

MINUTES OF MEETING

INDIAN HILL PLANNING COMMISSION

June 19, 2018

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, June 19, 2018 at 7:00 p.m. in the Council Chambers of the Village Administration building.

Members Present: Paul F. Madden
Abbot A. Thayer
Joseph W. Rhodenbaugh
Rita M. Stolper

Members Absent: Richard C. Wiggers

Officials Present: Jonathan D. West, Assistant City Manager

Visitors Present: Bear Tullis, Keating Muething & Klekamp PLL
Michelle Sotos, LS Magnolia, LLC
Ken Bowerman, Kenneth Bowerman Architect, Inc.
Marsha Lindner, 8835 Old Indian Hill Road
Brad Lindner, 8835 Old Indian Hill Road
Patrick Nesbitt, 4855 Burley Hills Drive
Connie Reisenfold
Brad Reisenfold
Ginger Warner, 8880 Old Indian Hill Road
Page Busken, 8875 Old Indian Hill Road
Robert Edmiston, Turner Farm
Tim Hensley, Hensley Homes

Chairman Madden calls the meeting to order and asks for those in attendance to please stand, raise their right hand, and be sworn in prior to presentation of the cases.

Item Number 1: Minutes and Findings of Fact for the May 15, 2018 meeting: Chairman Madden asks for comments or corrections to the May 15, 2018 Planning Commission minutes and Findings of Fact. There being none, Mr. Thayer made a motion to approve the minutes and Findings of Fact. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

Item Number 2: Case #18-006: Brad and Marsha Lindner are requesting consolidated approval of a Concept Plan and Final Plat for a minor subdivision to create a separate parcel for the existing carriage house (the plat does not create any additional building sites); special exception approval for a lot area reduction per **Section 86 Green Area Development**; and a variance to reduce the width of the access easement. The property is located at 8835 Old Indian Hill Road.

Mr. Bear Tullis, with Keating Muething & Klekamp PLL, comes before the Commission on behalf of the applicants. Mr. Tullis explains that the Lindners would like to divide the lot (which sits in both District "A" – five acre minimum and District "B" – three acre minimum) for the purpose of transferring the carriage house to their daughter.

For the lot split to comply with the Indian Hill Zoning Ordinance, a 40' easement to the public right of way must exist. The applicants would like to avoid the requirement for a 40' easement and maintain the 20' easement that currently exists in order to prevent the possibility of a driveway being placed in the middle of the field, which would detract from the rural characteristics of the property. In addition, the existing 20' easement will provide adequate access to Old Indian Hill Road for the one property it will serve.

Mr. Tullis states that their second request is for special exception approval for the three acre lot size. The property behind this area was dedicated to the Village for green space, which created the three acre lot. The line dividing District "A" – minimum five acres from District "B" – minimum three acres runs right through the property.

Mr. Tullis adds that the requests do not create any additional buildable lots, so no new structures will be built as a result of approving the requests. Approval will simply result in the legal transfer of the carriage house and preservation of the estate as it has existed for many years.

Staff Report: Mr. West reviews the parcel history and previous Planning Commission actions as follows:

- 1931 – The original home was constructed.
- May 27, 1988 – Brad and Marsha Lindner purchased 27.2971 acres of property from Hayfields Foundation, subject to rights to graze livestock over specified abutting properties (which are to be conveyed to the Village of Indian Hill as trustee of the Green Areas Trust) and subject to imposed deed restrictions: (i) they shall not subdivide or sold in smaller parcels...used only as a single-residence site, except for the purpose of permitting the existing garage and garage apartment (carriage house) located thereon to be converted into a separate residential site..., (ii) at no time shall any new structure be erected on the conveyed premises other than as a replacement of a preexisting structure which is to be demolished. In addition, the deed included a 20' easement for ingress and egress, main water line, water service line, and public utility lines.
- July 27, 1988 – The Village of Indian Hill, as trustee of the Green Areas Trust, receives 56.64 acres from Hayfields Foundation surrounding the Lindner property and subject to the easements and grazing rights as described above.
- August 27, 1990 – A site clearance release permit was issued for the pool house.

