

MARIEMONT PLANNING COMMISSION
REGULAR MEETING HELD JANUARY 23, 2019

The Mariemont Planning Commission met Wednesday January 23, 2019. Mr. DeBlasio called the meeting to order at 6:00 p.m. Present were Mr. Brown, Ms. Reed, Mayor Policastro and Mr. Vianello. Also in attendance was the Building Administrator Don Keyes.

Mayor Policastro moved, seconded by Mr. Brown to nominate Mr. Vianello as Chairman of the Planning Commission for 2019. On roll call; five ayes, no nays.

Mr. Vianello moved, seconded by Mr. DeBlasio to nominate Mr. Brown as the Vice-Chairman of the Planning Commission for 2019. On roll call; five ayes, no nays.

Mr. Brown moved, seconded by Mr. Vianello to nominate Ms. Reed as Secretary of the Planning Commission for 2019. On roll call; five ayes, no nays.

The first request was from the Woman's Art Club of Cincinnati Foundation, 6980 Cambridge Ave, Mariemont to revise the conditions of use for the Barn at 6980 Cambridge Ave.

Finding of the Building Commissioner: In March 21, 2007 Planning Commission meeting, the Woman's Art Club of Cincinnati Foundation was approved for conditions of use that include - - - "an art gallery, art studio, classrooms and offices; and office space use consistent with the project, - - -" Other issues were addressed, including refurbishment of the building and parking, which are not being reviewed here. The conditional use was discussed at the Village Council meeting of November 26, 2018 in which the defined conditional use was found to be inadequate for the current use – specifically the use of the facility for parties and receptions, which may or may not include outdoor gatherings under a tent. The primary concern, other than the lack of defined conditions of use, appears to be the noise level of some outdoor activities, especially at night after 9:00PM. The associated information for this review includes a "Permission for use of Barn" form, which includes the "Rules and Regulations pertaining to Special Events."

Additionally, the Barn is reported to be Residence A zoning, however, at some point after 2007 the Barn was rezoned to Residence B, with a zoning code of 680, which includes tax exempt properties such as charities, hospitals and retirement communities. This zoning permits the property to be tax exempt but does not change the conditions of use.

Chairman Vianello said we will hold the audience to three minutes at the podium except for the presenters.

Mr. Rick Koehler, spoke as Board Member with the Womans Art Club of Cincinnati Foundation, which owns the property that is known as the Barn. Prior to 2006 the Village looked for all kinds of uses for the building. At that time the Womans Art Club of Cincinnati was downtown and was approached and raised the funds to acquire the building and renovate the first floor. In 2017 they set out and raised \$500,000 to re-do the loft. Because noise is a concern and because we want to be good neighbors we drafted new language into the contract for those who are going to use the space for an event. In part it reads: 'Outside music is permitted until 9:30 p.m. NO amplifiers are permitted outside. All music sources must face the building. Music after 9:30 p.m. must be played only inside the building. Gallery doors must be closed when music is played in the Gallery. Village Ordinance states; "outdoor music shall not be significantly audible off premises." Mariemont Police regularly patrols Cambridge Avenue during events and if

nuisance noise persists, after a warning, they will shut the event down". Anyone who signs our contract is or should be aware of this language. The loft (second floor) of The Barn has undergone a huge restoration/renovation in 2018 and the impact on noise being able to escape to the immediate neighborhood has been reduced significantly. The roof received 8" of foam insulation as well as another layer of plywood. The walls have been insulated with foam. And lastly, the louvered vents to the exterior have been replaced with insulated glass windows. The work was done with the approval of the Mariemont Architectural Review Board. Collectively, these measures were executed primarily so that we could properly heat and cool the Loft, but also secondarily they will help to significantly reduce noise levels emanating from that space. To the best of their knowledge, there have not been any complaints from the neighbors since the work in the Loft was completed in the summer of 2018. In the conditional uses that were granted in 2006 and approved in 2007 #8 states "When it is reasonably anticipated that there will be an exhibit or other activity at the facility which will allow more than the allowed parking spots, that there will be a shuttle parking arrangement entered into approved by the Mayor or the Building Commissioner". He does not believe that language needs to be changed. They have used valet services more often than shuttles. There was a meeting last fall with the Executive Director, Lynn Long and Past President, Nancy Reynolds and Police Chief Hines. The Police Chief told them at that time that anyone can park their car on any street at any time in Mariemont. There have been events where people park two block away and that is within the law and within the code. We want to be good neighbors and are willing to listen to ideas and suggestions that may come from this committee.

