**VILLAGE OF EVENDALE**

**PLANNING COMMISSION**

Minutes from the October 20, 2020 Regular Meeting

Evendale Municipal Building, 10500 Reading Road

The regularly scheduled meeting of the Evendale Planning Commission (EPC) was called to order by Chairman Chris Patterson at 6:00pm. In attendance were EPC members Councilperson Beth McDaniel, Jannelle Moore, and Arnie Schaewe. Supporting the EPC were Timothy Burke (Village Solicitor) and Andrew Rodney (Building, Planning, & Zoning Manager). Member Catherine Bennett joined via teleconference.

Those present recited The Pledge of Allegiance to the United States of America**.**

Given audience members in attendance were present for items under New Business, Mr. Patterson commenced the proceedings with New Business.

**NEW Business:**

1. Case EDB20-18, PUBLIC HEARING: Zoning Map Amendment Application to rezone 1.06 acres at 9888 Reading Road (Parcel #611-0020-0131) from O-R, Office-Research to GC, General Commercial.

Prior to commencing the Public Hearing, Mr. Patterson acknowledged receipt of a letter from residents on Cooperhill Road objecting to noise emanating from the subject property. The letter was dated February 7, 2019.

Mr. Patterson opened the Public Hearing.

Upon receiving no comments from the public, motion by Ms. Moore was seconded by Ms. McDaniel to close the public hearing. There was no discussion. The motion passed by a 5-0 voice vote.

Sandy Tenhundfeld of K4 Architecture appeared before Planning Commission representing the property owner. She noted the property is currently zoned O-R, Office-Research, having been rezoned from GC, General Commercial in 2018 and that the property owner has a perspective tenant to operate a hair salon in one-half of the first floor. Ms. Tenhundfled stated the proposed use would not significantly impact parking demand, traffic, noise, etc. She referenced the adjacent retail environment to the south.

Mr. Patterson requested a synopsis of the Staff Report.

Mr. Rodney summarized the submitted Staff Report, noting the property was recently rezoned to O-R, Office-Research in 2018 and that little to no changes in the area have been observed since that action was taken. Therefore, the existing zoning appeared reasonable and appropriate for the subject location.

Mr. Patterson asked how long the current owner had owned the building.

Ms. Tenhundfeld responded the property was purchase in 2016 or 2017, noting the current businesses in the building are operated by the property owner.

Mr. Patterson asked if the current businesses are all office users.

Ms. Tenhundfeld responded in the affirmative.

Mr. Patterson asked what has changed with the property since it was rezoned.

Ms. Tenhundfeld responded the proposed hair salon space has been vacant since the building was purchased and the owner was interested in finding a tenant to generate lease income.

Mr. Patterson asked for the owner’s response to the rezoning action of 2018, noting no recollection of the owner expressing an opinion or providing comment.

Ms. Tenhundfeld responded the owner was surprised to find out a hair salon was not permitted. She stated her guess was the owner did not understand the rezoning action, or its implications, at the time it occurred.

Ms. McDaniel requested confirmation the business currently in the building are also owned by the building owner.

Ms. Tenhundfeld responded in the affirmative.

Mr. Patterson referenced the letter submitted by the residents of Cooperhill Road. He requested background from Staff.

Mr. Rodney responded the letter was submitted to David Elmer, Director of Administrative Services, in February, 2019. He noted the letter was received by him only that morning and had not been able to follow-up with Mr. Elmer regarding any response to the letter.

Mr. Patterson asked about proposed hours of operation for the salon.

Ms. Tenhundfeld responded the hours were likely 8:00am to 8:00pm, though the salon would likely not be open every day.

Mr. Schaewe asked how many chairs would be in the salon.

Ms. Tenhundfeld responded the floor plan called for 14 chairs, though not all will be used simultaneously, primarily due to COVID-19 protocols which would restrict the use of chairs to eight (8) at the most.

Ms. McDaniel asked if it would be possible to have 14 chairs open with 14 customer cars in the lot post-COVID.

Ms. Tenhundfeld responded in the affirmative.

Ms. Moore asked if there was an alternative to rezoning that could be considered by the Village to allow the hair salon to move forward.

Mr. Rodney responded in the negative, noting the Village does not permit Use Variances.

Mr. Patterson asked Mr. Burke if a special exception were made in this case if it could lead to similar actions in the future.

Mr. Burke responded the proposal would not be considered spot zoning given the proposed zone is located adjacent to the subject property. He noted, however, that proximity of a desired zone does not necessarily mean it is appropriate for the subject location.

Ms. Moore asked if the only option were to rezone the property to GC, General Commercial, would that open the subject site to all future uses permitted in the GC district.

Mr. Patterson responded in the affirmative, noting that similar requests from other adjacent property owners may also result.

Mr. Schaewe asked how the Village contends with existing retail uses in O-R districts.

Mr. Rodney responded those uses are protected by the Village’s non-conforming regulations provided they are not enlarged or expanded beyond their current footprint. He also noted the adjacent retail and restaurant uses to the south are properly zoned.

Ms. Tenhundfeld stated the wooded area at the rear of the subject lot should protect the adjacent neighborhood from any additional noise created by the proposed hair salon use.

Ms. McDaniel expressed doubt there was sufficient parking to accommodate the proposed use.

Ms. Tenhundfeld responded that the owner plans to remove the inoperable vehicles from the lot to create additional parking. She stated disbelief the proposed use would create additional traffic, noting the salon would cater to the types of services that typically take several hours to complete.

Rick Posey of K4 Architecture approached the lectern.