Mr. West states that the subject property is located in District “B” – minimum three acres and District “A” – minimum five acres. The proposed lot also lies in both District “B” and District “A”. The carriage house sits entirely in District “A”.

Mr. West describes the three requests before the Commission as follows:

1. The applicant is requesting consolidated preliminary and final plat approval for a minor subdivision to perform a simple lot split. The lot split will place the existing carriage house onto its own 3.0038 acre parcel with the west property line as the front yard, east line as the rear yard, and north and south lines as the side yards. The lot split does not create any additional building sites per the deed restrictions noted previously. The owners wish to sell the carriage house to their daughter, which is why the lot split is being proposed.
2. The applicant is requesting variance approval to reduce the required 40' ingress/egress and utility easement to 20' due to an existing easement being in place across the green area parcel which provides adequate access and utilities to the carriage house from Old Indian Hill Road. Per **Section 37.21 Lot Line, Front** – “Wherever a principal building is to be located on a lot, which does not abut upon a street, but which is adjacent to a lot which abuts upon a street, there shall be an unobstructed easement of access at least forty (40) feet wide. When this situation exists, a front lot line shall be selected which will meet lot frontage requirements, provided that such choice, in the opinion of the Planning Commission, will not be injurious to the existing or desirable future development of adjoining properties.”
3. The applicant is requesting special exception approval for a lot area reduction per **Section 86** Green Area Development. **Section 86** permits a lot in District “A” to be reduced to three acres in exchange for a green area gift. There was a 56.64 acre green area gift donated to the Village in 1988 that was part of this land. In carrying out the provisions of **Section 86**, it states “the Planning Commission may give such other permissions or attach such other conditions as may be desirable or necessary in its description to preserve the character of the neighborhood in which the use of this ordinance is sought to promote the purposes of the charter of this ordinance.”

Mr. West notes that the variance request is based upon exceptional practical difficulty because the 40' wide easement is unnecessary based on existing conditions and harm to the overall property. The existing easement is sufficient for the carriage house, and a new driveway through the middle of the existing pasture would detract from the rural characteristics of the property. This is a unique property based on the acreage and layout (being surrounded by green areas). The granting of the variance does not change the use or character of the property.

To help support the Commission's decision to approve or deny the requested variance, Staff prepared written findings of fact per **Section 101.53 Standards for Variances** – The Commission shall not grant a variance as authorized in **Section 101.52** unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it which supports written conclusions that:

(1) The variance request arises from physical conditions of the lot which are very unusual, that is, conditions which are rarely found in the same district, and the conditions are created by the provisions or requirements of this ordinance and not by an action or actions of the property owner or the applicant, such that the literal interpretations of the ordinance would deprive the property owner or the applicant of rights commonly enjoyed by other properties in the same district;

The variance request arises as a result of unique existing conditions of the property, the existing 20' easement currently serves the access and utility needs of the carriage house; the carriage house is being split only to allow the sale to their daughter; the entire property is deed restricted from being developed; and the construction of a new drive across the center of the property would detract from the rural agricultural character of the property. These unique existing conditions are rarely if at all found anywhere in the Village. The conditions are not by an action of the property owner.

Therefore the request meets Standard No. 1.

(2) The particular physical surroundings, shape, or topographical condition of the specific property involved would cause undue hardship or exceptional practical difficulty for the owner, lessee or occupant, as distinguished from a mere inconvenience, or would conflict with the Village's adopted land use objectives and policies, if the provisions of this ordinance were strictly enforced;

Requiring the construction of a new driveway across the center of the property would impact the rural character and physical surroundings of the property, which would be in conflict with the Village's adopted land use objectives and policies.

Therefore the request meets Standard No. 2.

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the Village streets, increase the danger of fire, endanger the public safety or

**substantially diminish or impair property values within the neighborhood;
and**

Granting the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood and will not impair an adequate supply of light or air to adjacent property. There is no new construction being requested; only a request to keep the property as it has functioned since 1988.

Therefore the request meets Standard No. 3.

(4) The variance desired will not conflict with the general purpose and intent of this ordinance.

