

**AGENDA**  
**THE HAMILTON COUNTY RURAL ZONING COMMISSION**  
**REGULAR MEETING**

**Room 805-B, Administration Building**

**NOVEMBER 20, 2014**  
**1:00 P.M.**

**Joel Cornelius, Vice-Chairman/Presiding Officer**

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- 1. MEETING CALLED TO ORDER**
- 2. ROLL CALL OF COMMISSIONERS**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES OF REGULAR MEETING**
- 5. ADMINISTRATIVE ITEMS:**

ADM08: Annual Organization Meeting – Election of Officers  
Joel Cornelius: Chair (exp 2015)  
David Steinriede: Vice-Chair (exp 2016)

**6. PUBLIC HEARINGS**

**MAJOR ADJUSTMENTS:**

A. CASE: Miami 98-4; Aston Woods Phase 6- 3613 Chadwell Springs  
REQUEST: Approval of a Major Adjustment to an existing "A CUP" Residence district  
PURPOSE: To allow construction of a retaining wall and swimming pool with less rear yard setback than required  
APPLICANT: Joel Messing (applicant); Joshua S. Dennison (owner)  
LOCATION: Miami Township; 3613 Chadwell Springs Court; on the northwest side of Chadwell Springs Court, 470 feet southwest of the intersection of Hamptonshire Drive and Chadwell Springs Court (Book 570, Page 103, Parcel 4)  
TRACT SIZE: 0.35 acres

**PLANNED UNIT DEVELOPMENT:**

A. CASE: Columbia 2014-05; Mad Tree Brewing  
REQUEST: Approval of a Planned Unit Development in an "F SPI-SC" Light Industrial district  
PURPOSE: For the expansion of existing operations related to Mad Tree Brewing, including internal building modifications, parking lot paving and striping, and the inclusion of outdoor dining and recreation areas  
APPLICANT: Kevin Kluender, Drawings Dept. (applicant); S & G. Realty Co. (owners)  
LOCATION: Columbia Township: on the east side of Kennedy Avenue, approximately 200 feet north of Duck Creek Road (Book 520, Page 240, Parcels 8 & 9)  
TRACT: 2.23 net acres

- 7. OLD BUSINESS**
- 8. NEW BUSINESS**
- 9. SCHEDULED PUBLIC HEARINGS**

A. CASE: Green 2014-03; Sullivan Office  
REQUEST: Major Adjustment to an existing "E PUD" Planned Retail District  
PURPOSE: To eliminate a condition of approval regarding required access  
APPLICANT: Dr. David & Diane Sullivan (applicant); Dr. David & Diane Sullivan and Westover Court LLC (owners)  
LOCATION: 5177 North Bend Road; on the west side of North Bend, 140 feet south of Boomer Road (Book 550, Page 73, Parcels 15, 16, 17, 68)  
TRACT SIZE: 0.43 acres (net PUD) and 0.88 acres (net OO)

**10. DATE OF NEXT MEETING:** December 18, 2014

**11. ADJOURNMENT**







HAMILTON COUNTY  
RURAL ZONING COMMISSION

RECORD OF PROCEEDINGS – AUGUST 21, 2014 REGULAR MEETING

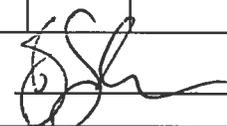
PAGE 1

SUMMARY OF ACTIONS

**PRESIDING OFFICER:** Thomas  
**MEMBERS PRESENT:** Cornelius, James, Luken, Steinriede, Thomas  
**ABSENT:** None  
**STAFF PRESENT:** Snyder, Fazzini, Huth, Ambrosius  
**LOCATION:** Room 805, County Administrative Bldg.  
**TIME:** 1:00 PM – 1:45 PM

	AGENDA ITEM	REQUEST	RZC Action	Vote	Conditions & Codes
<b>MAJOR ADJUSTMENTS:</b>	Green 1986-07; Charles Wurster – 6379 Sherrybrook Drive	Major Adjustment to an existing B CUP Residence District	Approval	5-0-0	1, 2
	Green 2000-04; Pirates Den Patio	Major Adjustment to an existing G PUD 2 Heavy Industrial PUD District	Approval	5-0-0	1, 2, 5
<b>DISPOSITION OF MINUTES:</b>	Disposition of the minutes of the June 19, 2014 Rural Zoning Commission meeting		Approval	5-0-0	

**ATTEST:** Chairman: \_\_\_\_\_

Secretary: 

- CONDITIONS AND CODES:**
1. Approval subject to standard covenants.
  2. Approval subject to conditions recommended in the staff report.
  3. Approval subject to conditions recommended by the RPC.
  4. Approval pending receipt of favorable reports or required revisions.
  5. Approval subject to conditions recommended by RZC.

- ABBREVIATIONS IN MINUTES:**
- MSD - Metropolitan Sewer District
  - ODOT - Ohio Department of Transportation
  - SCS - U.S. Soil Conservation Service, Hamilton County Soil and Water Conservation District
  - DPW - Hamilton County Department of Public Works
  - ENG - Hamilton County Engineer
  - ZNG - Hamilton County Zoning Administrator
  - FPO - Township Fire Prevention Officer
  - TPZ - Township Planning/Zoning Committee
  - TT - Township Trustees

HAMILTON COUNTY  
RURAL ZONING COMMISSION

RECORD OF PROCEEDINGS – AUGUST 21, 2014

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ADMINISTRATIVE ITEMS

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DISPOSITION OF MINUTES

**MOTION:**

To approve the minutes of the Regular Meeting of the Rural Zoning Commission, June 19, 2014

Moved: Luken

Second: Cornelius

**VOTE:**

AYE: 5 Cornelius, James, Luken, Steinriede, Thomas

NAY: 0

ABSTAIN: 0

**ACTION:**

APPROVAL

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**ADJOURNMENT:**

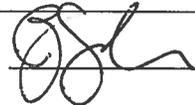
Meeting was adjourned at 1:45 PM

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**ATTEST:**

Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_



HAMILTON COUNTY  
RURAL ZONING COMMISSION

RECORD OF PROCEEDINGS – AUGUST 21, 2014

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**MAJOR ADJUSTMENT:** GREEN 1986-07; CHARLES WURSTER – 6379 SHERRYBROOK DRIVE