Mr. Posey offered the following:

* He has been working for quite some time with the property owner to find a tenant for the last vacant space in the building.
* Not all of the vans currently on the site are always present because they are typically kept at the homes of the employees overnight, but COVID has severely restricted their normal business operations and therefore the vans are being stored on the property.
* He questioned if the issue of noise expressed in the resident letter had been made known to the owner in 2019.
* The owner likely did not understand the impact of the 2018 rezoning, if he were aware of it at all.
* The salon would operate more like a co-op, where individuals would rent the chair as independent contractors. Though the rezoning would allow for a more full-service operation, that is not the current plan.
* Owner desires to lease the space to generate additional income as their primary business has bee curtailed due to COVID-19.

Mr. Schaewe asked how long the space had been vacant.

Mr. Posey responded for as long as the current owner has owned the building.

Mr. Schaewe asked why it had not yet been leased.

Mr. Posey responded the owner intended to expand one of his businesses into the space over time.

Ms. McDaniel asked if Complete Care Providers was owned by the building owner.

Mr. Posey responded in the affirmative, but noted the proposed salon would not be owned by the building owner. The salon would be a tenant.

Mr. Patterson stated sympathy for the owner’s plight, but noted the rezoning action would be a permanent fix to a temporary issue of income generation. He stated if the rezoning would occur, it would open the door for General Commercial zoning to creep further north on Reading Road in conflict with Village Council’s wishes as expressed in previous rezoning actions and the comprehensive plan. Mr. Patterson noted the building is not designed for commercial retail and service uses and that Planning Commission may come to regret rezoning the property back to General Commercial.

Mr. Posey asked if the salon had been established prior to the rezoning to O-R in 2018, would the rezoning action not have moved forward.

Mr. Patterson responded the outliers in the area were the retail commercial uses to the south, with a predominance of office and institutional uses north along Reading Road. He stated the Village likely would have resisted retail uses in the subject building regardless of the zoning.

Mr. Burke noted, under Mr. Posey’s scenario, that the hair salon would have at the time been considered a non-conforming use and would have been permitted to continue.

Mr. Posey stated in his experience it is unique to have a property rezoned prior to a change in ownership.

Ms. McDaniel and Ms. Moore expressed agreement with Mr. Patterson’s statement.

Mr. Schaewe asked if there were existing non-conforming uses in other O-R zoned areas.

Mr. Rodney responded he was not aware of any such non-conforming uses, except for the Etter’s Golf Center across Reading Road.

Motion by Mr. Schaewe was seconded by Ms. Moore to recommend to Village Council that the proposed rezoning action be denied. There was no further discussion. The motion passed by a 5-0 voice vote.

**OLD BUSINESS:**

1. Case EDB20-10, PUBLIC HEARING: An Ordinance Amending the Official Zoning Map of the Village of Evendale to add a PUD-ID, Innovation District PUD Overlay District zoning designation to 10270 St. Rita Lane (611-0050-0066), 10139 Spartan Drive (611-0050-0008), and parcels owned by the State of Ohio (611-0050-0084 and 611-0050-0039).

Mr. Patterson opened the Public Hearing.

Upon receiving no comments from the public, motion by Ms. Moore was seconded by Ms. McDaniel to close the public hearing. There was no discussion. The motion passed by a 5-0 voice vote.

Mr. Rodney clarified the proposed action was a rezoning from IF-2, Industrial Flex 2 to PUD-ID, Innovation District PUD, not an overlay.

Mr. Schaewe requested clarification of the purpose and uses in the PUD-ID.

Mr. Rodney responded the PUD-ID was created to further the goals and objectives of the AeroHub Master Plan adopted by Village Council. He noted the district promotes uses such as research-and-development and advanced manufacturing.

Mr. Patterson noted the uses currently permitted in the IF-2 district are permitted in other areas of Evendale and in other communities throughout the I-75 corridor.

Mr. Patterson reminded the Planning Commission of two extensions of the public hearing, one granted 60 days ago and another approximately 30 days ago, so the owner of the QTC building at 10270 St. Rita Lane could further evaluate the proposal per their legal representative. He noted a commitment by the property owner to provide a written report to Planning Commission of the building’s condition and their interpretation of the rezoning’s impact on the property. Mr. Patterson reported the owner’s legal representative stated to the Village they would not be in attendance for the Planning Commission meeting.

Mr. Schaewe asked if another extension was being requested.

Mr. Patterson responded in the negative, noting the requested reports had not been provided to date.

Motion by Ms. Bennett was seconded by Mr. Schaewe to recommend Village Council approve the proposed rezoning. There was no further discussion. The motion passed by a 5-0 voice vote.

**INternal Business:**

1. Approval of the minutes from the regular meetings of September 15, 2020.

Ms. Bennett noted a mis-spelling of her name in Line 147.

Motion by Ms. McDaniel was seconded by Ms. Bennett to approve the minutes as submitted, subject to the correction to Line 147. There was no further discussion. The motion passed by a 5-0 voice vote.

1. Communications.

Ms. McDaniel reported Village Council had some concerns with the proposed zoning code amendments recommended by Planning Commission. She noted those concerns would be further reviewed in upcoming Council Subcommittee meetings.

Mr. Rodney concurred, noting concerns regarding lifting the 200 square foot maximum permitted wall sign area and 10-foot temporary sign setback requirements.

Motion by Ms. Moore was seconded by Ms. McDaniel to adjourn the meeting. There was no discussion. The motion passed by a 5-0 voice vote.

The meeting adjourned at 6:53pm.

Minutes reviewed and approved by:

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Chris Patterson

Chairman, Evendale Planning Commission

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Jannelle Moore

Secretary, Evendale Planning Commission

Minutes as prepared by Andrew E. Rodney, Building, Planning, & Zoning Manager.