The variance requested does not conflict with the general purpose and intent of the ordinance.

Therefore the request meets Standard No. 4.

Mr. West explains that the special exception is being requested to permit the green area lot reduction from 5 acres to 3.0038 acres for a simple lot split based on a 56 acre green area gift donation. The subject property lies in both District "A" and District "B". No additional building sites are being requested; it is a simple lot split to parcel out the existing carriage house to be used for single family residential use.

The Indian Hill Zoning Ordinance per **Section 101.43 Standards for Special Exceptions; Additional Conditions** and **101.431 Standards** – States that the Commission shall not grant a special exception unless, in each case, it makes written findings of fact and conclusions, directly based on and supported by the particular evidence presented to it in the application and at the hearing, that the proposed special exception meets each of the following standards;

Standard (1) The establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, comfort, morals or general welfare;

Staff Comments – Granting the special exception will not be detrimental to public health, safety, convenience, comfort, morals, or general welfare.

Standard (2) the special exception is not inconsistent with the Village's adopted Land Use Policies and Objectives;

Staff Comments – The proposed request is not inconsistent with the Village's adopted Land Use Policies and Objectives, but in fact promotes **Character A. Objective:** To preserve the character of the Village of Indian Hill as a rural

neighborhood of homes, green open spaces, and farms. Policy #1. Maintain and preserve agricultural fields...; and Policy 4. Encourage the continuance of agricultural uses.

Standard (3) The special exception, either alone or in conjunction with other special exceptions previously granted or otherwise existing, will not injure, diminish, or impede the use, enjoyment, or normal and orderly development of other property in the immediate vicinity for uses permitted in the zoning district;

Staff Comments – Granting the request will not injure, diminish, or impede the orderly development of other properties in the vicinity and will have no negative impact on adjacent properties. Other than a line on a map, there is no change to the use or structures on the property.

Standard (4) The special exception is consistent with the residential character of the immediate vicinity of the parcel proposed for development;

Staff Comments – The request is consistent with the residential character of the immediate vicinity of the parcel.

Standard (5) The special exception will not substantially diminish or impair property values within the neighborhood;

Staff Comments – The proposed use will not substantially diminish or impair property values within the neighborhood.

Standard (6) Adequate utilities, drainage, wastewater treatment, and/or other facilities necessary to serve the proposed special exception already exist or will be provided;

Staff Comments – Adequate utilities, drainage, wastewater treatment, and/or other facilities necessary to serve the proposed special exception already exist.

Standard (7) Adequate access roads, entrance and exit drives, off-street parking spaces exist or will be provided and designed so as to prevent traffic safety hazards, to minimize traffic conflicts and congestion in the streets and to maintain the rural residential character of existing roadways in the Village, without requiring improvements that will increase the capacity of existing roadways or will encourage their use by through traffic;

Staff Comments – Adequate access exists, and the preservation of the existing access maintains the rural residential and agricultural character of the property.

Standard (8) The special exception will not adversely affect a known archaeological, historical or cultural resource;

Staff Comments – There are no known archaeological or cultural resources. The original house may be considered a historic resource and will be preserved as part of the special exception request.

Standard (9) The applicant has represented to the Commission that it has the capacity to complete, maintain and operate the special exception as proposed and approved, and has made or will make adequate legal provision to guarantee the provision and development of any buffers, landscaping, public open space and other improvements associated with the proposed development;

Staff Comments – The owner has the capacity to complete, maintain, and operate the special exception as proposed.

Standard (10) The special exception shall in all other respects conform to the applicable regulations of the zoning district in which the property is located, except where the Planning Commission in a particular case grants a variance from the regulations pursuant to Section 101.5 or, if the regulations are of a type that may not be varied under Section 101.52, where the Council in a particular case waives or modifies the regulations pursuant to the recommendation of the Commission;

Staff Comments – The proposed special exception conforms to the applicable district zoning regulations, subject to the variance request.

Standard (11) All exterior lighting fixtures will be designed, directed or shaded so that no direct light is cast upon any other property; and all driveways and off street parking areas will be designed and screened to minimize the illumination of adjacent properties by automobile headlamps; and

Staff Comments – Not applicable.