Mr. Brown asked what if a band was hired. Mr. Koehler said the band would have to be inside. Ms. Long said if it was acoustic music it would not travel as far especially if they are facing the building.

Ms. Megan McClain, 6983 Grace Avenue, said she lives behind The Barn and does not have a problem with the music that is being played.

Mr. Vianello asked if it would throw The Barn a curve if the Village approved this but required a Mariemont Police Officer assigned to major events. The cost could be passed on to the renter. Ms. Long said the last event that they had noise complaints there were two officers present. Mayor Policastro said the new rules were not in place at the time so they could not enforce it. Ms. Long said her feeling is with the language in the contract that if the police would patrol the area would suffice. Mr. Koehler said The Barn could notify the Village of upcoming events if they felt the need to step up patrol was called for.

Chairman Vianello called for a brief adjournment at 6:17 p.m. to allow for the Police Chief to be present. The meeting resumed at 6:20 p.m.

Mr. Vianello asked Police Chief Hines if there was an event at The Barn is it possible to have a police officer at the event and what would the approximate cost be. Chief Hines said yes it is possible and the approximate cost would be \$55.00 per hour. The cost would be dependent on the officer and their current pay scale.

Mr. Koehler asked if the Police Department was made aware in advance of events would extra patrols be sufficient. Police Chief Hines said they have done extra patrols when events were going on and they still had issues with residents complaining about the noise. It is common throughout a lot of venues to have an officer on duty.

Ms. Reed asked if an officer would be needed only for an outdoor event. Chief Hines said he would recommend having an officer present when music is being played and alcohol is being served.

Ms. Anita Hunt, 6813 Hammerstone, asked if this would pull an officer from duty. Chief Hines said no it would be an overtime detail for an officer off duty.

Mr. Vianello said the Planning Commission needs to give consideration to, and believes the original request was, deals with the conditional use of The Barn and what is going on there now with music and events. Does our definition meet that conditional use with what they are currently doing or do we need to change the definition.

Mr. Keyes said the point of the meeting was to deal with the conditions of use. What he is looking for is a decision by the Planning Commission that says either “for other activities” is acceptable or some other statement needs to be made. He wants it in the minutes that this issue is being dealt with.

Mr. Koehler said their attorney told them that the language in #8 suffices for The Barn to have parties.

Mr. DeBlasio moved, seconded by Mayor Policastro to accept the current language in the accepted conditional uses from the Planning Commission Meeting March 21, 2007 #8 “...or other activity at the facility”...would include events that include music and other types of events. In addition, the conditional use would be amended to add item #9 which will state “when music is played at such events a Mariemont off-duty Police Officer will be contracted by the renting party. On roll call; five ayes, no nays.

The second request was from Ohio Department of Transportation (ODOT), to move curbing and change the size of the island in the center of Wooster Pike at the intersection of Indianview Ave. to increase the number of traffic lanes at the curve of the chicane.

Finding of the Building Commissioner: The chicane was placed in the highway when the Village was designed to slow and improve safety as traffic exits the Village past the school section. The Village has no information that would indicate this condition has changed. ODOT has promised to bring information to show that this change is both safe and appropriate. The curve in the road (the chicane) and the granite curbing are both listed in historic documents as part of Mariemont’s original design.

