then be trying to be back out from 90 degrees but only from a 45 degree angle.

Mr. Schreyer: I think we did look at that angled parking but it did not yield the number of parking spaces that we were needing.

Mr. Nienaber: Okay. Secondly, the green spaces that you put into the new compact area, is the grass going to survive there since it is always going to be covered by the cars bumper anyway? I mean are we just kidding ourselves.

Mr. Schreyer: I guess a lot of it depends on how well it is set up. You know when you think about that void between the two curb cuts and how well it is maintained, a lot of it is about the preparation of the soil and how well Mr. Smith does in terms of the maintenance of it. It is a challenge right, obviously when you are in an open lot you are dealing with a lot of vehicles that maybe shading it, salts but with the proper maintenance it is possible to keep them as green space.

Mr. Nienaber: Okay. Lastly, I look at the compact area and I don't want to lose more green space but it will be hell getting out of there at quitting time trying to get 312 cars out of one driveway.

Mr. Schreyer: I can't speak specifically to how this particular space discharges. It's staggered?

Mr. Nienaber: Staggered release. Okay.

Mr. Schreyer: So, in accordance with that their work day you have a little bit more of a flexible schedule which is helpful. You know letting people out at 4:30, 5:00, 5:30. So unlike quitting time at the factory, there's not a large discharge fortunately. The other thing that aids is obviously the 24-foot wide aiseways, slightly larger than the 22 feet required.

Mr. Nienaber: Sure.

Mr. Schreyer: So that should also aid.

Mr. Nienaber: Thank you.

Mr. Schreyer: Thank you Mr. Nienaber.

Chairman Ramirez: We are going to skip here Mr. Anderson. Mr. Taylor always has something informative for us.

Mr. Taylor: Well, we'll see. Thanks. I just wanted to mention, and he basically covered it regarding accessible parking spaces. Because of the size of them and the requirement of the loading and unloading space there's no such thing as a compact space for accessibility. The other thing is that they need to be as close to the accessible entrance to the building as possible. That is part of the accessibility code. That's all I have.

Chairman Ramirez: Thank you. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. Good evening. I just have a few questions. First, I am very sympathetic to trying to work this through with you. I want to see if there is a solution that can work. I'd love to keep businesses like Humana in Springdale. So, take these questions as trying to get to the root of it so we can make this work. The first question that I have, well first I do want to note though you've mentioned the lane, the access lane will be 24 feet wide, is that correct?

Mr. Schreyer: Yes, as designed.

Mr. Anderson: So, just for reference that is the standard so we don't need to do and the variance in that distance. Twenty-four feet is the lane length that is required for any of the spots, so that helps. I was curious if you could help me with the width and length of the spots that would be put in here. We have been looking at sizes that would be appropriate for compact spacing anyway, not that you need to comply with

potential future zoning code but what are the length and width of the signs that you are proposing for the compact sites?

Mr. Schreyer: I believe it has designed they are 8 x 16 and I think we added a little citation here 16 foot allowed with the overhang, figured 302.2 on page 80 of the zoning code was the reference for that.

Mr. Anderson: What we have been looking at is closer to 17 feet.

Mr. Schreyer: Okay.

Mr. Anderson: So, I did not know if there's an opportunity, that you've got the additional lane length is there an opportunity to move it to 17 and even reduce the length of the lane so that would comply with what we for see happening in the future?

Mr. Schreyer: Sure, so as you look at the overall plan, is a little small from here. Obviously, it has opposing parking spaces and they are 16 feet long with 24 in between, if we go to 8 x 17 four designated stalls it reduces the lane to 22 but does give you that 17-foot length.

Mr. Anderson: So, would you be open to moving the distances is to that so would comply with what we predict our future, what we hope our future code will be? Is that an issue?

(Someone talking from audience not on mic.)

Chairman Ramirez: Excuse me, we record this so if you would please come up here. Please state your name and address.

Mr. Helmer: Matthew Helmer the, 659 Van Meter Street. That's our company address.

Chairman Ramirez: Thank you.

Mr. Helmer: In your zoning code you state that you can park 16-foot spaces with the overhang. Why could we not do that with the compact space with the over-hang? Why go with the 17-foot?

Mr. Anderson: So, the reference that I am looking at says 18-feet. I don't know, Gregg if you can help us with that? I'm looking at 153.302(B) and it has the length of the spaces for existing for 90 degree to be 18-feet.

Chairman Ramirez: Mr. Taylor.

Mr. Taylor: I believe what he's referring to, there's already a provision for allowing a certain amount of overhang, which I think allows the spaces to be slightly reduced if I am not mistaken.

Mr. Helmer: 153.302(C), vehicle overhangs states that a reduction of maximum of two feet of the overall length of any size space or spaces may be allowed provided that the vehicle overhang will not encroach on pedestrian circulation.

Mr. Anderson: Right, but I believe that if you continue reading it refers to overhanging to a grassy strips or yard areas. So, when you are doing back to back spaces, that's not the intent of the overhang section. Is that the space in the middle, is that the overhang you are talking about?

Mr. Helmer: Yes, only the spots on the west side will be all overhang. Those are all islands in the middle of those aisles, on the parking there.

Mr. Anderson: On the other side of the lane those would be standard size where they're facing?

Mr. Helmer: Correct.

Mr. Anderson: Where they are facing so those would be 18?

Mr. Helmer: Correct.

Mr. Anderson: Okay.

Mr. Helmer: The east side is not changing except for adding some spots, taking away a little bit of green space and some spots but those will all be regular size.

Mr. Anderson: Okay. That helps. Okay, so all of the new compact spaces, they would be 16-feet in length?

Mr. Helmer: Correct.

Mr. Anderson: To back into a green space that we could use the overhang so it's not, we don't need to make a change there.

Mr. Helmer: Correct.

Mr. Anderson: Okay, then this is a bigger question. So, one of the things that we look at with variances is are there special circumstances with the site. We don't like to give special permissions or zoning exceptions because you want it or need it for business reasons or branding or whatever it might be. There needs to be some special circumstance that makes it that the exception should be granted. It makes it a lot easier for us to do that. Is there a reason that you would not look at something like a parking structure, building up to accommodate the parking as opposed to just making a change?

Mr. Schreyer: So, we did explore doing parking structures initially. While it's not a great answer it usually came back to this, it came back to money. So, in order to do a parking structure, you are starting with a footprint and instantly reducing the number of grade level spaces. So, we would end up with, I think a two or three story overall parking structure. The overall capital cost and the immediate reduction of spaces not just for the parking are but the adjacent area would make it not just a financial infeasibility but also a business infeasibility that the amount of down time of those spaces in order to accommodate the construction duration would create an undue hardship on the behalf of the tenant. While it was strongly considered and reviewed in terms of cost and feasibility with the client it was ultimately dismissed as not a practical solution to the issue. It certainly can be done, right, but it was just a case of money and time requirements in order to execute it in a timeline that was satisfactory to the client.