Standard (12) All buildings and structures located within twenty-five (25') feet of the minimum front yard, side yard or rear yard required under Section 63.1 or Section 73.1 will be screened by landscaping of a type, nature and seasonal character that will ensure the privacy of adjacent dwellings and will ensure that the visual character of the use will be compatible with surrounding uses; and all accessory outdoor storage areas, mechanical equipment and waste disposal facilities will be screened from view of adjacent dwellings.

Staff Comments – No changes are being made to the existing landscaping.

Mr. West summarizes by stating that the Planning Commission shall review the applicants request to determine whether it meets the “12 Standards for Special Exception”.

Staff posted a 30-day legal notice in the paper and bulletin, and the notice was also mailed to the adjacent property owners. No comments have been received.

Mr. Page Busken, residing at 8875 Old Indian Hill Road, states that he is in favor of maintaining the existing 20' easement rather than requiring a 40' easement.

Mrs. Ginger Warner, owner of 8880 and 8800 Old Indian Hill Road, comments that she is in support of the applicant's request.

Chairman Madden expresses concern over using a prior owner's green area gift from nearly thirty years ago to justify the reduction of the lot size from District “A” – five acre minimum to District “B” – three acre minimum. Mr. Madden states that he has concerns that this could set a precedent for future cases.

Chairman Madden notes that, although Mr. Buskin has no issue with the existing 20' easement, a future owner may feel differently.

Mr. Tullis replies that the zoning code does not prohibit property owners from using a prior grant, as requested in this case.

Mr. Tullis adds that any use of prior green space to get a reduction in lot size has to come before the Planning Commission. The Planning Commission has the authority to review and make decisions on a case by case basis, which is the intent of the Indian Hill Zoning Ordinance.

Mr. Tullis states that Chairman Madden's concern over a future owner possibly having an issue with the 20' easement and wanting the required 40' easement is the very reason the variance should be granted. Granting the variance will ensure that a future owner can't place a 40' driveway through the middle of the field years from now.

Mr. Tullis comments that 40' is about the width of a street. He feels the purpose of the regulation requiring the 40' easement is geared more towards a true subdivision, and that's not what exists in this case.

Mr. Thayer states that he does not have a problem with maintaining the 20' easement, but he does share Chairman Madden's concerns regarding the reduction of the lot size as it relates to setting a precedent.

Mr. Rhodenbaugh asks Mr. West if there is any prior record of a green area gift being used to reduce the lot size requirement for a property.

Mr. West comments that he has not seen any cases that have come before the Planning Commission; however, there have been a couple of cases where Staff has approved a lot split based on prior green area gifts.

Mrs. Stolper inquires about the deed restrictions as it relates to dividing the lot.

Mr. Tullis replies that there was a private deed restriction which is no longer applicable, as the beneficiary of the deed restriction was a prior owner. The private deed restriction was in effect for as long as the Yeiser family owned the property as it relates dividing the lot.

Chairman Madden asks why the applicants only want to include three acres in the lot split when they have a total of thirty acres. He feels that because they have that much acreage, they could include the two additional acres.

Mr. Tullis reminds the Commission that a special exception has a lower standard than a variance. The applicant does not have to be in a situation where they can't do a five acre parcel, but rather do they comply with the standards for a special exception? Mr. Tullis states that he believes they meet the twelve criteria for special exception approval.

Mrs. Marsha Lindner, owner of 8835 Old Indian Hill Road, comes before the Commission and states that the reason for requesting a three acre lot is more for visual reasons. The structures on the lot were built as a working farm. They would like for the farm buildings (barns, etc.) to stay with the main house. The carriage house was always viewed as a residence for staff. She feels it makes sense to divide the lot where proposed, rather than adding a panhandle, etc. to increase the size to five acres.

Mr. Rhodenbaugh asks about any conditions that may apply related to the previous green area gift and the contract to purchase the property at that time.

Mr. Brad Lindner states that in 1988 when they purchased the property from Mrs. Tate, they had the opportunity to buy as much of the property as they wanted (with a minimum purchase of 25 acres) at a set price per acre and the rest would be donated to the green areas.