Mr. Tom Arnold, ODOT (Ohio Department of Transportation) District 8 Planning Engineer, distributed fliers to members of the Planning Commission and those in attendance which outlined the summary of proposed median island modification (PID 101309). He explained ODOT has refocused direction with Segments II and III of the Eastern Corridor Study (PID 86462), which extends between the Red Bank Corridor, SR 125, and the SR32/I-275 interchange, towards improving the existing transportation network. In 2016-2017, ODOT met with stakeholders throughout the study area, received more than 1,200 responses to an online survey, and updated technical data to identify transportation needs. In 2018, ODOT worked with advisory committees comprised of elected officials, transportation planning professionals, and local community and interest group representatives to identify transportation improvement concepts to address these needs. Within the Village of Mariemont, one of the primary needs identified was to address sideswipe crashes and peak hour congestion on US-50 (Wooster Pike) from Mariemont Square to Walton Creek. One improvement concept proposes to modify the

median island on the east side of the Village to maintain two lanes in each direction on US-50. ODOT is planning to resurface US-50 from Fairfax to Terrace Park in the summer of 2019 with a project called PID 101309. This project is a timely opportunity to efficiently complete the proposed median island work. In order to add the proposed work to the project, ODOT is requesting that the Village of Mariemont pass consent legislation to allow the work to be completed. The proposed change has a \$30,000 construction cost that will be paid by ODOT. No new right-of way will be required and speed on US 50 could reduce to 25 mph. Speed limits are set by Ohio Revised Code so a speed study would be initiated. It will require a shift location of the "Village of Mariemont" sign and light pole. All trees will remain untouched. The curb will shift 4.5 feet inward on the east end of the island and the plan is to reuse the granite curb. If it cannot be reused it is specified that materials of like kind be used. The project will improve lane utilization on US 50 and will reduce delay. It is within the Village's boundaries so it does require Section 106 coordination which is underway. The project is proposed to be completed spring 2019. In order to coordinate the proposed median island work, ODOT conducted four advisory committee meetings and two public involvement meetings in 2018. These meetings were advertised via traditional media, email distribution and social media. Email notices were sent to more than 1,500 people four times; one social media post reached almost 14,000 people. 71 responses were provided on the proposed work; more than 80% were supportive or neutral. 22 of the 71 responses came from the zip code 45227; 54% were supportive or neutral. The State Historic Preservation Office is aware of the proposed modification. Their initial feedback is that it does not appear to be a critical impact nor will it create negative impact to the National Historic Landmark designation. He addressed a few frequently asked questions. (1) How will the proposed modifications impact speed of traffic? The existing lane is very wide at almost 20' allowing traffic to travel through the curves at high speeds. The proposed modification will force drivers to travel slower at a design speed of 30 mph in order to stay in their lane. In addition, ODOT plans to complete a study that could potentially lower the speed limit from 35 mph to 25 mph. The required study needs to demonstrate the need for the speed reduction. (2) How will the proposed modifications impact pedestrian crossings at the existing crosswalk? ODOT proposes to implement yield pavement markings and additional signage at the intersection in order to improve pedestrian safety at this location. There is an existing, two-lane pedestrian crossing located 250 feet to the west at East Street. (3) How will the proposed modifications reduce congestion? Today drivers make frequent lane changes due to the lack of lane continuity. Five sideswipe crashes occurred in the area from 2013-2015. Field observations indicate lane utilization is significantly imbalanced resulting in inefficient traffic flow through the Pocahontas traffic signal. In addition, Mariemont High School proposes new access to US-50 which would add more conflict points to the corridor. The proposed work will allow drivers more time to get in the appropriate lane and significantly reduce back-ups at adjacent signals. How will one turn across two lanes at Indianview? Ingress/Egress to Indianview Avenue is anticipated to be similar to today. During times of heavy congestion, access to Indianview is also available via traffic signals at Miami and Pocahontas. He encouraged those who want to learn more to visit the Eastern Corridor website at www.easterncorridor.or or sign up for ODOT email updates on active construction projects at www.dot.state.oh.us. Residents can contact the ODOT District 8 Public Information Officer at 513-933-6517 or DO8.PIO@dot.ohio.gov.

Mr. Arnold said recently ODOT has updated the signal timing on US 50 through Fairfax, Mariemont and Newtown. New computer equipment for controllers were installed at no cost to the Village. This is a request for consent legislation. ODOT is proposing to fund this project and there will not be a cost to the Village.

Mr. Brown asked the width of the proposed lanes. Mr. Arnold said they would be with two 11' foot lanes or one 11' foot land and one 10' lane. Mr. Brown said they appear to be

narrower. Mr. Arnold said they are narrower than the current lanes. Mr. Brown said people get “squirrely” when they have to stay in tight narrow lanes. Mr. Arnold said the practical side is that it forces drivers to slow down.