Mr. Anderson: So, if I can play that back. Is there a special circumstance beyond business infeasibility that warrants this sort of exception that we can hang our hats on? I'm just struggling because the arguments, the discussion and the points are the same thing that every office, and not just Springdale but anywhere could say. It doesn't apply to us because it costs too much. I'm trying to understand why is this different? Why should you get a special dispensation?

Mr. Schreyer: I think Mr. Smith would like to speak on that behalf.

Mr. Smith: Good evening. Eric Smith, 55 Merchant Street, second floor. I am with CBRE. I've been out there onsite now for over 32 years. The current tenant in the building, we asked them how many seats do you currently have. I got an email from their Vice President over there and they said that currently they have 1213 seats in the building. So, we are looking to increase the current parking status from about 895 up to 1040. We are not even looking for a parking space for every seat in the building. Now by the nature of their business, it does change seasonally. You probably see it on the payroll taxes that there is a higher head count usually starting in November through about March for when new plan enrollments occur and they just need more people. So, in all of the years that I have been out there we always try and stay ahead of the curve. We try and make sure that we are meeting or exceeding whatever it is that the tenant needs because once we get them in the City, we don't want them to go. It seems like a lot easier to keep a good tenant rather to go out and find a new one. Did I answer that correctly?

Mr. Anderson: You did. I guess I am still looking for something that helps get me there. There isn't an opportunity for a shuttle or additional parking off site. You know the nature of the business that you described has increased needs at different times. There's not the possibility or there's no interest in additional offsite parking with shuttles or an additional lot adjacent or nearby for those cases where that happens. I mean what we are talking about is three significant variances that effect the usability of the space for people around you, not just you because we are talking about adding basically high density parking to an office complex that is not built for that and we are also removing, you are asking to remove some of the things that offset that for other people that use their properties like the VUA, the blockage, the plantings that can hide or hide some of that. Because the adjacent businesses now are going to see this parking, you are also bringing additional cars into the area. You need these spaces because the cars are there, so is there a possibility to disburse that parking to other lots and shuttles or is that not an option either?

Mr. Smith: We have actually looked at that option just like we looked at the parking garages. A, is finding land that would be suitable for parking additional cars and then you have got the cost involved in running shuttles back and forth. With their business they usually start over there about 6:00 or 6:30 in the morning and will go to about 10:00 or 11:00 at night. So, that is a pretty long time for them to be running a shuttle. We have tried to think outside the box and that's why we relied on Hixon's expertise when we brought them on board as part of our team.

Mr. Anderson: And there's not an opportunity to do, also the VUA like the coverings, you are going right to your property line, there's no opportunity to shield the additional parking and add plantings and deal with some of the green space challenges. You are saying that's not possible and still reach your parking targets?

Mr. Smith: Right. Yeah that 1040, and we went back to the tenant even and said listen, is that number critical and the response we got back, the feedback we got back was yes. They need that number that 1040 is what they are looking. So, that's a 6 to 1 parking ratio whereas right now we are at a 5.2 to 1 ratio.

Mr. Anderson: That's all of my questions. Thank you.

Mr. Smith: Thank you.

Chairman Ramirez: Mr. Taylor.

Mr. Taylor: Just one question regarding the feasibility of structured parking. That I understand you to say that you basically would have to move the tenant out in order to build the structure, because you would lose so much parking while the thing was under construction? Did I understand that correctly?

Mr. Schreyer: No. I think it's just more of a matter of feasibility so if we are looking at a parking structure large enough to first replace the number of parking spaces that you would be displacing so you would have to take a footprint, right, and then have 150% of that footprint because of the inefficiency of a parking garage relative to surface lot, you would probably be chewing up, if you are looking at the plan view, a good portion of the area to the left of that dashed line. So, immediately as you began construction and you site clear off the lot, you need not just the footprint of the parking structure itself but all of the lay down area. So, what would occur is, is that the tenant would not move out during this time you would have to have significant provisions for some out lot where you would lease and out lot on a temporary basis and have a significant amount of shuttling into this space. So, I don't think that this is something that was discussed or arranged as part of the leasing negotiations, so it would be a significant hardship on the case of the client in order to achieve this for the year plus duration that it would take to build that out.

Chairman Ramirez: Mr. Anderson.

Mr. Anderson: Thank you. Just one other question on the green space. Is there a current variance for the green space exception? Right now, they're a 20% or do they predate those changes?

Mr. Taylor: They predate the changes.

Mr. Anderson: For what it is worth, I can get my head around the compact car parking and I can get around one or 2% of the green space because it is already in that world. I don't see that as a substantial change. Where I am struggling with is the shielding requirements for the neighbors and the lack of any kind of special circumstance aside from that they have outgrown the space. That's what I'm struggling with. I want to give you another chance to help me with that. Businesses outgrew office space and that could either be from interior space or exterior parking. The fact that we'd be encroaching other people's ability to use the space around it is a challenge for me without shielding the additional parking. Are there special circumstances really beyond that they have outgrown your office building that can get me closer to being okay with this?

Mr. Schreyer: So, let me first start with the shielding you are talking about. You know adjacent properties seeing the lot without the benefit of current trees and there will obviously be impact to the current infrastructure. We have not begun any landscaping of the space and so that was going to be an outcropping of our discussion here and a final understanding of what we'd be allowed to do. The intent is that they would be replacing, not necessarily like for like trees but a comparable amount of greenery within the space to achieve, to the best of their ability, some level of shielding from the surrounding properties. The challenge always is, is that those are very mature trees because of the age of the property so you'd be starting with smaller trees going back but certainly that would be a consideration as far as the next phase of the design to create the shielding that would be acceptable to the zoning board. Going back to the question of how you would achieve the parking spaces needed without having them on site itself and the use of a shuttle, the challenge there is finding surface lots that are available for leasing. So, if you've got surrounding buildings in the area, even if they are currently vacant they are relying on the available usage of those parking spaces in the future in order to lease the spaces out. So, even if we could lease the spaces and get a shuttle to them that would mean that those other tenants would be required to guarantee those spaces for us so that we could meet the requirements of the lease. So, that is a significant challenge for shuttling is finding those surface lots available and adjacent enough to the building that it does not become a hardship for the people using those shuttles.