Mrs. Lindner adds that when they purchased the property they thought that perhaps someday they would sell the carriage house, and that's why there was a clause included with the second green area gift from Mr. Yeiser (Mrs. Tate's son) addressing that for as long as he lived there, it would be at his discretion as to whether the Lindners could sell the carriage house.

Mr. Thayer made a motion to approve the requested variance and special exception as presented. Mrs. Stolper seconded, and the motion was approved by a unanimous voice vote.

Item Number 3: Case #18-007: LS Magnolia, LLC is requesting authorization to build a new single family residence on a non-conforming lot of record. The subject property is located at 9845 Cunningham Road.

Mr. Ken Bowerman, of Kenneth Bowerman Architect, Inc., comes before the Commission on behalf Dr. Michelle Sotos who would like to build a new home on the legal non-conforming lot at 9845 Cunningham Road.

Mr. Bowerman states that the proposed home will be built within all the required setbacks. The home is non-conforming due to the Village vacating Jackson Street in 1988, which was the legal frontage for the lot.

Staff Report: Mr. West notes that this property was before the Commission in October 2016 with basically the same request. The house is slightly different but still meets the average front yard setback, both side yard setbacks, and the rear yard setback.

The lot is non-conforming because the Village vacated Jackson Street in 1988, which left Cunningham Road as the only legal frontage. In doing so, the lot no longer met the lot width requirement at the street.

The property is located in District "A" – minimum five acres and contains 3.43 net acres due to a prior green area gift. The lot has a non-conforming frontage width of 144', where a 250' minimum is required.

The applicant is proposing to construct the new residence 184' from the front right of way line, which meets the requirements of **Section 83** of the Indian Hill Zoning Ordinance to place the front of the house at the average setback of the two existing adjacent homes. The home will be 245' from the rear lot line, 38.92' from the west side yard, and 35' from the east side yard. The required setbacks for District "A" are 100' for the front and back, and 25' on the side lot lines (or equal to the height of the tallest portion of the building within 40' of each side lot line).

The proposed home will be connected to Indian Hill Water and a Hamilton County Public Health approved septic system design. The home will contain two stories with a three car garage and a total finished area of approximately 4,250 SF. The applicant has stated that there may be some minor modifications to the proposed home as they work thru final details; however, the house will meet the required setbacks and will be sited at the required front building setback line per the averaging rule.

Mr. Thayer made a motion to approve the request. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

Item Number 4: Case #18-008: The Turner Farm Preservation Foundation, Inc. is requesting special exception approval for the use of the Meshewa House and its grounds to be used as appropriate places of assembly including periodic education programs, meetings, business retreats, and larger social gatherings which may include philanthropic fundraisers and weddings. Turner Farm operates under the continuing jurisdiction of the Planning Commission as an approved special exception. The property is located at 7550 Given Road.

Mr. Robert Edmiston, Executive Director for Turner Farm Preservation Foundation, Inc., comes before the Commission and states that Turner Farm was before the Commission two years ago and received approval to use the Meshewa House as a place of assembly. At that time the Meshewa House was used for smaller class sizes consisting of about twenty.

Turner Farm Preservation Foundation, Inc. would like approval for larger gatherings to help maintain the Meshewa House.

Staff Report: Mr. West reviews previous Planning Commission actions as follows:

- June 21, 1994 – The Turner Farm, Inc., Ms. Mary E. Mitsui, received conditional approval for a special exception to allow a stand for the sale of produce grown on the property.
- April 19, 2005 – The Cincinnati Waldorf School received conditional approval for a special exception to permit early childhood educational activities within a portion of the main house at 7550 Given Road, also known as Meshewa Farm. The Waldorf School is located on an adjacent parcel to the subject property at 7400 Given Road and is part of the overall Turner Farm property.
- April 21, 2015 – The Turner Farm, Inc. received conditional approval for special exception to convert an existing out building (studio barn) into a “place of assembly and demonstration kitchen” for the property located at 7400 Given Road, subject to the following conditions:
 - Meet MIHJFD and Water Works requirements for the access driveway, fire hydrants, and water main;
 - Staff review and approval of exterior accent lighting;
 - Class size shall not exceed 18 participants and may operate between the hours of 8 a.m. and 9 p.m., 7 days a week; and
 - The existing septic system may require upgrades to be reviewed during the building permit process.