Mr. Vianello said a concern he has is currently a driver has to cross only one lane of traffic turning left onto Indianview. What is being proposed is having to turn across two lanes of traffic with cars waiting behind causing a back-up. There is not a lot of safety between the vehicle and the easterly flow of traffic. Nothing prevents people from changing lanes in the curve section and he sees vehicles speed up going into our business district. From his perspective that is an unsafe situation. Most of the traffic on US 50 is not backed up in the square - it is backed up from what is going on in Newtown. A study would show moving east on US 50 is not as easy as one might think. It is four lanes of traffic. When the traffic stalls it forces everything in the Village to back up. Mr. Arnold said there are 66 recommendations in the study. 60 of those can be built for sixty million. A lot of the recommendations will address those concerns. The signal timing update is a squeeze out of what is there. One of the other projects that they are recommending would add detection at the signals so the signals could talk to each other. The signals are the responsibility of the Village’s to maintain but there are safety funds out there to pursue. Mr. Vianello said he expressed to Mr. Arnold of a close encounter he had with almost hitting a pedestrian in the crosswalk at Wooster and Indianview. The pedestrian was in all black, it was dark out and there was no indication that anyone was in the crosswalk. A simple flashing light, such as what is at Settle Road, would at least alert a driver that someone is in the crosswalk or approaching the crosswalk. He would like to see the Village take this issue on. He is more concerned about that than going from one lane to two lanes.

Mr. DeBlasio said there is a lot of traffic that will be in the right lane heading westbound into the high school. Mr. Arnold said today that is where most of the traffic is. He suspects traffic will get in the left lane to bypass the traffic in the right lane and then go back into the right lane such as it is today.

Mr. Vianello said there is a similar situation westbound coming into the Village and the square where one lane can turn right onto Madisonville Road or continue straight to the Strand. At some point one of the cars has to speed up or slow down to jockey into the lane to continue westbound. So you essentially have the same problem just in front of the Elementary School. Mr. Arnold said ODOT did look at a recommendation to extend those two lanes with the advisory committee. The committee members had concerns about adding traffic where vehicles are reversing back out of angled parking. ODOT chose to not make that recommendation in part because one third of the traffic drops off onto Madisonville Road.

Mr. Greg Jones, 3747 Indianview Avenue, said the proposed change is relying on motorists to go 25 mph and he does not see that happening if it is opened up to four lanes. If the whole case is based on that and we cannot predict that then he feels the whole case falls apart.

Ms. Betty Clingerman, 3914 Petoskey, said she is a member of the Mariemont Preservation Foundation as a docent. She did research project and speech on John Nolen. She learned that John Nolen specifically petitioned the State of Ohio to put the curve in the road. She is concerned with constant nibbling that our Historic Village will not be left. She had a personal incident of a side swipe incident due to the lanes being so narrow.

Ms. Suzy Weinland, 3812 Indianview, said she grew up in the area and has seen this for ten plus years. She appreciates that ODOT has tried to reach out to people but being 30 years in communication she knows that it is not about the reach but about the target. As the audience

shows there were a lot of people who did not know about this proposed project. The data shows 11 people were supportive. She is concerned about traffic flow. This is an historic village and any calming research looked at show when entering residential areas by having islands, such as Terrace Park and Fairfax have done. She uses calm to mean slow down the traffic. She feels ODOT is using the word calm to have more consistent traffic flow versus slowing the traffic down. She is not sure that ODOT will come through with the 25 mph zone if it becomes four lanes and that is concerning to her. We have lots of children in the Village that cross Wooster Pike in that area. There needs to be better signage which needs to be direct instead of suggestive. Her thought on the project is to keep it as it is or modify it in the other direction by narrowing it to one lane but start with signage back at Spring Hill. The only signage currently is across from the park by the library. It is way too late and motorists cut each other off. She does not think the high school entrance will be a problem because the peak school hours are not the same as rush hour traffic.