**REQUEST:** Approval of a Major Adjustment to an existing B CUP Residence District  
**PURPOSE:** To construct a swimming pool and fence over 4-feet in height in the side yard  
**APPLICANT:** Judith L. Helmes-Sneed (applicant); Jeffrey T. Sneed (owner)  
**LOCATION:** 6379 Sherrybrook Drive; on the south side of Sherrybrook Drive, 290 feet west of the intersection of Rickshire Drive and Sherrybrook Drive (Book 550, Page 242, Parcel 293)

**REPORTS:** RECEIVED: N/A  
PENDING: N/A

**SPEAKERS:** E. Fazzini, B. Snyder J. Helmes-Sneed

**DISCUSSION:** (Summary of Topics)

Staff Comments:

1. **E. Fazzini** – Review of Staff Report
2. **B. Snyder** – Reported the history of the site.
3. Green Township sent a letter recommending approval of the Major Adjustment.

Applicant Comments:

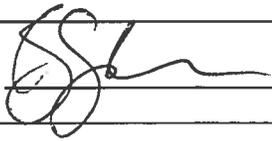
1. **J. Helmes-Sneed** – We felt that we were in compliance with the zoning code and came here when we found out that there was a problem.

**MOTION:** To consider case Green 1986-07 Charles Wurster – 6790 Sherrybrook Drive, a request for a Major Adjustment in an existing B CUP Residence Retail District with conditions per Attachment A

**VOTE:** Moved: Steinriede Second: James

AYE: 5  
NAY: 0  
ABSTAIN: 0

**RZC ACTION:** APPROVAL with Conditions

**ATTEST:** Chairman: \_\_\_\_\_ Secretary: 

Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Rural Zoning Commission meeting.

**Attachment A**

The Rural Zoning Commission approves Case Green 1986-07; Charles Wurster, a request for a Major Adjustment in an existing B CUP Residence District with the standard covenants and the following variances:

**Variances:**

1. Sections 10-3.3 and 10-13 – To permit a pool and deck within the side yard where no accessory structures are permitted.
2. Section 10-7.1 b.1 – To permit a 52-inch fence provided that the fence is installed and maintained in accordance with the submitted plans in the side yard where a maximum 48-inch fence is permitted.

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Note: Revisions of the Staff recommendations as approved by the Rural Zoning Commission are crossed out if deleted (i.e. ~~deleted by RZC~~) and capitalized and underlined if added (i.e. ADDED BY RZC).

HAMILTON COUNTY  
RURAL ZONING COMMISSION

RECORD OF PROCEEDINGS – AUGUST 21, 2014

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**MAJOR ADJUSTMENT: GREEN 2000-04 PIRATES DEN PATIO**

**REQUEST:** Approval of a Major Adjustment to an existing G PUD 2 Heavy Industrial Planned Unit Development District

**PURPOSE:** To expand the outdoor seating area for the Pirates Den Restaurant to approximately 5,668 square feet to include 84 seats including a covered awning, fountain, fire pit, landscaping, brick pavers and a putting green

**APPLICANT:** Denis L. Back, Denis L. Back & Associates (applicant); CMPC LLC (owner)

**LOCATION:** 3670 Werk Road, a retail unit (suite #6) located within the Cincinnati Marketplace shopping center (Book 550, Page 132, Parcel 12)

**REPORTS:** RECEIVED: DPW  
PENDING: MSD, FPO, CWW, HCE, TT

**SPEAKERS:** J. Huth, B. Snyder, D. Back, L. Hemsath

**DISCUSSION:** (Summary of Topics)

Staff Comments:

1. **J. Huth** – Review of Staff Report
2. We have a letter from Green Township recommending approval of the Major Adjustment.
3. We have received no objections from the Green Township Fire Department.
4. **B. Snyder** – The front seating area is not in compliance with the current approved plan.
5. The intent of Condition 2 is to keep the restaurant from serving food outdoors during certain months when the foliage is thin and does not adequately buffer noise. This same condition was applied to the Champions Restaurant outdoor patio, which is next door.
6. This condition was part of the approval for the prior business Miss Kitty's. Removal of this condition could result in a request from Champions to amend their condition as well.

Applicant Comments:

1. **D. Back** – Mr. Back outlined his lighting and landscaping proposals.
2. We would like for Condition 2 to read that the outdoor area shall extend no further than 52 feet from the rear of the building.
3. **L. Hemsath** – We intend to pursue a more food oriented atmosphere rather than entertainment oriented.
4. The requested outdoor patio area is set up so that the customer can experience a nice, relaxing ambience which is appealing to the people on west side.
5. This is our greatest area for growth. We would like to use the outdoor area year-round. We would not serve food outside during the winter months, but it would be used for smoking all year long.
6. In regard to the front seating area we checked with the State of Ohio, Green Township, and the owner of the building and they had no objections to the installation of a fence for the outdoor seating. We did not realize that we needed a zoning certificate.
7. I met with adjacent condominium's manager and he stated that there are really only two condos affected by our space. Several years ago there were complaints about the music and that was because we kept the doors to the current outdoor area open, We have since stopped that practice.
8. There was no opposition at the township meeting from any of the adjacent residents.

9. We would like to hang a few big screen TVs for sporting purposes. If we put in the TVs and do not connect them to our in-house audio system the noise level would not rise above the approved decibel level.

Commissioner Comments:

1. **Commissioner Thomas** – It doesn't make sense to restrict the use of the outdoor area to May through October. If it is too cold it won't be used.
2. **Commissioner Steinriede** – I don't have a problem allowing use of the patio year-round.
3. **Commissioner Cornelius** – If the time period doesn't affect anyone, I think we should eliminate Condition 1.