- August 16, 2016 – The Turner Farm, Inc. received conditional approval to utilize the entire 230 acre Turner Farm property and designated buildings and locations on the property as appropriate places of “Public Assembly” for the property located at 7400 and 7550 Given Road. Part of this approval allowed the Meshewa House to be used for periodic educational programs, meetings, and business retreats. It was approved for no more than twenty (20) participants for such classes or retreats. There was no set schedule, but rather, the house would be offered for use on a time-to-time basis and would be brought into compliance with building, fire, and health department requirements.

Mr. West states that Turner Farm Preservation Foundation, Inc. seeks to obtain a special exception under Section 101.421 (2) permitting it to utilize the Meshewa House and grounds as appropriate places of assembly allowing participants to enjoy the rural and historic nature of the Meshewa House and grounds and the historic nature of Turner Farm, and to engage in programs and activities in furtherance of the mission of Turner Farm and Turner Farm Preservation Foundation, Inc. The mission statement of Turner Farm Preservation Foundation, Inc. reads:

“Preserving the historic Turner Farm as a sustainable, organic farm while providing healthy and naturally grown food in partnership among the land, the farmer and the community; preserving the historic Meshewa Farm and Jay Trump Stable.”

Specifically, Turner Farm Preservation Foundation, Inc. supports Turner Farm’s education that focuses on our stewardship of the land – its health – stewardship of ourselves – our health – and fostering healthy, supportive communities. By seeking a special exception to obtain permission to utilize the Meshewa House, its grounds, and its designated buildings as places of assembly, Turner Farm Preservation Foundation, Inc. is simply seeking to expand its benefits to the larger community, and thereby showcasing and effectuating its mission.

The applicant is requesting modification to the existing special exception for the following uses:

1. Meshewa House – This house is being repaired and renovated and its septic system completed. The house sits approximately 2500 feet down a driveway, far from traffic, other houses, and residents and offers a serene location for education programs, social gatherings, and business retreats. The Meshewa House will be used by individuals and groups to meet, assemble, and socialize for various events and purposes. Such programs would be assessed to ensure they are consistent with Turner Farm Preservation Foundation’s mission. The house, grounds, and pool house can easily accommodate 250 people and will be used for social gatherings, family events, business meetings, and retreats. We expect the Meshewa House to

be used for these types of events no more than once per month on average. The use of the Meshewa House will be made compliant with building, fire, and health department requirements.

2. From time-to-time, we expect requests for the Meshewa House main ballroom and grounds to be the site for larger events, whether that be for larger weddings or philanthropic fundraisers. We are not marketing the Meshewa House for fundraisers, but it is expected. We do, however, expect to be holding weddings. As such, we have identified the main ballroom and backyard as appropriate places to cordon off for such purposes. At this time, we would not expect this space to be used for larger events more than 12 times per year.

Mr. West states that the Indian Hill Zoning Ordinance per **Section 101.43 Standards for Special Exceptions; Additional Conditions** and **101.431 Standards** – states that the Commission shall not grant a special exception unless, in each case, it makes written findings of fact and conclusions, directly based on and supported by the particular evidence presented to it in the application and at the hearing, that the proposed special exception meets each of the following standards;

Standard (1) The establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, comfort, morals or general welfare;

Staff Comments – Granting the special exception will not be detrimental to public health, safety, convenience, comfort, morals, or general welfare. The proposed activities are located in a controlled environment within the Meshewa House and its surrounding grounds. The parking area is screened from adjacent residential properties. Reasonable hours of operations for special events would ensure minimal impact to adjacent owners.

Standard (2) The special exception is not inconsistent with the Village’s adopted Land Use Policies and Objectives;

Staff Comments – The proposed request is not inconsistent with the Village’s adopted Land Use Policies and Objectives, but in fact promotes Character A. Objective: to preserve the character of the Village of Indian Hill as a rural neighborhood of homes, green open spaces, and farms. Policy #1. Maintain and preserve agricultural fields...; and Policy 4. Encourage the continuance of agricultural uses. The proposed use will allow the property to remain an organic farm and educate the public about health and wellness.

