

MINUTES OF MEETING

INDIAN HILL PLANNING COMMISSION

November 20, 2018

The regular meeting of the Indian Hill Planning Commission was held on Tuesday, November 20, 2018 at 7:00 p.m. in the Council Chambers of the Village Administration building.

Members Present: Richard C. Wiggers
Abbot A. Thayer
Joseph W. Rhodenbaugh
Rita M. Stolper

Members Absent: Paul F. Madden

Officials Present: Jonathan D. West, Assistant City Manager

Visitors Present: Ken Stegman, Indian Hill Schools
Dr. Mark Miles, Indian Hill Schools
Lori Klinedinst, 7520 Demar Road
Chris Patek, MSA Design
Tyler McMullen, 7860 Brill Road
Amy Campa, Indian Hill Foundation
Jen Brunette, 7515 Algonquin Drive
Mick Davis, Indian Hill Schools
Lyle Fiorr, Indian Hill Schools
Deb Erickson, Indian Hill Schools
Dr. Carter Randolph, Greenacres Foundation
Lauren Hargrave, MSA Design

In the absence of Chairman Madden, Mr. Wiggers 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 October 16, 2018 meeting: Mr. Wiggers asks for comments or corrections to the October 16, 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. Mr. Thayer comments that although he was not at the October 16, 2018 meeting, he did listen to a recording of the entire meeting.

Item Number 2: Case #18-013: Continued from the October 16, 2018 meeting – 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; and a new 9,530

SF two-story support building. 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 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 states that they have met with the fire department and have resolved a number of items previously listed in the Staff report related to access, location of fire hydrants, etc.

Mr. Patek notes that he also met with Village Staff to address other concerns mentioned at the last meeting. The new indoor training center that was a part of the request at the October meeting has been removed from the project, so there is no longer a need to reduce the side yard setback.

By removing the request for the new indoor training center, the increased lot coverage request is less than what was originally submitted; however, the current request still worsens the existing lot coverage. After discussions with Village Staff, a conditional variance is now being requested to allow the lot coverage to remain at 40.9%, subject to the school district being able to acquire the additional property needed from the Village to keep from further worsening the existing lot coverage.

Dr. Mark Miles, Superintendent for Indian Hill Schools, states that the district is constantly looking for ways to improve the facilities for the students. Dr. Miles explains that in some of the previous projects they were not aware of the lot coverage issue. Now that they are, it will be taken into consideration when making plans for future improvements.

Staff Report: Mr. West notes that changes to the request were highlighted in bold in the Staff Report with new information submitted today shown in red.

MSA Design, on behalf of Indian Hill Exempted Village Schools, is requesting special exception and variance approval for improvements to the athletic facilities located at 6865 Drake Road, located just north of the high school, including:

- New entry gateway and ticket booth;
- New Home of the Braves Plaza made up of concrete/pavers and will provide gathering areas with branded light sign elements and landscaping;
- New 9,530 SF two-story support building with restrooms, concessions, coaches/meeting rooms, trainer room, and locker/team rooms.

The school district was initially requesting variance approval to worsen the existing non-conforming lot coverage from 40.9% (881,994 SF) to 41.6% (897,370 SF), where a maximum lot coverage of 25% is permitted. Staff notes that the existing lot coverage

calculation does not include the baseball/softball and football field turf areas (123,578 SF or 2.84 acres). The proposed increase in lot coverage is 15,376 SF. In an effort to resolve worsening the non-conforming lot coverage, Village Council has shown an interest in selling the 15,376 SF existing adjacent green area property to the school district, subject to deed restrictions that it remain natural, that the school district comes up with the funding needed to construct the improvements, and subject to a buyback clause.

Mr. West notes that, as Mr. Patek mentioned, the need to reduce the side yard setback is no longer being requested since the indoor training center has been removed from the project.

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. 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".

Originally, variance approval was being requested from **Section 74** to increase the existing non-conforming lot coverage from 40.9% (881,994 SF) to 41.6% (897,370 SF), where a maximum of 25% is permitted. The proposed increase in lot coverage is 15,376 SF. These percentages take into consideration the removal of the indoor training center. Staff notes that the existing lot coverage calculation does not include the baseball/softball and football field turf areas (123,578 SF or 2.84 acres).

After recent discussions with Staff, the IHEVS are now requesting conditional variance approval to allow the existing lot coverage to remain at 40.9%, where a maximum of 25% is permitted, subject to the terms laid out by Village Council for the schools to acquire the needed adjacent green area property from the Village so that the existing non-conforming lot coverage does not worsen and subject to the school district acquiring the funding needed to move the project forward.