**MOTION:**

To consider case Green 2000-04; Pirates Den Patio, a request for a Major Adjustment in an existing G PUD 2 Planned Unit Development District with conditions per Attachment A

**VOTE:**

Moved: Cornelius

Second: James

AYE: 5 Cornelius, James, Luken, Steinriede, Thomas

NAY: 0

ABSTAIN: 0

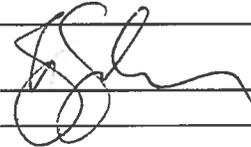
**RZC ACTION:**

**APPROVAL** with Conditions

**ATTEST:**

Chairman: \_\_\_\_\_

Secretary: \_\_\_\_\_



Note: This Record of Proceedings is not an exact transcription, but a condensed version representing the ideas expressed at the Rural Zoning Commission meeting.

**Attachment A**

The Rural Zoning Commission approves Case Green 2000-04; Pirates Den Patio, a request for a Major Adjustment in an existing G PUD 2 Planned Unit Development District with the standard covenants and the following variances:

**Conditions:**

1. ~~That the operation of the outdoor dining area and putting green use shall be limited to between May 15 and October 15 of each year.~~
2. That the outdoor area shall be limited to 5,700 square-feet and that it shall extend no further than ~~50~~52-feet from the rear of the building.
3. That the outdoor area shall contain no live music and no amplified audio speakers.
4. That the proposed striped-parking area located behind the retail center shall be marked as 'employee parking only.'
5. That no direct access, other than emergency access, shall be provided from the parking area located behind the retail center to the outdoor seating area.
6. That a lighting plan shall be submitted that meets the requirements of the Zoning Resolution.
7. That the existing outdoor seating area in front of the building shall be removed prior to issuance of the Final Zoning Certificate or no later than December 31, 2014, whichever occurs first.

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Note: Revisions of the Staff recommendations as approved by the Rural Zoning Commission are crossed out if deleted (i.e. ~~deleted by RZC~~) and capitalized and underlined if added (i.e. ADDED BY RZC).



HAMILTON COUNTY  
RURAL ZONING COMMISSION

RECORD OF PROCEEDINGS – NOVEMBER 20, 2014

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**ADMINISTRATIVE ITEMS**

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**DISPOSITION OF MINUTES**

**MOTION:** To approve the minutes of the Regular Meeting of the Rural Zoning Commission, August 21, 2014

Moved: \_\_\_\_\_ Second: \_\_\_\_\_

**VOTE:** AYE:  
NAY:  
ABSTAIN:

**ACTION:**

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**ADM08: Election of Officers**

**MOTION:** To consider approval of officers for 2015 as presented  
Joel Cornelius: Chairman (expires 2015)  
Dave Steinriede: Vice-Chair (expires 2016)

Moved: \_\_\_\_\_ Second: \_\_\_\_\_

**VOTE:** AYE:  
NAY:  
ABSTAIN:

**ACTION:**

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**ADJOURNMENT:** Meeting was adjourned at \_\_\_\_\_

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**ATTEST:** Chairman: \_\_\_\_\_ Secretary: \_\_\_\_\_

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## STAFF REPORT

FOR CONSIDERATION BY THE RURAL ZONING COMMISSION ON NOV. 20, 2014

**MAJOR  
ADJUSTMENT  
CASE:**

**MIAMI 98-4**

# ASTON WOODS PHASE 6 – 3613 CHADWELL SPRINGS

**REQUEST:** Approval of a Major Adjustment to an existing “A CUP” Residence district

**PURPOSE:** To allow construction of a retaining wall and pool with less rear yard setback then required

**APPLICANT:** Joel Messing (applicant); Joshua S Dennison (owner)

**LOCATION:** Miami Township: 3613 Chadwell Springs Court; on the northwest side of Chadwell Springs Court, 470 feet southwest of the intersection of Hampshire Drive and Chadwell Spring Court (Book 570, Page 103, Parcel 4)

**SITE DESCRIPTION:**

Tract Size:	0.35 acres
Frontage:	100 feet on Chadwell Springs Court
Topography:	Sloping down from the southwest
Existing Dvlpmt:	Single-family residence

**SURROUNDING CONDITIONS:**

	<u>ZONE</u>	<u>LAND USE</u>
North:	“A CUP” Residence district	Golf course
South:	“A CUP” Residence district	Single-family and vacant
East:	“A CUP” Residence district	Single-family
West:	“A CUP” Residence district	Golf course

**ZONING JURISDICTION:** Hamilton County Commissioners

**SUMMARY OF RECOMMENDATIONS:** **APPROVAL with Conditions**

**APPROVED  
USE/HISTORY:**

This site was rezoned to “AA” & “A” Residence with a Community Unit Overlay Plan as part of case: Miami 93-2; Aston Oaks in September, 1993. As part of the rezoning a preliminary development plan including 410 detached/attached units and nine holes of a golf course was approved. In November of 1998, a Major Revision was approved as part of case Miami 98-4 to allow for the density of the development to be increased from 410 to 540 dwelling units.

A home was constructed on the subject site in 2003 and a swimming pool and fence surrounding the pool was approved in 2004. The swimming pool was constructed with an inaccurate site plan and never met the required 10 foot setback from the rear property line. Retaining walls were constructed and it appears that no permits were issued for these walls. In 2013, HCRPC staff received a complaint that the pool did not contain a fence around it. The owner at that time in September of 2014 was issued a permit for a fence to surround the pool and to concrete-in a small portion of the pool to make it conform to the required 10 foot setback to the rear property line. The house has since sold to a different property owner and to date, a fence has not been erected around the pool and the pool still does not meet the required 10 foot setback from the rear property line. It also appears that the retaining wall that surrounded the rear of the property was removed.

**PROPOSED USE:**

The applicant has requested a modification of the required 10-foot rear yard setback and required retaining wall setback along the northwestern property line. The applicant is requesting to allow the existing in-ground pool to remain in its current location which would require a variance of less than one foot from the rear property line. The applicant is also requesting to construct a retaining wall in the general location of the former retaining wall which would not meet the required setbacks. At its highest point in the northwestern corner, this wall would be 6 feet high and would taper down to zero feet in the northeast corner of the property. The proposed Allen block wall would be approximately 28 feet long along the southwestern property line (side yard) and approximately 70 feet along the northwestern property line (rear yard). At its closest point, the wall would be 2 feet 10 inches from the property line in the northeastern corner.