Mr. Anderson: It still goes back to the VUA requirement because there's three variances that we are talking about, right? So, the first ones on the compact space and we have talked about that, it makes sense. You comply with almost completely the current ones just a little bit smaller in what we foresee or hope to be our future code so that's fine. The green space you predate those requirements largely any way. That's not an excuse or a way to get out of zoning code changes. When you touch it, it updates but it makes sense that there is a reason to make an exception there. The VUA blocking, I guess so you had said that is going to be a future, find something that is going to be compatible to the zoning board in the future. That is not a step that we'd look at today, right? You are asking for a variance to not have any VUA requirements for this plan right? So, the variance that is before us is, there is no requirement for shielding. Are you going to do shielding and we shouldn't look at that part of the variance or

Mr. Schreyer: No, I think that still holds that we would be seeking that variance.

Mr. Anderson: Alright so if we voted on that today, it would basically be saying you'd not be required to, I mean you can make an effort as a good neighbor to make it more aesthetically pleasing but from a zoning stand point you wouldn't be required to.

Mr. Schreyer: I understand.

Mr. Anderson: Okay. Thank you.

Chairman Ramirez: Mr. Nienaber.

Mr. Nienaber: Thank you. I think I am addressing this as much to Mr. Anderson and you all that if we are looking for a special circumstance to grant a variance, it has more to do with what the market is demanding in the future as Mr. Taylor's opening statements talked about. If we are looking for a reason because of an odd sized lot or anything of that sort it is not going to be there. So, I think the real issue is, are we going to keep up with the times? That's it.

Mr. Anderson: Sure, and I think that is a fair question. I think that is the statement that we are basically addressing but as a zoning board we are not making zoning code changes in place of the planning committee and City Council right? So, we can be forward looking and we can be accommodating but the question is should we be legislating from variances? I think that is a question that we have to think about as we are doing it. Again, I am not trying to compel you to vote yes or no, I am just saying that is what I am thinking about. I do think that the market is asking for more spaces which is why we are looking at compact car adjustments because that is the reality right, because some people they have smaller cars as you should accommodate that. It is a waste of space otherwise. That's the first variance that we are looking at and that makes sense. Green space that makes sense. Affecting other people because the market expects it, I guess I don't know what is on the other side of this business right. Because they are the ones, your variance stays with the property in perpetuity. So, if we grant the variance it is not just for you while you have Humana or one business here indefinitely. This location would have the ability to have high density parking without shielding forever and is that maintaining the character of the neighborhood? Is that given you undue privileges without a reason? That's what I am asking. So, is this the picture, this is the overhead?

Mr. Taylor: This is the aerial. I mean this is off of 2019 CAGIS aerial. This is the way that it looks currently. Obviously, they must have flown this on the weekends because there is no cars parked anywhere. But, to the west, I think that is where Process Plus is, is it not? Where Process Plus is?

(Multiple people talking at once.)

Mr. Taylor: Oh, that GE and then kind of northwest is Process Plus and then to the east is EC II, right? That is where Cincom is?

Mr. Schreyer: Yes sir.

Mr. Anderson: So, this is very helpful from that perspective right. So, is there an opportunity for us to maybe maintain that VUA kind of requirement in the places where we have that coverage now? Right, so on the plan that we are looking at, when you just see it as a piece of paper here, you see zero green space on the west side of that lot where that new compact car parking is and that is rough. It is scary because you don't know what is on the other side of that white space and there's no coverage. So, looking at the overhead view, it is more parking, so forcing you to put landscaping there that isn't there currently isn't in the spirit of the zoning code.

Mr. Schreyer: Right.

Mr. Anderson: That is not what the code is asking to do. It is not in the spirit of it. But, this southern side and the eastern side, there is that green space and that is where there are neighbors that would be affected.

Mr. Schreyer: That space is not changing in the proposed plan. If you could go back to the proposed plan please. We are still maintaining the green space along that east side and on the south of the sign. There's no increase. We are taking a couple of spaces away where there are some bump out islands, but that width against that property line, that little buffer is still there.

Mr. Anderson: So, you Mr. Taylor can help me with the VUA requirements in general. It doesn't specify any adjacency it is just an amount per square foot right?

Mr. Taylor: Correct. I am not trying to design this on the fly exactly but, I believe that the amount of green space is a long merchant street and along the east property line and along the south property line is pretty much unaffected. Is that correct?

Mr. Schreyer: That's correct.

Mr. Taylor: So, I think that the issue becomes, what do we asked them maybe to do in terms of planting to soften this. I think it is appropriate to consider that given the fact that we are asking for three variances from the code.

Mr. Anderson: So, I guess the challenge that I have with that third variance then, I agree with what you said, right, maintain the green space and additional plantings would help soften the look and maintain the essential element of that area which is what we try to do. The challenge is the way that the variance is requested currently is to be excluded from the requirement from VUA, meaning that even if you told me that time when the plants to there, you are not required to and then in 10 years from now somebody could strip all of that down and we would have no recourse. So, I guess I'm saying is the VUA, how far are you from meeting the VUA requirements if you use the greenspace edging that exists today or did we even look at that?

Mr. Schreyer: I believe that the requirement is 10% and we will be at 9.12%.

Mr. Anderson: 9.12%, and you don't feel that there is a way to improve that?

Mr. Schreyer: I can maybe squeeze some more grass in somewhere. Offhand I don't know. It is a possibility I suppose.

Mr. Anderson: I really am trying. I feel like it is really close. I feel like I would struggle with a complete exception to a variance because it is convenient for the space because of what it means for the property long-term.

Mr. Smith: Mr. Anderson that property line along the south side I don't know if you've had an opportunity to see that. Those are very mature trees back there. As a matter of fact this time of year is my nightmare because we have so many leaves coming down. But, we exercise extreme care with those trees. They are pruned carefully and it does provide a barrier between, because that is right on the Springdale Glendale border. That provides good privacy between the property lines there on both sides.

Mr. Anderson: I appreciate that. I've gone on record in several meetings in saying that all trees are beautiful and that I am a big tree fan. I even have shirts made up that say that. I am an arborist at heart. When we ask for a vote with the VUA variance, what do you think about, as opposed to zeroing it out, setting a standard at just a lower level because of the nature of the lot? So, what we have described looking at this lot is on, the way that abuts and the fact that the previous greenspace requirements were not maintained, it makes it a unique situation. Because we didn't have those enforced now it is tough to then reinsert green space where there wasn't. So, is there an opportunity for us to have the VUA requirements as opposed to removed but set it at a number like instead of 10%, set it at 9.5% or 9.2%, something that maintains the integrity of the look and accounts for the special circumstances that we are seeing here because of the nature of the lot was developed prior to zoning code? Does that make sense?

Mr. Schreyer: Sure.

Mr. Anderson: I don't know what you guys think about that?

Chairman Ramirez: Mr. Taylor.

Mr. Taylor: So, I am suggesting, I believe you are in agreement to amend the variance request to some percentage other than zero? I mean I think that the commission is looking for something as close to 10% as possible. If you currently believe that you have 9.12%, I mean I think those are the kinds of things that we're looking for. Putting a number on it that is not zero.