Mr. Mark Amend, 7000 Wooster Pike, said he has lived at this location (which intersects with Indianview) for most of his life. He believes the Village should do like they did in Fairfax and Terrace Park which is make it one lane from the eastside corporation line. He asked how Fairfax was able to go from four lanes to one lane. Mr. Arnold said when Fairfax implemented that improvement there was thinking that potential there would be a new road between Newtown and Mariemont which is no longer being pursued. Mr. Amend said there is a lot of truck traffic which would be hard on two narrow lanes.

Mr. Dave Middleton, 24 Spring Hill, asked from a vision point how this will impact the bike path. Mr. Arnold said this proposed work has nothing to do with the bike path. There is a recommendation in the Eastern Corridor that would expand the existing sidewalk along US 50 starting at Pocahontas and going down the hill and potentially tie into the path behind Kroger. It would consist of expanding the sidewalk on the south side of Wooster to the Promenade. It would cross at the Promenade signal and the north side sidewalk would be widened up to the library at Pocahontas. It would not impact the few houses on the south side of Wooster Pike across from the library.

Mr. Ben Robinson, Wooster Pike, said he does not believe what is being proposed would make a difference. He sees the traffic daily as it is right in front of his house but it is backed up through curve not because of the curve. If it did work, Council and the Mayor should be aware of a city planning concept called induced demand. It does not relieve traffic when you increase lanes. It's been proven that it increases traffic. We do not want more traffic through our area.

Mr. Todd Pease, 3714 East Street, said he is in favor of a single lane, 25 mph, and improving the crosswalk at Indianview. He would like to see the sidewalk expanded on the south side of Wooster Pike.

Ms. Nita Wessel, 7011 Wooster Pike, said she sees the traffic every day. She finds the 25 mph very appealing. She sees the traffic going towards Newtown getting backed up in the morning due to left turns into the high school. In the afternoon traffic backs up onto Wooster Pike when school is letting out. She believes the changes the school will make will change how it works. When traffic comes up the hill from the Newtown area vehicles are turning left on Pocahontas, Petoskey, Indianview and East Street causing more congestion for those merging into the right lane. She suggested a single lane each way with a center turn lane.

Ms. Betsy Smith, 6612 Wooster Pike, asked what the difference is between the intersection at Indianview and Wooster Pike being two lanes and the intersection at Petoskey and

Wooster Pike being four lanes. If people are concerned about crossing four lanes of traffic it is already being done. Mr. Arnold said there is a signal at Pocahontas. Ms. Smith asked if ODOT will redo the sidewalks in that area to make them wider as they are very narrow. Mr. Arnold said no the current project is simply to resurface. Ohio is a home rule state which means the Village has maintenance responsibility for roads inside the Village and ODOT maintains the state US routes outside of the Village. ODOT has a maintenance agreement with the Village to take care of the pavement through the Village. The sidewalks would be the responsibility of the Village. Ms. Smith asked if the Village went to four lanes could it be changed back to what it is currently. Mr. Arnold said yes. Ms. Smith said the crosswalk at Wooster Pike and Indianview is dangerous and asked if lights could be put in the street for the crosswalk. Mr. Arnold said they do have flashing signs that could be placed on the side (such as Belmont). Ms. Smith asked Chief Hines his opinion if this proposal is a good or bad idea. Chief Hines said the part he likes about it would be alleviating the cars to race in front of each other. It goes from two lanes bottlenecking into one lane and then back to two lanes. Mr. Brown asked Ms. Smith if she believed going to four lanes would make the crosswalk at Indianview safer. Ms. Smith said in her opinion the crosswalk should be removed completely.

Ms. Suzanne Bischoff, 4004 Lytle Woods, said if we only had one lane all the way through there is no reason for vehicles to race in front of each other and it would leave room for a dedicated bike trail. If two lanes are put in one is banking on people being courteous.

Discussion ensued regarding the lane change that was made years ago in that area and the backup that occurred due to the problems turning left onto Pocahontas. Mr. Arnold said when going to one lane the traffic signals are always the points that need to be tested to make sure if it is going to work. The signal at Pocahontas could not handle the traffic with one lane in each direction.

Ms. Jennifer Jones, 3747 Indianview, said making a left turn onto Indianview is very problematic. Drivers are very aggressive and use that street as a cut through the Village.