The architect has provided revisions to the fire department since the October Planning Commission meeting. The fire department has stated that they approve the revised drawings subject to final details being worked out during the building permit review

process. These details will not increase the lot coverage, as they have more to do with the location of the fire hydrant, fire department connection, and location of the alarm control panel(s) on the building.

The variance request is based upon conflict with the Village's adopted Land Use Objectives & Policies created by the existing non-conforming lot coverage. The configuration and location of the improvements is based on the functional need for the multi-purpose support building to be located 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.

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.

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.

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.

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

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. The request increases the non-conforming lot coverage.

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 variance requested for the lot coverage makes 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. 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 establishment of the special exception will not 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 consistent with the Village's adopted Land Use Objectives and Policies.

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.

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.

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 more than 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 more than 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.

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 a variance 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 recommends that the Planning Commission consider “conditional approval” of the variance and special exception requests based on the information contained in the Staff Report as well as the following conditions:

1. The variance request is contingent on the school district acquiring a portion of the adjacent green area property so that the existing non-conforming lot coverage percentage does not worsen; and
2. The school district coming up with the funding needed to move forward with the project.

Ms. Lori Klinedinst states that she is a member of the Indian Hill Foundation and resides at 7520 Demar Road. Ms. Klinedinst states that she has been involved with this project from the very beginning, and there has been an overwhelming amount of support from the community.

After brief discussion, Mr. Thayer made a motion to grant a conditional approval of the special exception and variance requests based on information contained in the Staff Report and the following conditions:

1. The variance request is contingent on the school district acquiring a portion of the adjacent green area property so that the existing non-conforming lot coverage percentage does not worsen;
2. The school district coming up with the funding needed to move forward with the project; and
3. Subject to the buyback provision and deed restrictions suggested by Council and all other conditions laid out in the Staff Report.

Mrs. Stolper seconded, and the motion was approved by a unanimous voice vote.

Item Number 3: Case #18-014: Greenacres Foundation is requesting special exception approval to:

1. Remodel the interior of the existing home to be used by the estate crew who maintains the 600-acre property;
2. Tear down six accessory structures;
3. Construct three new accessory structures for equipment storage, tool storage, mechanics shop, and wood shop;
4. Site improvements also include adding gravel driveways and parking areas, salt and gravel storage bins, and fuel storage.

The Greenacres Foundation operates under the continuing jurisdiction of the Planning Commission as an approved special exception. The subject property is located at 8375 Spooky Hollow Road.

Dr. Carter Randolph, President of Greenacres Foundation, comes before the Commission and states that the primary structure will remain intact. The new buildings and site improvements are necessary for mission related programs and will store equipment that is currently visible from Spooky Hollow Road.

Staff Report: Mr. West notes that an additional exhibit was provided today showing pictures of the existing indoor riding arena which is constructed of white metal wall panels with green metal roof panels. The new buildings will match this existing building.

Mr. West comments that previous actions related to the Greenacres Foundation were listed in the Staff Report that was submitted to the Commission.

Mr. West states that the Greenacres Foundation is proposing to convert the subject property for use by the 15 member estate crew that is responsible for maintaining the 600 acre property. The facility will be predominantly used during normal business hours Monday – Friday, 7:30 a.m. – 3:30 p.m. Six existing accessory structures will be torn down to make way for three new accessory structures. Building #1 will be 5,500 SF (50'x110') and will include a mechanics shop and wood shop. Building #2 will be 4,000 SF (25'x160') and will include tool storage and covered equipment storage. Building #3 will be 1,635 SF (25'x60') and will include tool and equipment storage. Other site improvements include additional gravel driveways, parking, adding fuel storage, and salt and gravel storage bins. The facility improvements will be used predominantly for Greenacres mission related activities. The subject property is located at 8375 Spooky Hollow Road.

Mr. Wiggers waives the reading of each of the twelve standards for approval of a special exception, as they are listed in the Staff Report.

Mr. West comments on Standard (12), noting that the location of all areas for the special exception request meet the required setbacks, with the exception of the fuel storage and salt/gravel storage, which will need to be setback 20' from the property line. The applicant is aware of the setback requirement and will adjust the site plan for the permit.

The Planning Commission shall review the applicants request to determine whether it meets the “12 Standards for Special Exception”.

Staff properly notified the adjacent property owners regarding the request. Dr. Randolph who lives adjacent to the subject property has submitted a letter in support.

Mr. Kite who lives on Sleepy Hollow Drive requested a copy of the site plan, but has not provided any comments.

After brief discussion and review of the site photos, Mr. Thayer made a motion to approve the special exception request. Mr. Rhodenbaugh 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. Mrs. Stolper seconded, and the motion was approved by a unanimous voice vote.

Respectfully submitted,

Paul F. Madden, Chairman

ATTEST:

Jonathan D. West, Secretary Pro-tem