

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD FEBRUARY 19, 2014

The Mariemont Planning Commission met Wednesday February 19, 2014. Mayor Policastro called the meeting to order at 6:08 p.m. Present were Mrs. Garber, Mr. Miller, Mr. Savage and Mr. Vianello. Also in attendance was the Building Commissioner, Kirk Hodulik.

Mr. Vianello moved, seconded by Mr. Savage to elect Mr. Miller as Chairman of the Planning Commission, Mrs. Garber Vice-Chairman of the Planning Commission and Mr. Vianello as Secretary of the Planning Commission. On roll call; five ayes, no nays.

The first request was from Brian W. Wais, Esq. on behalf of Mariemont Townhomes I, LLC (owner), 6751 Maple Street, Mariemont, Ohio 45227, for a Zero Lot Line Conversion.

Findings of the Building Commissioner: The zoning code states: "The Village contains certain row houses and other multi-family dwellings. In order to provide for property development and improvement while protecting the historic and architectural features which exist, certain row houses existing as of March 1, 2003, may be rezoned to single-family attached dwelling units, provided that such units comply with the Village Zoning Code and Building Code and with provisions. These provisions are intended to permit these properties to be developed and conveyed in a more flexible manner, without detriment to the neighboring properties"

Building Commissioner Hodulik said the purpose is to sub-divide the four family unit into four separate parcels, attached zero lot lines, for tax purposes.

Mrs. Garber said the General Warranty Deed references Official Record 12337, page 993, of the Hamilton County, Ohio records also shows up in the legal descriptions of the properties. The prior deed reference says in the description that it was conveyed to Mariemont Townhomes II, LLC, but she believes that deed was actually from William Heindel to Mariemont Townhomes I, LLC. In her opinion, all the legal descriptions that are attached will need to be amended. Mr. Wais said he will have the changes made.

Mrs. Garber said in the description of the fourth parcel it references the west side of the parcel next to the subject property, which adjacent parcel is owned by Mariemont Townhomes II, LLC and which is the east side of the subject property owned by Mariemont Townhomes I, LLC. The legal description for Parcel O-4 in the fifth paragraph says "Mariemont Townhomes tract" and should reference the Mariemont Townhomes II tract. Mrs. Garber stated that since there is both a Mariemont Townhomes II, LLC tract and a Mariemont Townhomes I, LLC tract the legal description should be changed. Mr. Wais said he will defer to the surveyor, but will request the change. Mr. Wais said the survey was done years ago for the tract next door by the surveyor. Mrs. Garber said the deed needs to be corrected.

Mayor Policastro moved, seconded by Mr. Miller to grant the variance based on the zero lot line regulations. Mrs. Garber added that new legal descriptions be given to the Building Commissioner. On roll call; five ayes, no nays. Mrs. Garber stated that a new deed be executed as well. Mr. Miller suggested that the Building Commissioner confirm that with Mr. Wais.

The second request was a tabled request of July 12, 2012 from J. D. "Dan" Spinnenweber, Sr. of Spinnenweber Builders Inc., 6880 Wooster Pike, Cincinnati, Ohio 45227, for the removal of the sidewalk on the east side of West Street from Wooster Pike to Madisonville Road, install a fence on his property at the right-of-way line and install trees and landscaping between the fence and existing curb line. All work to be done will be at Spinnenweber Builder's expense.

July 12, 2012 Finding of the Building Commissioner: The Mariemont Code of Ordinances Section 55.03 "Street Lines" provides that "The Village Planning Commission is

empowered to make from time to time plans for the location of the new proposed lines of a street or streets in any portion of Mariemont, and to make from time to time plats of the areas or districts thus planned showing the location of such lines. The Commission may transmit to Council any such plat, together with estimate of the period or periods within which the land shown on the plat as street location or locations, should, in its opinion be acquired for street purposes”.