Ms. Patty Mershon, 3703 Pocahontas, said she appreciates the studies and asked the Village look at a holistic approach. There are a lot of pedestrian issues in addition to traffic issues with vehicles turning left. Her fear is changes would have a domino effect on areas already affected.

Ms. Diane Wickham, 3808 Indianview, said while she appreciates the desire to do this project while doing the other work on US 50 but asked if the Village should wait to see where/when an entrance is going in at the high school before we make a decision. She feels the need to look at the bigger picture because it will affect traffic flow in that area.

Mr. Ron Ross, 6754 Maple, said he is supportive of one lane going all the way through the Village. Widening the lanes does not seem to be good for traffic. He would like to the extra lane used for something else.

Mr. Brett Dickson, 3801 Indianview, said he would like to see the speed limit set at 25 mph. His first reaction when he heard about this was there were smart people who designed this in the first place and does not believe it is a good idea to change it. He thought it is for the best interest of the Village to not go to two lanes.

Mr. Dennis Wolter, 3804 East Street, said with ODOT's loss of the road in the Village's lower 80 they have no choice but to do something with the secondary roads. However, before the

Village decides one lane or two lanes we need to know more about what the big plan is and how all these big projects are going to work. The Village has a responsibility to the other communities to get safe and efficient flow through here. It is not just about the Village of Mariemont. The Village also needs to make sure to maintain a good relationship with ODOT because they can do a lot to help the Village. If the Village keeps turning ODOT down on all their projects then they will take their efforts somewhere else. He has heard that there are thoughts about putting in a roundabout at the Newtown Bridge. To accelerate traffic in that area and then restrict the traffic in this area does not make any sense. Making the Village one lane each way will increase the traffic on the back streets.

Chief Hines said he is hearing that residents want one lane all the way through the Village. He asked if the Village wants to cul-de-sac the streets like Fairfax. The answer was no. Chief Hines said from a safety standpoint it would cause safety services to travel several blocks out of the way. If there is only one lane when someone needs to make a left turn onto their street it is going to back up traffic big time. The answer was to make a middle turn lane.

Ms. Reed asked how the Village being a walking community affects the study. Mr. Arnold said from a traffic perspective it is hard to capture pedestrian crossings as they do not usually cross all at once. It is more from the safety aspect. We are looking at ways to improve what is there like adding additional signage and stripping.

Mayor Policastro said it sounds like the residents want a new plan. Mr. Arnold said what they are proposing is what was publicly presented. Nothing can be done without the signed consent legislation.

Mr. Vianello said the Planning Commission was charged with making a recommendation to Council for approval or disapproval of the changes to the chicane. Ms. Reed said the Planning Commission is not to come up with an alternative plan. Mr. Vianello said Council can make a recommendation for a different plan but the purpose of this meeting is to approve or not approve the chicane.

Mr. Brown said he would be concerned with large trucks negotiating the narrow lanes. The survey had 71 responses from this area code 12 of which were in favor. He thanked all the residents who came to speak on this matter and asked if we have given enough residents the opportunity to learn about this. Many had not heard about this proposal until a few days ago. He is not sure we have had enough input. Mr. Vianello said while he appreciates Mr. Brown's concerns Planning Commission is to make a decision. If residents want to give more input they can go to Council and address it with people that will either approve or disapprove Planning Commission's recommendation. It takes a 5 out of six votes of Council to override the decision. Residents who are not here tonight can go to a Council meeting and voice their opinions. Mr. Brown said it is hard to vote in the affirmative because we have not heard from enough residents. Mr. Vianello said to then vote no.

Ms. Reed said the fact that the whole high school situation has not been decided has to impact this decision because we do not know if there will be a turn lane or not. It is not that far away before we would get more data that should be considered. Mr. Brown agreed.

Mr. Arnold said the work could be done at a later date but the cost would increase. With this proposal there is no cost to the Village. He does not believe ODOT would come and do this project all on its own.

Discussion ensued regarding tabling the matter to have more presentations by ODOT and waiting on the work to be done at the high school.

Mayor Policastro moved, seconded by Mr. Brown to maintain Wooster Pike at the chicane locations as is. On roll call; five ayes, no nays.

The meeting adjourned at 7:53 p.m.

Respectfully Submitted,

Ms. Shelly Reed, Secretary
Secretary