Mr. Schreyer: Yeah, I think that it may make sense to go ahead and if we can bring the number down from 10% but something that is achievable if we don't want to set the bar so low that we can't achieve it. We are at 9.12%, we haven't finished all of

our engineering, so we chose a round number of 9 square feet per 100 square feet, and looking at a smart person now. We do think that that should be achievable.

Mr. Anderson: That is all of my questions. Thank you.

Chairman Ramirez: Thank you. Have a few items here that might help and I understand where Mr. Anderson in Mr. Nienaber are coming from but here I have the criteria for granting variances. So why? So, it is just not because we need it, we have too many people, the cars are too big but some of the reasoning is whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property. Whether the variance is substantial and I think that the parking lot numbers are 30% which is substantial. We went through this. Whether a property owner purchased the property with knowledge of the resolution to ordinance, regulations and measures and orders. We know that but we also know that things have changed with car sizes. Whether the property owner's predicament feasibly can be changed through some other method other than a variance. So, I think that point there is what we are talking about with Mr. Anderson is trying to do a work around right there. So, if we can get to that point, maybe it will give us, we are looking for a reason. We are looking for a reason why we should give a variance. We don't set the laws in zoning code here but we do give variances and that's what we are after. I think Mr. Nienaber has a question.

Mr. Nienaber: I just have an observation. From page two of the conditions and findings of the Board of Zoning Appeals that we all received. Page two, the first paragraph, whether the spirit and intent behind these code requirements would be observed and substantial justice done by granting a variance, and the city's response is yes. To my mind I am reading that to say that we are okay doing this. I understand that they don't have a specific lot rarity, it is what the market requires these days.

Chairman Ramirez: I think that statement said whether if the property without the variance.

Mr. Nienaber: Let me read that again then. Whether the spirit and intent behind these code requirements would be observed and substantial justice done by granting a variance and if the answer is yes then I think it's at least that particular line out of this paperwork is in favor of it. That's my take on it. Thank you.

Chairman Ramirez: Mr. Anderson.

Mr. Anderson: Yes and I can appreciate that. I did see that and this report but we're looking at is the city administration's right up and review of the appeal and I believe it is still within, it is still our responsibility to assess whether we feel that it is accurate. I do want to circle back, when I was asking the questions, I do want to highlight where I came to in the discussions is that I do feel that after talking through the VUA requirement that the essential characteristics of the lot in the neighborhood based on how the lot was developed in how the adjacent lots were developed and be maintained, that it does maintain that with the numbers that we are talking about. I think with zero it is a real problem because it is, it would be special rights that we would be conveying to them without a reason but I think that because a lot of the development predated the zoning code, it is a special circumstance not because it is a certain shape but because the essential nature of that site in how it is being used. So I am currently in favor of both the approach that we have talked about and I appreciate your willingness to work through something that is more amenable and maintains the spirit of the zoning code more as opposed to just taking a hedge that are to it because it is easier. So I appreciate that. I'm there on those with the non-zero number. Thank you.

Chairman Ramirez: Mr. Taylor.

Mr. Taylor: I'm sorry I have nothing thank you.

Chairman Ramirez: Mr. Weidlich.

Mr. Weidlich: Thank you. Mr. Taylor, the 16 foot length on the stall that they want to do with a 1-foot overhang in what is being considered by the City, would that be acceptable to the 17 foot that the City is considering?

Mr. Taylor: Yes.

Mr. Weidlich: Thank you.

Chairman Ramirez: Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. One last question. You had responded to Mrs. Daniels about the signage and a marking and I want to make sure that understood the response. You do intend to mark these spaces as compact only so it is clear to people coming in here that say if you have a big F-250 you might struggle back here? We understand that you wouldn't be, there is no enforcement from a Municipal standpoint for that. The building owner would be able to contact Springdale and ask the Police Department to ticket somebody, this is a private marking.

Mr. Schreyer: Correct.

Mr. Anderson: You understand that. I know, again we are not asking you to conform with future code but what the current code that is being proposed, the changes we do suggest marking those in addition to signage with a different color paint. Is that something that you intend to do anyway, not that it would be in the variance but do you intend to do that so it would be less of a variance even though you would have the variance?

Mr. Schreyer: Correct. We would be in compliance with a combination of pavement markings and signage as required.

Mr. Anderson: So, when we put forward the variance request, you'd be okay with us including a statement that it would be marked both with signage and color paint for compact cars?

Mr. Smith: Mr. Anderson, I'm just thinking out loud. We are pretty good at working with the tenant and communicating with them and in all likelihood once we would decide, the owner decides to move forward with this, we would just do maps and have those provided to all of the employees working on site so that they would know specifically which ones might be a little bit larger than the compact.

Mr. Anderson: Is there a reason that you wouldn't want to use a different color paint on the pavement for that?

Mr. Smith: No. We would be fine with that.

Mr. Anderson: The reason that I mentioned it is more of a structural question because in a minute we are going to have to put together a motion and it would include conditions for the variance and I wanted to see what you thought about including that as a condition for the space variance which then would align it with what we are thinking might come in the future with these spaces. Are you comfortable with that or would you rather us vote without the paint or signage?

Mr. Schreyer: I think that we has assumed that we would have some type of pavement marking which could be the offset color and then it is either that or signage and paint it a different color. So there are a number of different ways to achieve it. I think to, personally I think that if you have a private lot where the majority of the spaces are compact in a designated area like Mr. Smith spoke to, that being in a map, that the optimal solution would be alternate colored spaces, perhaps another identifier but I would be a little hesitant to maybe putting in all of the signage. You think about, if we go back to the layout, just a row of signage in that green space. So, I think we would certainly be amenable in terms of the language of the zoning board to including pavement markings as a way of identifying compact spaces.

Mr. Anderson: I was referring to pavement marking. I wasn't asking for a sign at every stall but a sign at the entrance to that area would be useful.

Mr. Schreyer: I think I just wanted it to be clear that, correct. Okay.

Mr. Taylor: That was staff's intention. It wasn't that each space would have compact car only, that we would at the beginning of each drive aisle that it would say, compact cars. That was the intention.

Mr. Schreyer: I think that makes a great deal of sense so if you are thinking about just enclosed parking lot, you know you've got a lot of, you are unfamiliar with it and you've got a lot of different spaces you really do want to know that is a compact space before you pull your SUV into it.

Chairman Ramirez: Mr. Anderson did we come to an agreement on the reduction of the green space?

Mr. Anderson: Have we? Are you asking me?

Chairman Ramirez: Yes.

Mr. Anderson: I don't have any more questions.

Chairman Ramirez: Okay at this time I don't see any more lights. Chair will accept a motion for item number one. We will do a motion and then a vote and go on to the second motion. Mrs. Daniels.