February 13, 2014 finding of the Building Commissioner: The Mariemont Code of Ordinances Chapter 55: Maintenance and Establishment of Street; Regulating Use Thereof and Chapter 56: Sidewalks contain numerous provision, rules and regulations for the installation, maintenance, modification and replacement of streets and sidewalks, but does not address directly the removal of public walkways and installation of landscaping within the public street right of way. It should also be noted the request does not in any manner change the “Street Lines” or curb location as noted in the original finding of the Building Commissioner.

Mr. Spinnenweber said he has owned the property for ten years and presently they are trying to find a way to develop the lot. Any development will cause the need for additional parking which will be closer to the elementary school. They have not been able to solve the problem of school parking on their lot. The solution is to build separation between the school and the business district. If they put the fence up, as they have the right to do presently, it would be right up against the sidewalk with no room for landscaping. The fence would allow for a buffer visually and physically between the businesses and the school. They have worked with the school trying to solve this issue. They waited until after the construction of the new elementary school to see if the new drop off/pick up would alleviate any of the parking problems but to no avail. There are 100 more students which equals 200 more parents and 400 more grandparents, in addition to more teachers and support personnel. The original plan called for the students to be picked up/dropped off at the Plainville entrance which was to carry the bulk of the traffic.

Mr. Vianello commented that it is there but it is not being used.

Mr. Spinnenweber said he offered ideas etc. to the school before and during the planning/construction process. The school did offer more parking but it is underground underneath the playground which is closed off so parents cannot park there anyway. During the morning rush there is an influx of traffic with rushing kids banging doors and crossing into the street. The buses were supposed to unload on Plainville Road in front of the Parish Center but in fact they are unloading on West Street. It is not a safe situation for anyone including his tenants.

Mr. Vianello said unfortunately it is the shortest route to the school. He questioned the gate area on the proposal. Mr. Spinnenweber said it will be a rolling gate set by a timer that will open and close at specific times.

Mrs. Garber said she visited the area and her concern is the corner of West Street and Madisonville Road. The shrubbery is high and blocks the view of the driver. Her suggestion is to make sure that the landscaping there is maximum three feet high. Mrs. Garber asked about night events at the school. Mr. Spinnenweber said so far the night events have been okay. The carnival etc. is a different story because it does draw so many people. The agreement was that the school would have police security to protect Spinnenweber’s parking interest at their cost but they have yet to do it. Mrs. Garber stated that the fence needs to have a see-through visibility so no one can hide behind it and no spears at the top of the fence for safety.

Mr. Spinnenweber said the sample they brought was just to show the height of the fence. It is not a sample of what they intend to install. They certainly do not want something that is climbable or something that could hurt someone. He can assure the members that there will not be a spear.

Mr. Vianello said kids will go the shortest route possible and may go over the fence. Therefore, he would also prefer not to have a spear on the top of the fence as well. Mr.

Spinnenweber said most of the parents that are parking on the lot have smaller children. Mayor Policastro said he would like to see the fence be 5' in height. To him it is a safety issue to keep children off the fence.

Mr. Miller asked if the proposed area would support more retail. Mr. Spinnenweber said yes and by bringing more retail into the area it would actually bring more retail. Mr. Vianello asked about the trailer in back of the Inn. Mr. Spinnenweber said it is still being used for storage but it will be removed.

Mr. Miller suggested that the fence be wrought iron and in black. Mr. Spinnenweber said they looked at a wire fence similar to the one surrounding the Sky Galley Restaurant at Lunken Airport. It is very attractive and suggested that the Planning Commission members look at it. It is made of very fine wires and blends easily with landscaping. It gives the appearance of no fence at all.

Mayor Policastro moved, seconded by Mr. Vianello to grant the variance based on Section 151.025(3)(b)(2)(d). In addition, the option is granted should the applicant choose to make the fence five feet in height. The landscaping at the intersection of West Street and Madisonville Road shall not exceed three feet in height for visibility purposes. On roll call; five ayes, no nays.

Mr. Miller moved, seconded by Mr. Savage to accept the minutes as written for September 18, 2013, October 23, 2013 and November 20, 2013. On roll call; five ayes, no nays.

The meeting adjourned at 6:45 p.m.

Respectfully Submitted,

Mr. Jerry Vianello
Secretary