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**AUTHORITY AND  
CRITERIA:**

**Authority to Make Adjustments to PUD Plans**

Section 18-9 authorizes the Rural Zoning Commission to consider adjustments to approved PUD plans provided there is no modification of recorded easements or of written conditions of approval contained in a Board of County Commissioners Resolution. Any modifications must be in substantial conformity with the intent of the PUD approval.

**Compliance with Section 18-9.1**

Minor alterations shall be limited to altering the location of structures, circulation elements, open space or grading where such alterations will comply with the intent of all perimeter setbacks and buffer yards that are required by any

regulation or by the approved PUD plan. Because the request includes variances to accessory use standards and minimum setback requirements, it must be considered a Major Adjustment reviewed by the RZC during a public hearing.

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**ANALYSIS:**

Staff has reviewed the requested Major Adjustment and has the following findings:

***Findings for compliance with Zoning Resolution:***

- *Section 10-7.4 of the Zoning Resolution requires a two foot setback for every foot of height of a retaining wall facing residential districts. This would require a 12 foot side yard setback from the southwestern and northwestern property lines based on the maximum height of the proposed retaining wall at six feet. The applicant is seeking a variance to have a 9 foot setback along the southwestern property line (side yard) and a 2 foot 8 inch setback along the northwestern property line (rear yard).*
- *It appears that the concrete around the existing pool is cracking due to settling and the lack of a retaining wall for support.*
- *A retaining wall of similar size and height, constructed without permits, existed previously on the site in the approximate same location as the proposed wall.*
- *The property to the northwest is a golf course and the majority of the proposed wall would face the course and have no impact.*
- *The single family home located immediately to the southwest would also not be impacted by the proposed retaining wall as the house is angled in a way that faces away from the proposed retaining wall and the setback variance request of three feet is minimal.*
- *Section 10-13 of the Zoning Resolution requires swimming pools (measured from the edge of water) to be located behind the rear line of the principal structure and at least 10 feet from all property lines.*
- *The applicant is requesting a variance of four inches which staff finds is not visually significant.*
- *The pool was constructed in 2003 and was approved in its current location. It is likely that an incorrect survey was used which identified the pool at 10 feet from the property line.*
- *The majority of the pool meets the required 10 foot setback. Only a small 'spa' portion juts out further north and encroaches within the required setback.*
- *Similar to the proposed retaining wall, the property to the northwest is a golf course and the pool abuts the golf course. The pool sits higher than the fairway to the golf course and visually has no impact and staff supports the request.*
- *There appears to be no fence to surround the pool shown on the submitted plan or mentioned in the letter. Staff finds that a fence shall be installed around the pool that meets the standards of the Hamilton County Building Code and shall comply with the Section 10-7 of the Hamilton County Zoning Resolution.*

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**CONCLUSION:** Based on the above findings and with a fence that surrounds the pool that meets the minimum requirements of the Zoning Resolution, there is sufficient reason for staff to support the request. The swimming pool variance is minimal and the retaining wall abuts a golf course both of which would have no impact on surrounding properties. Therefore, staff finds that the request would be appropriate in this location.

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**RECOMMENDED MOTION:** To consider approval of case Miami 98-04; Aston Woods Phase 6 - 3613 Chadwell Springs Court, a request for a Major Adjustment in an existing "A CUP" Residence district with the following condition and variances:

Conditions

1. That a fence shall be installed around the pool that meets the standards of the Hamilton County Building Code and Section 10-7 of the Hamilton County Zoning Resolution.

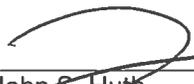
Variances:

1. Section 10-7.4. – To permit a six foot retaining wall within 2 foot 8 inches from the northwestern property line and within 9 feet of the southwestern property line where a 12 foot setback is required.
2. Section 10-13 – To permit a swimming pool within 9 feet 8 inches of the rear property line where a ten foot setback is required.

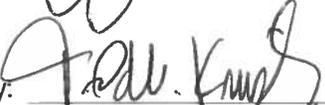
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NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a technical report on the level of compliance with adopted land use regulations and plans. The report is prepared in advance of public hearings and often in advance of other agency reviews. Additional information from other agency reviews and public review is considered by appointed commissions and elected boards. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

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Prepared by:  Senior Planner  
John S. Huth

