

MINUTES OF MEETING

INDIAN HILL PLANNING COMMISSION

October 16, 2018

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, October 16, 2018 at 7:00 p.m. in the Council Chambers of the Village Administration building.

Members Present: Paul F. Madden
Richard C. Wiggers
Joseph W. Rhodenbaugh
Rita M. Stolper

Members Absent: Abbot A. Thayer

Officials Present: Jonathan D. West, Assistant City Manager

Visitors Present: Zach Herbst, MSA Design
Ken Stegman, Indian Hill Schools
Mark Miles, Indian Hill Schools
Lori Klinedinst, 7520 Demar Road
Chris Patek, MSA Design
Beth Spatz, 7300 Tangleridge Lane

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 case.

Item Number 1: Minutes and Findings of Fact for the September 18, 2018 meeting: Chairman Madden asks for comments or corrections to the September 18, 2018 Planning Commission minutes and Findings of Fact. There being none, Mr. Wiggers 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 #18-013: MSA Design, on behalf of Indian Hill Exempted Village Schools, is requesting special exception and variance approval for improvements to the athletic facilities, including: a new entry gateway and ticket booth; a new Home of the Braves Plaza; a new 7,000 SF, two-story support building; and a new 15,000 SF single-story indoor training center. The Indian Hill Exempted Village Schools operates under the continuing jurisdiction of the Planning Commission as an approved special exception. The applicant is also requesting variance approval to reduce the side yard setback for the new indoor training center and worsen the existing non-conforming lot coverage. The property is located at 6865 Drake Road.

Mr. Chris Patek, architect with MSA Design, comes before the Commission on behalf of Indian Hill Exempted Schools and gives an overview of the proposed improvements while displaying the plans.

Mr. Patek notes that the two-story support building will provide concessions, restrooms, and locker/team rooms for student athletes.

The proposed fieldhouse is an indoor training center with synthetic fields and running lanes. All materials used for the project will match the aesthetics of the campus.

There are also entry gateway improvements, as well as a new ticket booth being proposed.

Mr. Patek states that the plans show a Home of the Braves Plaza made up of concrete/pavers that is meant to be the center portion of the project that ties it all together as one unified complex.

In an effort to accommodate adequate access for fire vehicles, improvements are being made to the pathway back to the facilities.

The added exterior lighting will have shades or be full cutoff fixtures as shown on the lighting plan submitted to Staff.

Additional landscaping buffers will be added to screen any mechanical equipment, while the existing green area parcel will screen the proposed improvements.

The requested variance is due to the need for the multi-purpose support building and the field house to be located close together, as well as adjacent to the baseball and softball fields and Tomahawk Stadium. The proposed location is best from a functional standpoint for the school athletics.

Mr. Patek notes that the existing detention basin will be modified and improved to accommodate the new development and minimize the impact on the adjacent green area parcel.

Mr. Patek states that the current lot coverage is 39.6%, and the new development would increase the lot coverage to 41.3%. Village Staff has made the district aware of the maximum 25% lot coverage requirement; however, the district would like for the Commission to take into consideration the use of the site as a public school. The improvements proposed are for the benefit of the community and to enhance the use of the facility as a whole.

In addition, as part of the future master plan the middle school could potentially be replaced with a two-story building, resulting in a significantly smaller footprint which would reduce the lot coverage. Otherwise, there are not really any other opportunities for ways to reduce lot coverage.

Mr. West asks Mr. Patek to address special exception, standard (9) relating to the school's ability to construct and maintain the improvements.

Mr. Patek notes that the school has taken a unique approach to funding the project by doing a public/private partnership to raise the funds. There is a committee that's campaigning to raise money to complete the project. Therefore, each phase of the project is dependent on the amount of money raised.

Phase 1 includes the two-story support building, plaza, and the gateway element which is anticipated to be funded to start the first part of the year.

Phase 2 is the indoor training facility and is considered to be a future project starting within the next few years. A campaign for funding is also planned for Phase 2.

Staff Report: Mr. West notes that the specific details of the request and previous actions are described in the Staff Report.

Mr. West states that the Indian Hill Exempted Village Schools (IHEVS) operate under the continuing jurisdiction of the Planning Commission as an approved special exception. **Section 101.481** per the Indian Hill Zoning Ordinance requires that the Commission review and approve all applications for site clearance.