Standard (3) The special exception, either alone or in conjunction with other special exceptions previously granted or otherwise existing, will not injure,

diminish, or impede the use, enjoyment, or normal and orderly development of other property in the immediate vicinity for uses permitted in the zoning district;

Staff Comments – Granting the request is consistent with other uses on the property. The existing approved special exceptions for other areas on the farm permit similar events as proposed at the Meshewa House. The special exception request will not injure, diminish, or impede the orderly development of other properties in the vicinity and will have no negative impact on adjacent properties. The applicant's building design and site plan limits any negative impact on neighbors.

Standard (4) The special exception is consistent with the residential character of the immediate vicinity of the parcel proposed for development;

Staff Comments – The renovations to the Meshewa House are consistent with renovations made to other residential properties in the immediate vicinity. The parking area is screened from adjacent properties.

Standard (5) The special exception will not substantially diminish or impair property values within the neighborhood;

Staff Comments – The proposed use will not substantially diminish or impair property values within the neighborhood.

Standard (6) Adequate utilities, drainage, wastewater treatment, and/or other facilities necessary to serve the proposed special exception already exist or will be provided;

Staff Comments – Adequate utilities, drainage, wastewater treatment, and/or other facilities necessary to serve the proposed special exception already exist or will be provided.

Standard (7) Adequate access roads, entrance and exit drives, off-street parking spaces exist or will be provided and designed so as to prevent traffic safety hazards, to minimize traffic conflicts and congestion in the streets and to maintain the rural residential character of existing roadways in the Village, without requiring improvements that will increase the capacity of existing roadways or will encourage their use by through traffic;

Staff Comments – Existing parking includes 100 spaces in the existing gravel parking lot on the south side of the south drive, parking of up to 150 spaces is available around the maintenance facility and existing storage barns on the south side of the property, and there is a 150 space gravel parking lot proposed adjacent to the Meshewa House. The north drive will need to be upgraded per MIHJFD. The north and south drives connect

to provide adequate ingress/egress from Given Road. These two access points will be utilized during larger events to distribute traffic.

Standard (8) The special exception will not adversely affect a known archaeological, historical or cultural resource;

Staff Comments – There are no known archaeological or cultural resources. The Meshewa House may be considered a historic resource and will be preserved and enhanced as part of the special exception request.

Standard (9) The applicant has represented to the Commission that it has the capacity to complete, maintain and operate the special exception as proposed and approved, and has made or will make adequate legal provision to guarantee the provision and development of any buffers, landscaping, public open space and other improvements associated with the proposed development;

Staff Comments – The Turner Farm Preservation Foundation, Inc. has the capacity to complete, maintain, and operate the special exception as proposed with the funding being provided by the Turner Farm Preservation Foundation, Inc.

Standard (10) The special exception shall in all other respects conform to the applicable regulations of the zoning district in which the property is located, except where the Planning Commission in a particular case grants a variance from the regulations pursuant to Section 101.5 or, if the regulations are of a type that may not be varied under Section 101.52, where the Council in a particular case waives or modifies the regulations pursuant to the recommendation of the Commission;

Staff Comments – The proposed special exception conforms to the applicable district zoning regulations.

Standard (11) All exterior lighting fixtures will be designed, directed or shaded so that no direct light is cast upon any other property; and all driveways and off street parking areas will be designed and screened to minimize the illumination of adjacent properties by automobile headlamps; and

Staff Comments – Lighting proposed will be inside structures, under tents, or used to lightly illuminate pathways. Outside lights will be similar to residential porch lights. Details of all exterior lighting fixtures will be subject to review by Staff. The off street parking area shall be subject to further review by Staff after a grading plan is prepared to determine if additional screening is required.