Reviewed by:  Development Services Administrator  
Bryan D. Snyder, AICP

Approved by:  Planning Director  
Todd M. Kinskey, AICP

## SITE PHOTOS



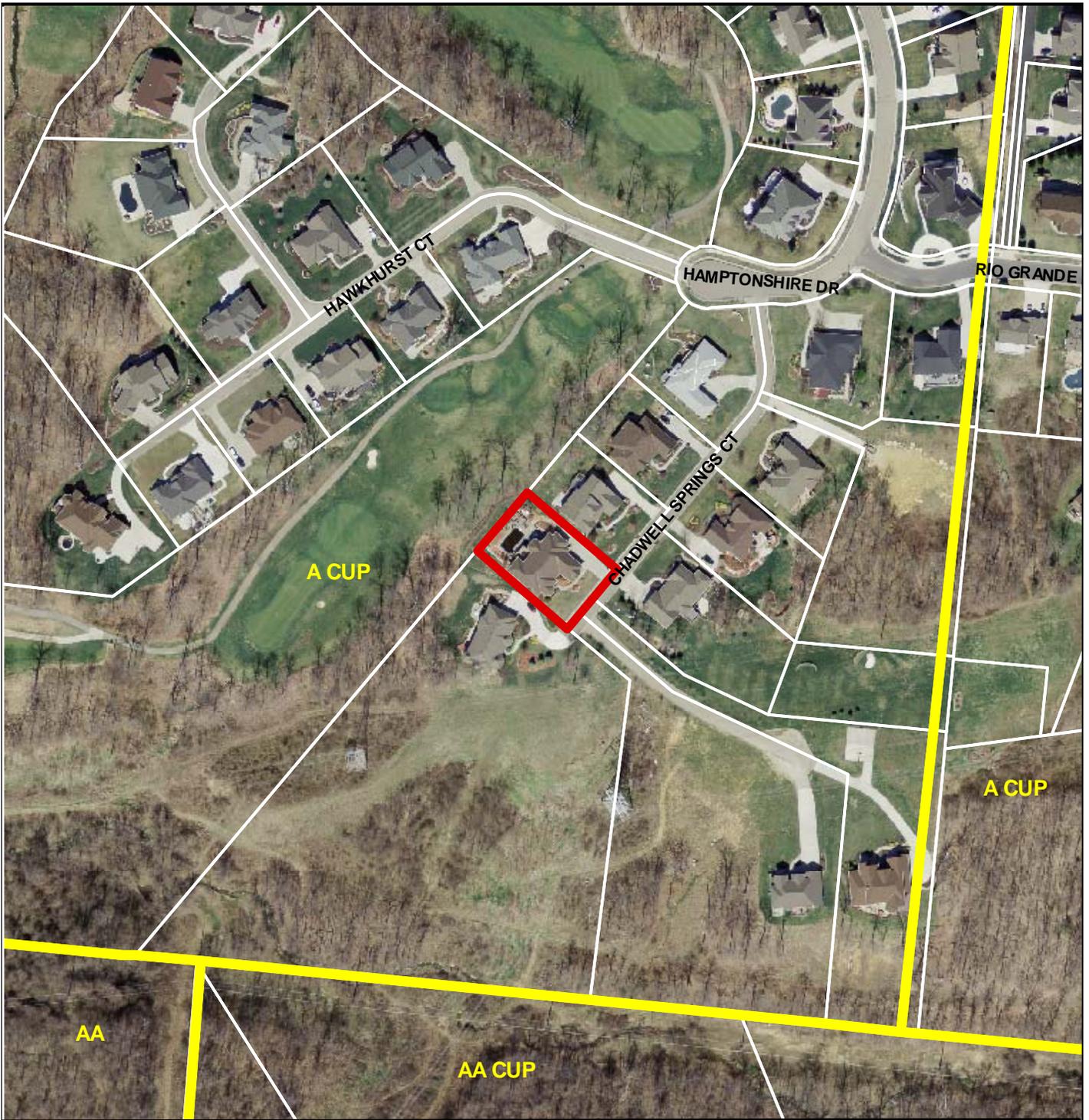
Rear of residence (pool) looking northwest



Rear of residence (retaining wall) looking southeast



Close-up of pool variance area and proposed retaining wall



# VICINITY MAP

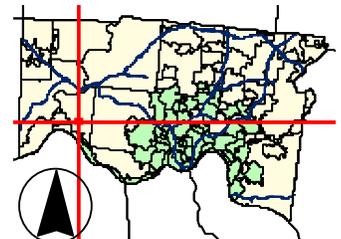
MIAMI 98-04 - Aston Woods Phase 6

Case: 3613 Chadwell Springs

Request: Major Adjustment

Printed: 2/19/2014

Printed By: JOHN HUTH



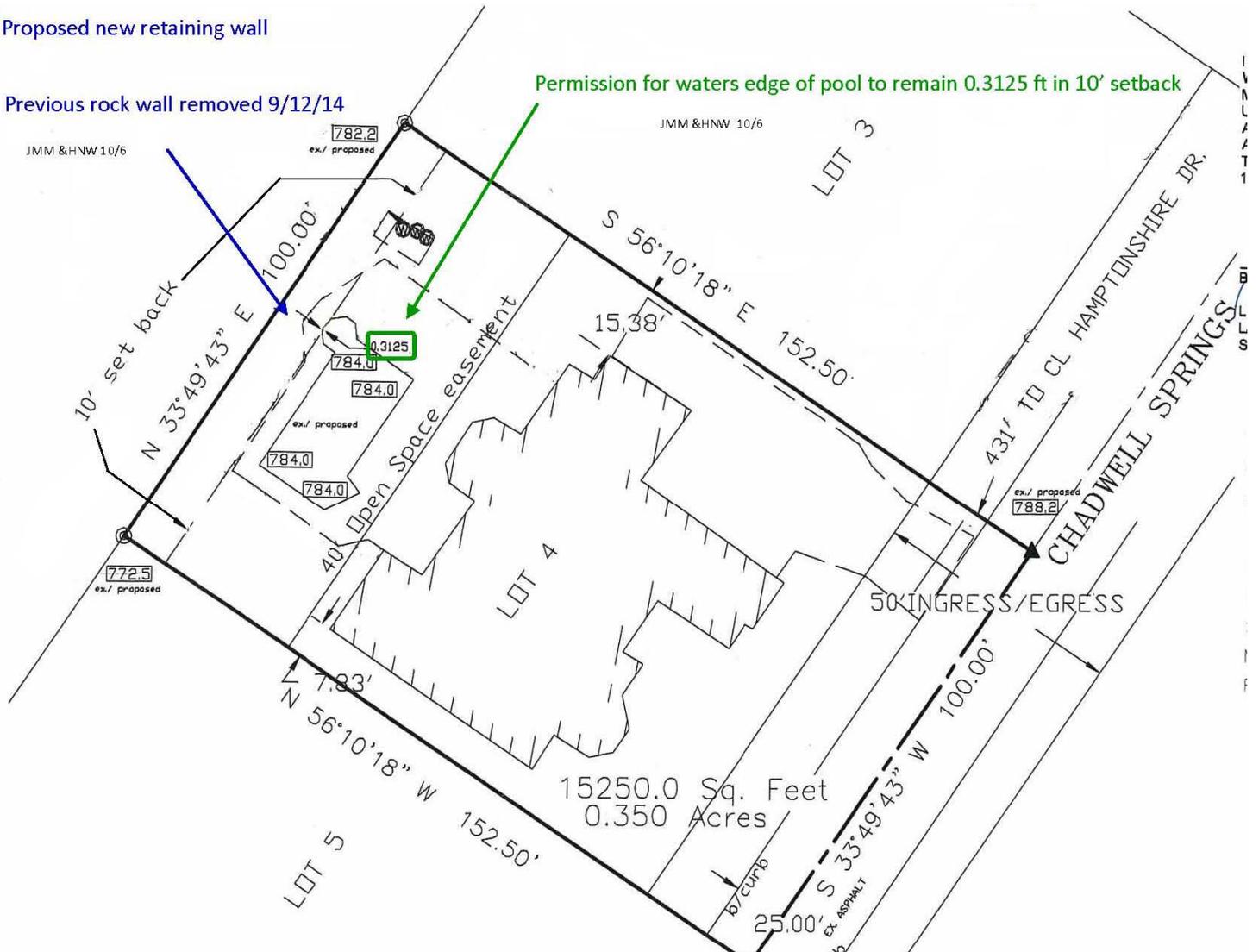
STATEMENT: This map is provided for informational purposes only. It is not intended to be used as a legal document. The information on this map is derived from public records and is subject to change without notice. The Regional Planning Commission is not responsible for any errors or omissions on this map. The information on this map is provided for informational purposes only. It is not intended to be used as a legal document. The information on this map is derived from public records and is subject to change without notice. The Regional Planning Commission is not responsible for any errors or omissions on this map.