The IHEVS are requesting special exception approval for the construction of the new athletic support facilities and indoor training center. The IHEVS campus sits on 49.5 acres of land that is surrounded by green areas. The Village purchased 112 acres from the Clippinger Estate in 1961. The Village sold 49.5 acres of land to the schools, as they needed land for each phase of growth. The Village retains 62.5 acres of land that is in the Green Areas Trust that surrounds the school district property. The property is located in District "C" which has a 10 acre minimum lot area for schools, and requires a front yard and rear yard setback of 100 feet and a side yard setback "equal to the height of the building but not less than 50 feet".

IHEVS are also requesting variance approval from **Section 73.1** of the Indian Hill Zoning Ordinance to allow a variance to the side yard setback to construct the indoor training center at a setback of 5' from the side property line where "equal to the height of the building but not less than 50 feet" is required. Variance approval is also being requested from **Section 74** to increase the existing non-conforming lot coverage from 39.6% to 41.3%, where a maximum of 25% is permitted.

Mr. West notes that 39.6% is 853,863 SF and 41.3% is 890,518 SF for an increase in lot coverage of 36,655 SF.

The variance application is based on conflict with the Village's adopted Land Use Objectives & Policies and is complete. The applicable sections of the Indian Hill Zoning Ordinance are as follows:

Section 73.1 refers to setbacks for schools in District "C" requiring structures to be located "equal to the height of the building but not less than 50 feet" for side yard setbacks. The IHEVS are proposing to construct the indoor training facility 5' from the side lot line. The height of the indoor training facility is 33' (measured to the mid-point of the roof per **Section 36.1** Height of Building in the zoning ordinance). The building will be constructed on a sloped hillside; therefore, the west elevation will have portions of the foundation exposed facing the green area parcel. The construction method for the building will need to be reviewed in detail to ensure there is no grading or tree removal on the adjacent green area trust parcel.

Section 74 refers to lot coverage in District "C" allowing a maximum of 25% of the area of the lot to be covered by structures, including accessory structures and other impervious surfaces. The property currently has 39.6% lot coverage, and the applicant is requesting a variance to allow 41.3% lot coverage. The applicant has stated that the current schools master plan includes work on the middle school, which could help offset the lot coverage increase caused by this proposed project.

To comply with **Sections 73.1** and **Section 74** of the Indian Hill Zoning Ordinance the Planning Commission would need to approve the following variances:

1. A variance of 45' to allow a side yard setback of 5' where 50' is required.
2. A variance to allow the lot coverage to be 41.3% where a maximum of 25% is permitted.

Mr. West notes that the Village Engineer has stated that detailed calculations will need to be provided for the proposed improvements and modifications to the existing storm water detention basin.

The fire department has reviewed the plans and has provided the following comments for the Planning Commission:

1. Most of the fire department concerns that are not necessarily addressed by compliance with the building code are outlined in Section 503 of the Ohio Fire Code.
2. A fire department access road must enable access to within 150 feet of all portions of the facilities. It must provide access to all exterior walls of the facility. This requirement may be amended by the Fire Official if the facility is

fully sprinklered and/or if the Fire Official accepts and approves alternate methods of fire protection. From the drawings, the plan does not seem to meet these requirements.

Mr. West notes that Staff has recently been notified by the applicant that the facility will be fully sprinklered. However, the fire department will still need to approve access points and surface areas adjacent to the building.

3. The width of the fire department access road must be 20', capable of supporting a weight capacity of 60,000 lbs., access roads must be configured to enable a turning radius for fire apparatus, and also provide a turnaround where the fire access road exceeds 150 feet in length. None of these items appear to meet the requirements.
4. The proposed gates must permit fire department passage; the gate shown is not wide enough.

Mr. West comments that Staff has recently been notified by the applicant that changes have been made which now allow fire department passage.

5. Water for fire protection must be positioned within 400 feet of the structures. The applicant has stated that there will be a fire hydrant near the plaza.
6. There are other provisions of the fire code that will apply to the proposed structures, but until the items above are addressed, the fire department has not enumerated those requirements.

Mr. West notes that the fire department has also expressed concerns regarding the landscaping plan and the trees potentially hampering the required 20' access.