Standard (12) All buildings and structures located within twenty-five (25') feet of the minimum front yard, side yard or rear yard required under Section 63.1 or

Section 73.1 will be screened by landscaping of a type, nature and seasonal character that will ensure the privacy of adjacent dwellings and will ensure that the visual character of the use will be compatible with surrounding uses; and all accessory outdoor storage areas, mechanical equipment and waste disposal facilities will be screened from view of adjacent dwellings.

Staff Comments – The location of all areas for the special exception request meet the required setbacks.

The Planning Commission shall review the applicants request to determine whether it meets the “12 Standards for Special Exception”. Should the Commission choose to approve the request, Staff recommends the following conditions:

1. The Commission establishes that the permitted hours of operation are from 8:00 a.m. – 12:00 a.m. midnight.
2. Staff shall review details of all exterior lighting fixtures proposed to ensure compliance.
3. Staff to review whether landscaping will be required to screen the parking area after the proposed grading plan is completed.
4. Staff to review whether storm water improvements will be required for the parking area.
5. All other items requested for location, capacity, and number of events per month/year are approved as requested.
6. All improvements requested by the MIHJFD will be required prior to occupancy or use of the Meshewa House.

Mr. West adds that in the past Turner Farm has been required to provide a seven day notification to the Village when having larger special events.

Staff properly notified the adjacent property owners regarding the request. Mr. Neil Bortz, residing at 7175 Given Road, submitted a letter expressing his support for the request. Dr. Carter and Jo Ann Bobbitt at 9105 Kugler Mill Road came into the office to review the plans and commented that they support the request. No other comments were received.

After brief discussion, Mr. Thayer made a motion to approve the special exception with the following conditions:

1. The Commission establishes that the permitted hours of operation are from 8:00 a.m. – 12:00 a.m. midnight.
2. Staff shall review details of all exterior lighting fixtures proposed to ensure compliance.
3. Staff to review whether landscaping will be required to screen the parking area after the proposed grading plan is completed.

4. Staff to review whether storm water improvements will be required for the parking area.
5. All other items requested for location, capacity, and number of events per month/year are approved as requested.
6. All improvements requested by the MIHJFD will be required prior to occupancy or use of the Meshewa House.
7. Provide the Village with a seven day notification when having events with 100 or more people.

Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

Item Number 5: Case #18-009: Hensley Homes is requesting authorization to build a new single family residence on a non-conforming lot of record. The subject property is located at 9480 Cunningham Road.

Mr. Tim Hensley, with Hensley Homes, comes before the Commission and states that they are requesting approval to build a new home that meets all the required setbacks.

Staff Report: Mr. West describes the property as being located in District "A" – minimum five acre and contains 4.9678 net acres (5.2258 gross acres).

Mr. West reviews the parcel history as follows:

- November 14, 1974 – City Manager, A. Wray White, approved the lot split to create the subject property. No changes have been made to the parcel boundaries. The parcel was created by Dorothy Lunken, who developed the adjacent Kroger Farm Subdivision at the same time. At the time, these types of lot splits were approved by Staff and did not require Planning Commission approval.
- October 3, 1975 – A site clearance release permit was issued for a new single family home.
- June 16, 2014 – A site clearance release permit was issued for the demolition of the single family home.

The property is located in District "A" – minimum five acre and contains 4.9678 net acres (5.2258 gross acres).

The applicant is proposing to construct the new residence 245' from the front right of way line, 260' from the rear lot line, 132' from the west side yard and 131.6' from the east side yard. The required setbacks for District "A" are 100' for the front and back, and 25' on the side lot lines (or equal to the height of the tallest portion of the building within 40' of each side lot line).

The proposed home will be connected to Indian Hill Water and a Hamilton County Public Health approved septic system design. The home will be one story with a finished basement and a four car side entry garage. The applicant has stated that there may be some minor modifications to the proposed home as they work thru final detail; however, the house will meet the required setbacks.

Mr. Thayer made a motion to approve the request. Mrs. Stolper seconded, and the motion was approved by a unanimous voice vote.

There being no further business to come before the Commission, Mr. Thayer made a motion to adjourn. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

Respectfully submitted,

Paul F. Madden, Chairman

ATTEST:

Jonathan D. West, Secretary Pro-tem