### PROPOSED SITE PLAN

Proposed new retaining wall

Previous rock wall removed 9/12/14

Permission for waters edge of pool to remain 0.3125 ft in 10' setback

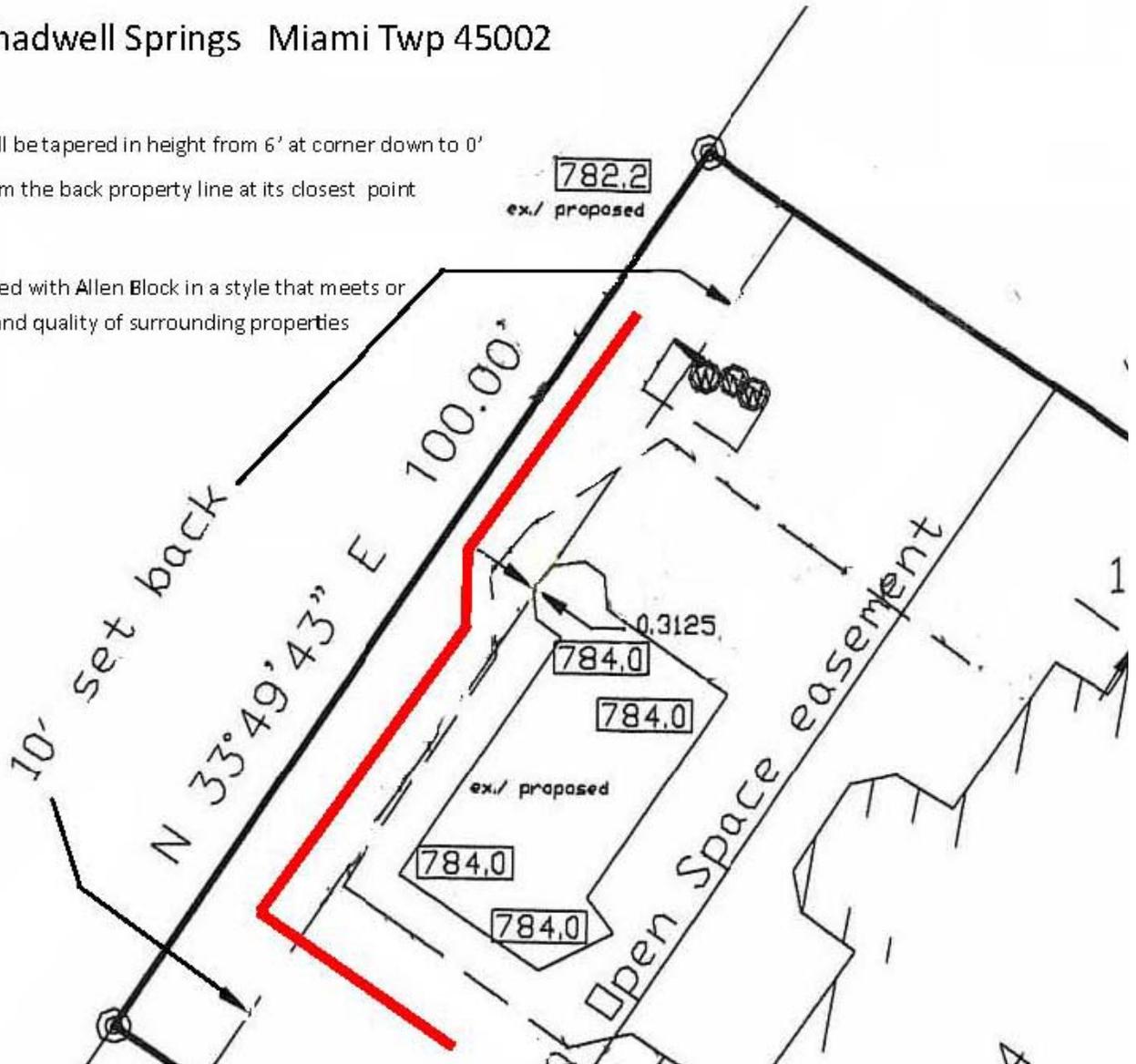


### PROPOSED POOL PLAN

3613 Chadwell Springs Miami Twp 45002

Single Wall will be tapered in height from 6' at corner down to 0'  
Will be 32" from the back property line at its closest point

Wall constructed with Allen Block in a style that meets or exceeds style and quality of surrounding properties



## APPLICANT LETTER

Mr. Joel Messing & Ms Heather N Whitton  
3613 Chadwell Springs  
Cincinnati, OH 45002  
October 6, 2014

Mr. Bryan Snyder  
The Hamilton County Board of Zoning  
County Administration Building  
138 E. Court Street, Room 801  
Cincinnati, OH 45202

Dear Mr Bryan Snyder:

We are in the process of purchasing the property located at 3613 Chadwell Springs, Miami Twp, Ohio 45002.