Mr. West summarizes his report by stating that the variance request is based upon conflict with the Village's adopted Land Use Objectives & Policies created by the existing non-conforming lot coverage and required minimum setbacks. The configuration and location of the improvements is based on the functional need for the multi-purpose support building and field house/indoor training center to be located close together, as well as adjacent to the baseball and softball fields and Tomahawk Stadium. This is the best location/layout from a functional standpoint for the school athletics.

The Indian Hill School campus has been developed over many years. Each addition/phase has required special exception review and approval from the Village. Staff did not find anything in the record related to the Planning Commission granting a variance from the lot coverage requirements. The fire department has provided several comments that may increase the proposed lot coverage due to the need for wider and more hard surface access points to the proposed buildings.

The variance request for the lot coverage requirement will worsen the prior non-conforming condition. The variance request for the side yard setback does not meet the minimum setback and would not meet the height to side yard setback requirement even if the minimum was less than 50'.

To help support the Commission's decision to approve or deny the requested variances, Staff has 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 support 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 physical conditions of the lot are not unusual, with the exception of the existing non-conforming lot coverage. The lot is not unusual; these conditions are often found in the same district. The literal interpretations of the ordinance would not deprive the property owner of rights commonly enjoyed by other properties in the same district.

The property owner has other options for locating the new fieldhouse that would meet the setback requirements. Meeting the lot coverage requirement by removing/reducing hard surface areas should be carefully studied to determine if improvements are able to be made to the property without making the existing non-conforming lot coverage worse.

Therefore, the request does not meet 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;

The particular physical surroundings, shape, or topographical condition of this lot does not cause undue hardship or exceptional practical difficulty for the owner, as distinguished from a mere inconvenience based on where the owner would like to construct the new fieldhouse.

The objectives and policies for physical development and site design are intended to ensure that all man-made landscape is designed and located in a manner that preserves the natural landscape and is consistent with the character of the Village. The category of community services and facilities includes objectives and policies that indicate the scope and scale of services and facilities that are both necessary for residents' needs and consistent with the established character of the Village. The recreational objectives and policies are designed to encourage recreational activities that will have minimal impact upon the natural environmental features of the Village. The proposed location of the new fieldhouse being 5' from an existing natural green area parcel would conflict with the Village's adopted Land Use Objectives and Policies.

Therefore, the request does not meet 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 be materially detrimental and injurious to the adjacent green area parcel, and will impair an adequate supply of light or air to the adjacent green area property. Until the concerns of the fire department are properly addressed, the request does not meet the needs to address the danger of fire and public safety.

Since the fieldhouse will only be used by Village schools, the request will not substantially increase the congestion on Village streets. Due to the distance from adjacent residential properties and the buffer that the natural green area parcel provides, the improvements will not substantially diminish or impair property values within the neighborhood.

Therefore, the request does not meet Standard No. 3.

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

The variances requested for the new fieldhouse setback and lot coverage make the property less non-conforming than the conditions that exist today. The requested variances will conflict with the general purpose and intent of this ordinance.

Therefore, the request does not meet Standard No. 4.

IHEVS are requesting special exception approval for the construction of the new athletic support facilities and indoor training center. Schools with a 20% minimum enrollment of students who reside within the City are considered as a permitted special exception per **Section 101.42(2)**.

The Indian Hill Zoning Ordinance per **Section 101.43 Standards for Special Exceptions; Additional Conditions; 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;

The location of the new fieldhouse will be detrimental to the existing green areas property and woods. The project does not address the safety and access needs of the fire district. Therefore, the establishment of the special exception will be detrimental to or endanger the public health, safety, and general welfare.

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

The special exception is not consistent with the Village's adopted Land Use Objectives and Policies, specifically for the new fieldhouse.

The objectives and policies for physical development and site design are intended to ensure that all man-made landscape is designed and located in a manner that preserves the natural landscape and is consistent with the character of the Village.

The category of Community Services and Facilities includes objectives and policies that indicate the scope and scale of services and facilities that are both necessary for residents' needs and consistent with the established character of the Village.

The recreational objectives and policies are designed to encourage recreational activities that will have minimal impact upon the natural environmental features of the Village.

The proposed location of the new fieldhouse being 5' from an existing natural green area parcel would conflict with the Village's adopted land use objectives and policies.

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;

The proposed athletic facility improvements 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; except for the impact the new fieldhouse will have on the existing adjacent green area parcel and woods.