Mrs. Daniels: Can we do them as three separate ones so we for clarity purposes?

Chairman Ramirez: Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. Give me just one 2nd. I'd like to make a motion to approve BZA application 35713 for 111 Merchant Street for a parking variance, form section 153.302(B), adjusting the minimum width of parking spaces to not less than 8 feet, minimum length not less than 16 feet, not to exceed 30% of the total for these special sized parking spaces, with these spaces being grouped and marked with appropriate signage and pavement marking.

Chairman Ramirez: Do we have a second?

Mrs. Ghantous: I'd second.

Chairman Ramirez: Moved and second. Secretary please poll the members?

(Secretary Daniels polled the members and the variance was approved with a vote of 6 . 0 with 1 member absent.)

Chairman Ramirez: That has passed with a 6 . 0 vote. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I'd like to make a motion to approve BZA application 35713 for 111 Merchant Street, to section 153.253(F) reducing the green space requirement for the site to not less than 19%.

Chairman Ramirez: Do we have a second?

Mrs. Ghantous: Second.

Chairman Ramirez: Moved and second. Secretary please poll the members?

(Secretary Daniels polled the members and the variance was approved with a vote of 6 . 0 with 1 member absent.)

Chairman Ramirez: Again, that has passed with a 6 . 0 vote. Finally, Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I'd like to make a motion to approve BZA application 35713 for 111 Merchant Street, for sections 153.302(C)(1) adjusting the

VUA requirement from 10 square feet per 100 square feet of frontage to not less than 9 square feet per 100 square feet of frontage.

Chairman Ramirez: Second?

Mr. Nienaber: Second.

Chairman Ramirez: Moved and second. Secretary please poll the members?

(Secretary Daniels polled the members and the variance was approved with a vote of 6 - 0 with 1 member absent.)

Chairman Ramirez: Thank you, you have been approved.

Mr. Schreyer: Thank you very much.

Mr. Smith: Thank you.

Mr. Anderson: And please protect those trees.

Mr. Smith: We will.

- B. Tri State Signs on behalf of Jake Sweeney Alfa Romeo, 85 West Kemper Road, Springdale, Ohio, variance request from section 153.459 to allow a pole sign and from section 153.459 to allow construction of a ground sign exceeding 8qin height. (Application 35737)

PUBLIC HEARING

Chairman Ramirez: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. You all will find this looks pretty familiar. We were just here recently for the Mitsubishi and Mazda dealerships. So this is a very similar situation. This is again a CAGIS aerial of the site. This is the building in question here and I'm sure you are all familiar with it the corner of Jake Sweeney and Kemper and all of our little spaces here. This is the site plan which shows again the building and then down in the lower left hand corner here you will see the location of the monolith sign and again this is a very similar situation to what you were recently faced with. The positive here is the existing sign is 29 feet tall and it is clearly a pole sign and again you are very familiar with how this came about. In I think about 2014 the code was basically rewritten to try to minimize these pole signs around town. So, the current proposal is to create this monolith which I think the way that this all kind of worked out the last time that we were here talking about this kind of thing was I think we determined that this is essentially a ground sign that was 20 feet tall instead of the maximum 8 feet that is in the code. So, what they are speaking here is the ability to replace the 29 foot high a pole sign with a 20 foot high monolith sign. So the variance to the code would be to allow this 20 feet, excuse me 20 foot high sign and it would be located 10 feet from the right-of-way. We have a couple of slides here which these are in your packet but you can see the existing signage. This is going southbound and this is going northbound and the monolith is going to be in the same location correct, 10 feet off it, not going to look like this pole sign any more. That is all that I have. Thank you.

Chairman Ramirez: Thank you for that report. At this time would the applicant please step forward, state your name and address.

Mr. Weeks: Steve Weeks, Tri-State Signs, 9077 Sutton Place, Hamilton, Ohio.

Chairman Ramirez: At this time, we allow you to make a statement telling is why we should accept this variance.

Mr. Weeks: This is not unlike the Mazda and Mitsubishi like Mr. Taylor said. Again, we have constraints that we have to work with as far as the brand standards and unfortunately Alfa Romeo has one standard and this is it. It is the only sign that they have available. That's it, it is 7.11 square feet circle. That is the total square footage

of the sign. It is a 20-foot overall height and we are requesting to remove the existing 29-foot sign that is I think 49 or so square feet down to 7.11 square feet. So, the reduction of square footage is substantial. We are asking it to be located in the same location. The other reason that we're looking at this is because the building sits off the roadway 191 linear feet. It does sit back a little way and that really can't be seen from any place but right in front of it as far as the signage goes on the building. So, the request for the variance is due to the fact that the Alfa Romeo, this is what they have to offer as far as the signage goes for their brand.

Chairman Ramirez: Okay, at this time we will accept questions for the members. I'd state now that at a 20 foot high sign and are we calling these pole signs now or not Mr. Taylor.

Mr. Taylor: We are calling them ground signs.

Chairman Ramirez: What's our restriction on a ground sign?

Mr. Taylor: Eight feet.

Chairman Ramirez: So, now we need to find out why we are 12 feet over the limit of a ground sign right?

Mr. Taylor: Correct.

Chairman Ramirez: Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. That gets to the root of my question. So, I understand with the way that we measure signs that the pole sign is 48.75 currently which is the bulk of the sign that is up in the air 25 feet. The proposed sign is 7.1 square feet but the monolith in totality is over 60 square feet. So, the challenge there is sight lines and visibility and obstruction. The reason ground signs, the zoning code has ground signs further from the street based on how tall they are and there is a limit for how tall that they can be. So, why 20 feet in the air for this monolith sign? What is the reasoning there? Why can't it be eight feet?

Mr. Weeks: Currently Alfa Romeo does not make any other options for their signage. This is it.

Mr. Anderson: All of their signs have to be 20 feet in the air?

Mr. Weeks: This is the only sign that they have. When it comes to a property sign for their dealerships. In fact I tried to do some searching myself to find other ones. There aren't any. This is the only sign that Alfa Romeo offers. As far as the sight line that you spoke about, the sight line, the sign is still back far enough where the sight line won't be blocked going in and out of the property when it is 10 feet outside of the right-of-way. It is not going to block the view of oncoming traffic. I'm sorry if that is what you were speaking about.

Mr. Anderson: It is. So, the current ground sign requirements has it set back a certain number of feet for every foot of height.

Mr. Taylor: Actually, it's when pole signs are permitted they have to be set back the same distance as the height. A ground sign the setback is 10 feet.

Mr. Anderson: Always, regardless of the size?