We are seeking a zoning variance for a proposed retaining wall to be installed near the rear property line and for the existing pool and water line of the pool to remain within the required 10 foot setback also from the rear property line. Currently the water line falls within 0.3125 feet of the required setback. We are requesting this variance out of hardship as the pool structure has been in place since 2004, prior to our ownership.

Additionally we intend to restore a retaining wall around the pool area to preserve integrity of the surrounding ground and structure, both for our property and the surrounding neighbors. The proposed retaining wall will be 5'6" in height at its highest point and taper down. The wall will be 3'4" from the rear property line at its closest point, requiring an approved variance. Given the existing pool structure and the previous owner's removal of the original retaining wall during foreclosure, we are requesting this variance out of hardship as well.

It is our understanding this property has been a blight and nuisance on the neighborhood for some time. It is our intention to restore the property using materials and design that meets or exceeds the quality of surrounding properties. We respectfully request your approval on these matters to allow the improvements for all parties involved.

Thank you in advance for your consideration.

Sincerely,



Mr. Joel M. Messing & Ms Heather N Whitton

**RECEIVED**

OCT 13 2014

HAMILTON COUNTY  
PLANNING & DEVELOPMENT









## STAFF REPORT

FOR CONSIDERATION BY THE RURAL ZONING COMM. ON NOVEMBER 20, 2014

**PLANNED UNIT  
DEVELOPMENT:**

**COLUMBIA 2014-05**

# MAD TREE BREWING

- REQUEST:** Approval of a Planned Unit Development in an F SPI-SC Light Industrial district
- PURPOSE:** For the expansion of existing operations related to Mad Tree Brewing, including internal building modifications, parking lot paving and striping, and the inclusion of outdoor dining and recreation areas
- APPLICANT:** Kevin Kluender, Drawing Dept. (applicant); S & G Realty Company (owner)
- LOCATION:** Columbia Township: on the east side of Kennedy Avenue, approximately 200 feet north of Duck Creek Road (Book 520, Page 240, Parcels 8 & 9)
- SITE DESCRIPTION:**
- |                   |   |
|-------------------|---|
| Tract Size:       | 2.23 net acres  |
| Frontage:         | 421 feet on Kennedy Ave   |
| Topography:       | Flat  |
| Existing Dvlpmt.: | Mad Tree Brewing (northern building), Wholesale Office<br>Furniture sales (southern building) |
- SURROUNDING CONDITIONS:**
- |        | <u>ZONE</u>                 | <u>LAND USE</u>                               |
|--------|-----------------------------|---|
| North: | “F SPI-SC” Light Industrial | Yononte Creek flood wall                      |
| East:  | “C SPI-SC” Residence        | Yononte Creek flood wall<br>and Single-family |
| South: | “F SPI-SC” Light Industrial | Office/Light Industrial                       |
| West:  | “F SPI-SC” Light Industrial | Multi-tenant Light Industrial<br>building     |
- SUMMARY OF RECOMMENDATIONS:** **APPROVAL with Conditions**

**PROPOSED USE:**

The applicant is requesting approval of a Planned Unit Development to modify and improve existing operations related to brewing beer on an industrial site at an impervious surface ratio (ISR) of 90% where an ISR of 60% is permitted by right. There are two warehouse/office buildings on the site and the applicant is currently operating in the northern building and as part of the PUD would expand operations into the southern building currently being used as office furniture sales. The applicant is currently serving beer from their tap room and is undergoing review by Hamilton County Building and Inspections to add a 365 sq. ft. pizza kitchen in the northern building. The applicant is proposing to widen the northernmost driveway to 24 feet to provide two-way access and pave the entire northern gravel parking area with asphalt. A sidewalk would also be added along the northern frontage of the site north of where sidewalks were recently installed along a portion of Kennedy Avenue as part of recent road improvements. Facing the northern parking area along this façade of the main building, the applicant recently installed a fenced-in outdoor recreation area for corn hole and an outdoor dining patio for the Restaurant/Bar without permits that the applicant would like to remain. Also in this area are a mechanical tank proposed to be screened and a large grain hopper (silo) with wrap-around signage to reflect a can of beer that the applicant would also like to remain. There is an existing pylon sign in the northern corner of the site, a ground mounted sign near the middle of the frontage, window signage on the building facing Kennedy, and building signage above the tap room entrance on the southern façade of the main building all of which the applicant has proposed to remain in addition to the grain hopper sign. There is a second existing pylon sign along Kennedy in front of the southern building which the applicant has stated would be removed. A new row of parking has been proposed to be striped along the southern façade of the northern main building and no other site improvements have been proposed south of this area in the southern portion of the site at this time. The applicant has proposed to use the southern building as expanded office and beer production area with additional grain hoppers and parking on the east end of the building. Two future access easements have been proposed along the southern property line to potentially connect to the commercial site to the south in the future.

**ZONING PETITION HISTORY:**

The subject property was included in case Columbia 1-69. This case involved the rezoning to a depth of 250 feet on a number of properties along the east side of Kennedy Avenue, generally north of Duck Creek Road and south of Lucille Drive, from "C" Residence to "E" Retail Business. The reason cited for approval of the Zone Amendment by the Board of County Commissioners included industrial-zoned areas to the west and south and the beginning of construction of Interstate 71 in the immediate vicinity. The subject property was also included in case Columbia 1-73. This case involved the rezoning of a number of properties along the east and west sides of Kenney Avenue and north of Duck Creek Road from "C" Residence and "E" Retail to "F" Light Industrial.

Lastly, the site is included in the Ridge and Highland Suburban Center Special Public Interest (SPI) district. The Board of County Commissioners approved

the zone map and text amendment associated with this SPI district in October 2006 as part of case Columbia SPI-SC 2006-08. The SPI district text reflects the recommended regulations that were included in the Ridge and Highland SPI Strategy document written by RPC staff as part of a planning process initiated by the Columbia Township Board of Trustees. The sections included in the SPI district text are now included in Section 8-4.8 of the Zoning Resolution and are applicable to developments located within the boundary of the district. The site in question was developed prior to the SPI standards being implemented.