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

The architectural design and materials have been selected to match the district standards. The nearest residence is 450' to the north on Tangleridge Lane.

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

The nearest residence is 450' to the north on Tangleridge Lane. The special exception request should 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;

The proposed request meets the requirements. Modifications will be made to the existing detention facility, which will be subject to the review and approval of Staff.

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;

Adequate access roads, entrances and exit drives, and off-street parking are provided on the existing site. The proposed emergency access and drives need to be revised to meet the requirements listed under fire department comments.

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

Not applicable.

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;

The IHVES are currently working on a capital campaign to raise the funds to construct the improvements. The applicant/owner will need to provide more detailed information to the Planning Commission regarding the capacity to complete, maintain, and operate the proposed improvements.

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;

The IHVES have requested two variances with the application for special exception as outlined above. The special exception in all other respects conforms to the applicable regulations of the zoning district.

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

The lighting plan submitted meets the requirements of the zoning ordinance. All exterior lighting fixtures will have shades or be full cutoff fixtures as necessary to prevent light trespass.

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.

A preliminary landscaping plan is attached. The applicant has stated that landscaping buffers will be provided. The existing green area parcel surrounding the proposed improvements will also provide the necessary landscaping buffer. Exterior mechanical equipment will be screened from view. The screening will also help buffer sound. A majority of the mechanical equipment is located inside the buildings.

Staff posted a legal notice in the paper thirty days prior to the hearing as well as properly notifying the adjacent property owners. No comments have been received.

The Planning Commission shall determine whether the applicant meets the "12 Standards for Special Exception" and the "Standards for Variances".

Ms. Beth Spatz, residing at 7300 Tangleridge Lane, comments that she originally had a few questions, but Mr. West addressed them in his Staff report.

Mr. Patek notes that the district had a meeting with the neighbors on Tangleridge Lane to explain the project and address any concerns.

Mr. Wiggers asks to see the floor plans for the proposed buildings, as they were not included in the information given to the Commission.

Mr. Patek displays the floor plans before the Commission and reviews the proposed buildings in more detail.

Mr. Wiggers states that he has a problem with the fieldhouse being so close to the property line, as it would be almost impossible for fire officials to fight a fire without disturbing the green space. He notes that there are several other places for the fieldhouse that would meet the required setbacks and eliminate the need for a variance.

Mr. Wiggers also notes his concerns with the Commission approving the variance without knowing the district will be able to raise enough money to complete the project.

Mr. Rhodenbaugh shares the same concerns regarding the firefighting abilities, and notes that he has never seen a commercial building that was built within 5' of a property

line without the construction process disturbing the adjacent property. He feels the green area parcel should be treated with the same respect as any other adjacent property owner.

Chairman Madden suggests that the applicant meet with Staff to discuss the possibility of a land swap in order to eliminate the need for a side yard setback variance.

Chairman Madden also expresses concerns regarding the lot coverage. He has a problem with approving an increase in lot coverage when what exists is already non-conforming.

Mr. Rhodenbaugh asks how many square feet of synthetic turf cover the fields. He notes that he may be willing to make an exception if in the end the lot coverage is under 25% when the square footage of surface covered by synthetic turf is not in the calculation.

After brief discussion, Chairman Madden explains that the Commission can render a decision or the applicant can make a request to table the item to allow time to meet with Village Staff to discuss other locations for the fieldhouse, obtain the number of square feet covered by synthetic turf for consideration in making a decision on the request, and/or discuss a possible land swap with the Village.

Mr. Patek asks if the Commission would consider approving the request if the fieldhouse is removed, even though this would not address the lot coverage issues.

Mr. Patek comments that the challenge for the school district moving forward will be making any improvements beyond what they already have with the lot coverage issue.

Mr. West explains that the fire district ran into the same lot coverage issue when they wanted to build a new fire station that was three times the size of what existed. They were not permitted to do so due to not meeting the lot coverage and setback requirements. The fire district worked with Village Staff to have Drake Park transferred to the fire district so they would not worsen the non-conforming lot coverage and setback requirements.

Mr. Patek asks the Commission to table the item until the November 20, 2018 Planning Commission meeting.

Mr. Wiggers made a motion to approve tabling the item. Mr. Rhodenbaugh seconded, and the motion was approved by a unanimous voice vote.

There being no further business to come before the Commission, Mrs. Stolper 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