Mr. Taylor: Always and you are right the reason that that was somewhat arbitrarily made was because the sign is only supposed to be eight feet high. So, I mean the question is, I think one of the more unique aspects of this particular sight is that the building is so darn far away from the road. It's, let me get back to the aerial it I can pull this off. I am definitely remote challenged. This building is not, let's say, it doesn't have great visibility from either Kemper or Jake Sweeney Place. So, the wall signs are not going to, let's say, I think identify the building as much as, well I'm sure it is not going to identify it as much as they would like. But, I do think that is somewhat of a unique characteristic of this particular sight.

Mr. Anderson: The variance is for the site not the building so the building being placed on a site we can take that into account but this building could be torn down in 20 years and somebody could have a ground sign two feet away from the edge. Where the building is placed isn't, I guess I am trying to understand why this makes it unique. When we had this challenge before, right the property actually had curves on the street, right that made it a challenge to place a sign in an appropriate location. Right the way that Northland turned.

Mr. Taylor: Correct.

Mr. Anderson: This is a straight away that does not have those challenges. We are saying that the unique circumstances is that the building is further back?

Mr. Taylor: From a visibility standpoint. That is the only thing that I can see that makes it unique.

Mr. Anderson: I guess I am hoping, I want to see if there is something else to then that might make it unique. I understand brand requirements are a challenge. That is a challenge for everybody but the standards are written, any business could come in and say I have a brand standard that says I can't follow your zoning code. That's not, I guess I struggle with that being a sufficient cause to grant a variance for a sign that lives with a sign in perpetuity without something else going with it. So, can you say more about what would make this site unique that we want to have a 20-foot monument sign as opposed to an eight foot sign?

Mr. Weeks: As far as the sign goes, unfortunately, again, Alfa Romeo does not have another option. That is what they make and even on the wall sign I believe it's 7.11 square feet. The medallion that they make with Alfa Romeo on it is the same size on the building as it is on the pole sign. The square footage on the pole sign, yes, it is a monolith, it does have paneling going up the sides. It is all ACM. The sign portion is 7.11 square feet. You had mentioned that the other sign, it is 48.75 square feet. The signage portion of the pole sign is 48 but the signage portion of the monolith itself as far as square footage goes is 7.11. So we are reducing the square footage substantially from what code does allow and to we are reducing the overall height of what currently is up there which we are reducing it by almost 10 vertical feet. So, we are getting closer to the code. Are we meeting it exactly, no we are not but I do have to work with that Alfa Romeo is manufacturing at this time and they don't have any other options.

Mr. Anderson: I'm sensitive with that but I am just trying to understand if there is an easier way for us to get where we want it. We are trying to get you there, I am trying to get you there. I think saying 48.75 and going down to 7.1 it doesn't feel sincere because that is just the emblem part of the sign right. The total monolith sign which is the full space that is being covered that everybody drives by of 60 square feet. So it is larger than the existing pole sign. It is also in sight lines for drivers and passengers and it is part of the entire characteristic for that neighborhood. Maybe, could we go back to that picture that shows how far back this is because maybe that helps with that. The fact that it is so far away it does help right. Because if you put the sign right on your property line that would be a problem for view, for safety but we are putting it further back.

Chairman Ramirez: So, do you manufacture the sign or do you just install the sign?

Mr. Weeks: We just install them.

Chairman Ramirez: You just install it. So the cabinet that the medallion is on, that comes to you just like that?

Mr. Weeks: It will get shipped in from the manufacturer.

Chairman Ramirez: Okay. I am in agreement with Mr. Anderson, I think we're not talking about the medallion as much as we all know the total 20 foot high structure. With a limit the 8 feet that considerable change from the code. That's my thought. I don't know what can be done other than modifying the structure. Again we need to

address why we need to give a variance. Is there anything specific other than the manufacturer has a big cabinet? Any other reasoning why we should give a variance for this large sign?

Mr. Weeks: Again, I don't have a, I can't speak for the manufacturer and Alfa Romeo. Alfa Romeo obviously comes up with their standards to give to the manufacturer to produce their product. I don't have anything to do with that. There's been other signs granted, variances with the same overall height in the past.

Chairman Ramirez: See that is what we are trying to get away from. We don't want to have 20-foot signs all throughout the city. That's why it has to be a special reason for us to grant a variance, otherwise McDonald's will have a 20-foot sign next week.

Mr. Weeks: Visibility over the vehicles is also a concern, to get up over any vehicles that will be parked there. I mean right now (talking off mic.) there are trucks on the other side so to put an 8-foot tall sign, it wouldn't be seen. There are other vehicles on the other side of the sign so.

Chairman Ramirez: Again, we had this discussion with the other signage, we are just trying to get as close as we can to give a variance but going to an 8-foot sign to a 20-foot sign, in my opinion, is not close enough. Mrs. Daniels.

Mrs. Daniels: What other alternatives are you thinking about if this is not granted tonight? You have no other option? Can it be put somewhere else because that is kind of close to the street.

Mr. Sweeney: Jacob Sweeney, Sweeney Automotive, 1237 Martin Drive. Just no sign.

Mrs. Daniels: Would you just keep it?

Mr. Sweeney: I wouldn't have any other option to park a car there and market this brand. This is traditionally not a retail space because it wasn't, the frontage was not on Kemper and we are obviously in the process of modifying that property to create productive retail space that a consumer would make a left on Jake Sweeney Place and make their way up that street like they do our BMW dealership and now go to the other side of the street to go to a competing luxury brand, Alfa Romeo. There's no other way, I guess to identify the entrance to take what was originally a back storage lot for our FCA building to now what we would consider a full retail space with a different FCA brand being Alfa Romeo. So, I mean there really isn't another option. That pole sign which I think is not very attractive, I don't think it is representative. I am trying to take something that is taller and less attractive and then put something in that is going to be more attractive and more upscale and more appealing I think visually than what is currently if they're. To be quite honest the rest of the world, they don't even have signs. In the United States this company is just exploring signs, so they have one and this is the one sign. I don't have another option other than no sign at all which obviously isn't one I would be very appealing with me to even go forward with this. I'm dealing with other municipalities in Northern Kentucky with the same issue and they have the same things and it is this or no sign. I don't know what else to say here. This is not a very large company. There is a learning curve with these people that doesn't exist with people that have been in this country and doing business as far as zoning. I don't know any other way to phrase it. I would say lack of resources or lack of understanding this market is my challenge in dealing with the medallions. I don't know how else to say it.

Chairman Ramirez: Mr. Taylor.

Mr. Taylor: Thank you Mr. Chairman. I'm not certain I have any way to get to a specific hardship. Just a couple of things I'd sort of like to point out. They'd be entitled to 100 square foot ground mount sign, which in theory with the way that we measure signage is that we measure the message if you will. It is a rectangle that fully enclose is the message which would be the name or the little circle or whenever. So, I don't know if this is helpful or not, it is just an observation. They appear to have a situation with the brand in that they would be complying with, in theory at least, the setback for a ground mount sign. They would be well under the permitted square

footage. They would be reducing the height from what is currently there. None of those demonstrate a hardship I think that you're looking for but it seems to indicate a couple of things that are probably worth noting. One is that they are trying to create another brand that is currently not in town, which again that is not a hardship it is just a statement. I think that it would seem that this particular sign proposal was the least moving in the right direction. That is all that I have.

Chairman Ramirez: Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. Please understand like I said, I'm asking the questions because I want it to work and I'm trying to find a way to make it consistent not just for you but for the person that comes in after you and says they either they got something that you said no to me or why. So we do try did go for consistency. That being said, we are not judicial we are quasi-judicial, so we do have the flexibility to apply latitude when it is appropriate to accommodate reasonable variances when there are circumstances that we deem worth wild ride and some of those, Mr. Taylor brought up to help me get comfortable with that. The fact that the total square footage, not of the sign but the total sign you're actually entitled to more than the 60 square feet, you are entitled to 100. So even though we're playing numbers games with a seven vs. 49, in actuality you could have an 8 foot high, 12 foot wide behemoth as well and that would be fine. So, that goes to the spirit of the zoning code. So, the spirit of the zoning code does allow you to have 100 square feet the question is does the difference between 8 foot and 20 is that a substantial enough variance that needs to be justified. I do note that the site currently has a pole sign which is from a prior zoning code which has a special circumstance and that the current site, the way it is developed much like the applicant before us was developed with that in mind that you did have the ability to have larger signs so was feasible to push you back or push back buildings. To me that is somewhat of a special circumstance because the zoning code change faster than the design standards of the buildings. So much like the applicant before us the nature of the site development is a special circumstance where they have a pole that they wouldn't be allowed to have now. So I feel like it is okay to give some latitude for signage adjustments as long as we are moving towards the spirit of the new code which is smaller and not on an ugly metal pole. I do note that this is a more modern design and I think it does help business, I guess my question is just that after my diatribe saying that I am getting closer. In the report we do have examples of a number of different signs that have been placed on the site without permits. That aside, there are a number of different signs that have noted this as a Fiat currently. Are there different types, when we say brand standards that is where I get stuck? So this is the only brand standard sign it is available for a sight sign? We of signs on poles we have stickers that have gone on entrance ways, on lights. Are these not conforming to the brand standards?

Mr. Sweeney: I am not aware, can I look at them?

Mr. Anderson: When you look at this, I guess the question I'm trying to get an answer to is are there other ways other than a ground sign that you can identify the business and have it be successful like which you have done here without having a monument?

Mr. Sweeney: I think that these were temporary because we don't have a sign. I don't think that these need to be there in my opinion. I think that is the current general manager of the store trying to identify his area. I could certainly have those removed in lieu of having this sign, if that sounds right.

Mr. Anderson: I am not trying to enforce building code that is a separate issue. I guess what I

Mr. Sweeney: I didn't put them up.

Mr. Anderson: What I guess I was wondering is, are there different types of signs that do conform that are available from Alfa Romeo that would let you meet zoning code or is this monument sign the only option. I understand that this is the monument sign that is available but are there other signs that are available?

Mr. Sweeney: No. These are not produced by Alfa Romeo or Fiat and would not be compliant.

Mr. Anderson: Okay.

Mr. Sweeney: I am, to be honest, I am unaware. To be short I think my little brother put them up because he wants somebody to know that we are selling Fiat and Alfa Romeo in the back of this place. So, not to run the bus on ones younger brother but I am trying to correct the situation so this doesn't occur because this to me is not, this isn't compliant from what they would like.

Mr. Anderson: As a younger brother in the past I appreciate and don't at the same time. I have been run over several times by my older brothers. That's my packet.

Mr. Sweeney: Oh, sorry.

Chairman Ramirez: Have you seen the location at Joseph Automotive Alfa?

Mr. Sweeney: The one that is closed?

Chairman Ramirez: Well they have a ground mounted sign.

Mr. Sweeney: They are out of business.

Chairman Ramirez: Yes, but what I am trying to get to is that Alfa gave them a ground sign.

Mr. Sweeney: That sign is no longer available or current. That was, they have since changed sign manufactures because the first thing I would have done was gone and bought that sign but it is not available. I mean that is not compliant anymore. They changed companies. They actually were using a company called AGI which was the company that was using the Mitsubishi and Mazda and now they have switched to a company called Principal and Principal Group does not make that sign. The other brand that goes along with Alfa Romeo, unlike the Fiat / Alfa Romeo setup that was there is Maserati. So, Maserati has a different sign standard then what Fiat did and FCA is now paring, to paint a picture, Maserati and Alfa Romeo stores together and this is their required sign. So, that is a whole different thing so literally this sign is their new standard. I think I will be the second or third person to actually have the sign. The old one is no longer because I would love to have had that sign. Are we talking about the one on Waterstone Place?

Chairman Ramirez: Yes.

Mr. Sweeney: They said pass.

Chairman Ramirez: You know most of the Alfa's are, let's say a unique brand maybe. An upper scale brand.

Mr. Sweeney: Yes.

Chairman Ramirez: Those tend to be in communities like Montgomery, Kenwood but what I am saying is their codes, they don't have pole signs there either or 20-foot high monolith signs either.

Mr. Sweeney: Correct.

Chairman Ramirez: I am trying to find a way for us to get a reason why they should be able to do it in Springdale. Still, from an 8 foot sign to a 20 foot sign we are looking for a reason why we need to request a sign that is 12 feet higher than code.

Mr. Sweeney: Well I mean, like I said there is no pole sign option to stay on that existing sign first of all and like you said in Montgomery and also throughout the City of Ft. Mitchell they allow a 47-foot sign. Now it is a pole sign which totally went through all of their zoning variances to allow to have that luxury manufacturer. They actually made a variance for them based on them being a luxury automobile

manufacturer and to have that sign because they didn't have that. The same thing happened with the City of or I guess it would be Mariemont when they allowed Porsche of the Village. They allowed no signs and they allowed for an 8-foot monument sign for the Porsche store and then they are going through the same process because that is for the other Alfa Romeo / Maserati store is. Once again, they have no signage and they are trying to put in the sign that I am asking for because that is a requirement with Maserati. I don't know if you read the papers and find out what is going on over there with the community, they are not thrilled about the whole idea of the car dealership being over there. It is what I have to work with and I understand. To me if I am taking a 29 foot sign down that I think is ugly. I don't care for it and trying to update it with something I think is more visually pleasing. I think is more upscale. I think it would be a credit to Springdale across from another luxury manufacturer that has a similar, I know it is a flag sign but it is a similar type look in creating a more upscale environment for luxury automobiles in Springdale along with what we are going to be doing with the rest of the FCA facility. I am sure that you are familiar with what is going on behind the old Atrium Hotel which we will be coming back to you with that. What we are going to do there to try to create a better business complex that is more visually appealing as far as greenspace, less signs but more appealing signs.

Chairman Ramirez: That would be welcomed.

Mr. Sweeney: I thought it would be and fortunately or unfortunately you will be seeing me again but it won't be for signs. It will be for less stuff.

Chairman Ramirez: You are always welcome. Mr. Anderson.

Mr. Anderson: Thank you. Just to close out, on a mechanical stand point with a motion that we have to put together. The request for the variance is to have a ground sign to exceed 8-feet in height so we would obviously want to cap that to the current proposal which would be 20-feet. Is that right? My concern there is that if we only do the variance in that motion, like if we do it in that manner you still would have the ability to have a 100 square feet of signage which I don't believe would be appropriate if you are going to that height. So, I want to get your thoughts on if we do make a motion that way if it exceeds that 8-foot in height that the total square footage of the complete sign would not exceed 72 square feet which is what you are proposing.

Mr. Sweeney: Yes.

Mr. Anderson: It is more to protect Springdale going forward.

Mr. Sweeney: Sure.

Mr. Anderson: Because if Alfa Romero has challenges and they can't figure it out and that turns into another dealership or whatever, right, I don't want a 200-foot sign wall. So, what I am proposing if you go above 8 your total square footage of the sign is reduced to 72 which is what you are currently asking for. I would like it to be less than 72 but it does not sound like we are going to get there.

(Mr. Sweeney and Mr. Weeks talking off mic.)

Mr. Nienaber: Their emblem is only 9.4.

Mr. Anderson: But this isn't the emblem measurement, there is 100 square footage of the total sign not just the measurement of the emblem that we are talking about. We are talking about the cabinet. They are entitled to a 100 square feet of cabinet if the ground sign doesn't exceed 8-feet but it is square footage.

Chairman Ramirez: Mr. Nienaber, we will let you speak on record.

Mr. Nienaber: Sorry. The application is saying that the sign is only 9.4 square feet. Now, I am sure that there is one on each side so that must make it 18.8 square feet. Cap it at 20 and then we don't have a sign that is 20-feet high and 8-feet wide with an entire litany of items down it.

Mr. Anderson: I guess what was getting at was the total cabinet size not just the emblem. Not just the emblem at 9 square feet.

Mr. Nienaber: I thought that we deduced at the last sign meeting that the only part that counts of the sign is the actual wording?

Mr. Taylor: I might suggest that you cap the sign area at 9.4 square feet which is what they are proposing but you further limit the size of the cabinet to 72 square feet. The reason I say that, because we measure, our sign code measures just the image, I think we probably should close in on both of those.

Mr. Anderson: That's what I would propose as well. Are you comfortable with that if we decide?

Mr. Sweeney: We could have it on both sides right?

Mr. Anderson: Yes, it's two sided. We just want to make sure that the cabinet isn't going to be out of whack with the sign size especially since you are going above 8-feet.

Mr. Sweeney: I understand.

Mr. Anderson: Mr. Nienaber is that what you were looking for as well?

Mr. Nienaber: Mainly I was zeroing in on, you were talking about 72 square foot of signage and they are only needing 19.

Mr. Anderson: I agree. I was referring to the cabinet size. But that is a good distinction that we should do both right, we should be talking about the cabinet size and the sign.

Mr. Nienaber: Yes.

Chairman Ramirez: Mrs. Daniels.

Mrs. Daniels: Hello. I was just wondering, why is the sign so small and has all that cabinet. Is that visible from the street to really see that?

Mr. Sweeney: Yeah, I think it's, if they made a better looking sign, I'd do it. If they made it wider or if they had something, this is all that they've got. To me, and I look at the choice of that pole sign and this sign, which is more visually appealing when I turn down the street, my eye goes to the sign that I am proposing and the other one to me is just horrid. I don't like it. This is all that they have to work with and to put that on a lollypop, I mean I couldn't do that. I wouldn't do it. I'd have no sign.

Chairman Ramirez: Mr. Weidlich has your question been answered?

Mr. Weidlich: Yes, I was just going to help clarify out with Mr. Nienaber what was going on but I think it's all clear.

Mr. Sweeney: I don't know how else to say it. That's all I have got.

Chairman Ramirez: Mr. Nienaber.

Mr. Nienaber: Thank you. Unless my eyes deceive me there is also a pole sign out near the corner of Kemper and Jake Sweeney that has an Alfa Romeo sign on it that somebody, it looks like a temporary sign. Is that going to go away?

Mr. Sweeney: Yes.

Mr. Nienaber: Thank you.

Mr. Sweeney: Not to run the bus on my, that person who's much younger and he will be here on the 12th so you can give him a hard time.

Chairman Ramirez: Any others? At this time, we will accept the motion. Sheq just recording the votes. Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. Before I make the motion, I do want to clarify one last thing. What the ground sign requirements, the current ones are for setback. So, I know that this one is planned to go 10-feet from the setback. The requirement is 8, is that right or is it 10?

Mr. Weidlich: It is 10.

Mr. Anderson: So, we donq have to make any adjustments to that, we can leave it as is. Thank you. In that case Mr. Chairman, I would like to make a motion to approve BZA application 35737 for 85 West Kemper Road to sections 153.459(C)(3) to allow a ground sign not to exceed 20-feet in height with a total square footage of cabinet not to exceed 72 square feet and a sign size of 9.4 square feet in the sign area.

Chairman Ramirez: Do we have a second.

Mr. Nienaber: Pardon me, do we need to make that two sided?

Mr. Anderson: It is always two sided is it not? I donq believe that is required.

Mr. Nienaber: Second.

Chairman Ramirez: Moved and second. Please poll the members.

(Secretary Daniels polled the members and the motion was approved with a vote of 6-0 with one member absent.)

Chairman Ramirez: You have been approved 6-0. Now that was easy.

Mr. Sweeney: Thank you.

Mr. Weeks: Thank you very much.

Mr. Anderson: Thank you for being patient with the questions, I appreciate it.

X DISCUSSION

Chairman Ramirez: Just one small note if you have missed that pink little sign remember that before you speak make sure that you are addressed and then so we can help Liz out with the minutes.

XI ADJOURNMENT

Chairman Ramirez: Chair will accept a motion to adjourn.

Mr. Anderson: Move to adjourn.

Mr. Nienaber: Second.

Chairman Ramirez: That was the fastest of the night.

(Voice vote to adjourn 6-0 in favor.)

Chairman Ramirez: Meeting is adjourned.

Respectfully submitted,

_____, 2019 _____
Chairman, Joseph Ramirez

_____, 2019 _____
Secretary, Carmen Daniels