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**STAFF REVIEW  
CONFERENCE:**

A Public/Staff Review Conference was held at 6:00 pm on November 4, 2014, at the Columbia Township Administration Building. The meeting was attended by Mike Lemon (Township Administrator), Scott Huber (engineer), Kevin Kluender (architect), other representatives of Mad Tree, and the adjacent property owner to the south (W.C. Story & Son, Inc.). Items discussed included procedure, the scope of the project, zoning compliance issues, potential future expansion and connection to Duck Creek Road through property to the south.

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**AUTHORITY AND  
CRITERIA:**

**Compliance with General Standards for PUD Plan Approval**

The PUD District is an overlay of alternative regulations, which enables the use of the property in a manner or intensity not permitted as-of-right by the underlying district regulations. The owner, after being granted the PUD, may only develop the parcel in accordance with the PUD Plan. The Rural Zoning Commission shall consider the following general standards when considering a PUD request.

- (a) Compliance with the Zoning Resolution and with the purposes of the Zone District in which the proposed use and development is to be located:

*Findings: The proposed development generally complies with the purposes of the Zoning Resolution in that the commercial use is permitted in the "F" Light Industrial district. The applicant is requesting variances or modifications to several zoning standards and specific zoning compliance issues are discussed in greater detail below.*

- (b) Applicability of and consistency with adopted objectives and policies of the County related to land use and township plans duly adopted by the Regional Planning Commission

*Findings: The Columbia Township Land Use Plan designates this site as "Light Industrial", which encourages smaller scale industrial uses such as warehouses, storage, limited manufacturing, research and development and wholesaling activities in enclosed facilities without offensive emissions or nuisance. The continued use of the site as a brewery is consistent with this designation and the Zoning Resolution definition of "brewery".*

(c) Compatibility with surrounding land uses:

**Findings:** *The site is bordered along its entire northern boundary and most of its eastern boundary by a recently-constructed Army Corps of Engineers flood wall for Yononte Creek that extends 6 to 10 feet above the ground along the length of the border. On the other side of this wall is Flood Way approximately 50 feet wide, owned by the City of Cincinnati, which separates most of the residential area to the east from the site. Where the site does abut two residences immediately to the east, the applicant has proposed this area (hatched) to be excluded from the PUD and to only be used as parking in accordance with a previous BZA approval governing the "C" Residence portion of the site. To the west of the site is Kennedy Avenue and a multi-tenant light industrial/commercial building, and to the south is office/light industrial (W.C. Storey & Son). The proposed brewery expansion would therefore be a compatible use.*

(d) Whether the size and physical features of the project enable adequate protection of surrounding properties and orderly and coordinated improvement of property in the vicinity of the site:

**Findings:** *Adequate protection of surrounding properties is not necessary in this instance as there is a large flood wall along the northern and a portion of the eastern boundary of the site and as the site is in an industrial area and surrounded to the west and south by other similar light industrial and commercial uses. The applicant is proposing access easements to the south that would allow for future coordinated access to Duck Creek Road.*

(e) Whether the proposed phasing of the development is appropriate and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant:

**Findings:** *The development would be completed in one phase. The applicant has discussed a conceptual future phase of building and operations expansion with staff that would involve connecting the two buildings and increasing production with additional storage tanks and grain hoppers, which would involve improving loading access to the south with additional access given site constraints. Staff has made the applicant aware that future phases of development will be required to obtain Major Adjustment approval and possibly Zone Amendment approval should the boundaries of the development expand to provide an additional connection through property to the south.*

(f) Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned:

**Findings:** *The site is within an established industrial area and appears to be currently served by all essential public facilities and services.*

(g) Whether significant scenic or historic features, as identified in plans duly adopted by the Regional Planning Commission, are adequately conserved:

**Findings:** *The site contains no known features of significance.*

- (h) Whether modifications of the zoning or other regulations are warranted by the innovative design of the development plan.

**Findings:** *Modifications of zoning requirements are described below in zoning compliance. The completion of the sidewalk along Kennedy Avenue to the north, proposed streetscape buffer, and removal of both pole signs would be a significant improvement to the area and would set a positive precedent for other industrial redevelopment sites in the Ridge and Highland SPI area south of I-71.*

- (i) The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement:

**Findings:** *There are existing sidewalks and a building entrance connection along Kennedy and the applicant has proposed to extend the sidewalk to the site's northern boundary and add an additional, more direct connection from the main building entrance to the Kennedy sidewalk. Pedestrian insulation within the site does not appear necessary as the parking areas are small and spread throughout the site giving visitors relatively short, direct access to building entrances.*

- (j) The adequacy of the provisions for visual and acoustical privacy:

**Findings:** *Provision for visual and acoustical privacy are not necessary in this instance as the site is bordered by a large flood wall, Kennedy Avenue and other industrial uses. Any potential noise from the outdoor recreation area and dining patio would be buffered by a privacy fence enclosing each area that has already been installed and the flood wall and Flood Way separation area between residences in the area to the north and east. However, staff did notice on the site visit that there were two semi-trailer boxes in the southeast corner of the site that appear to be visible from residences to the east given their height. It was not clear to staff if these are related to Mad Tree or the office furniture sales business operating out of the southern building, but staff recommends that any semi-trailer boxes on the site be stored adjacent to a building so that they are further from adjacent residences to the east and less visible.*

### Zoning Compliance

The proposed development complies with the requirements of the Zoning Resolution and the "F SPI-SC" Light Industrial zoning district with the following exceptions.

#### Section 8-4.8 (g) (1) & (2) Freestanding Signs

This section states signs shall have a maximum height of 12 feet from grade and businesses having frontage of 50 feet or greater shall be permitted one freestanding sign not exceeding 50 square feet in area.

**Findings:** *The applicant has proposed that the 34-foot tall black pole sign in the north corner of the site remain, that the 150 sq. ft. grey ground-mounted sign at the building entrance remain, that the 628 sq. ft. wrap-around can logo on the grain hopper sign on the north side of the northern building remain, and*

*that the tall, unused pole sign along Kennedy in the southwest corner of the site be removed. The 628 sq. ft. measurement of the grain hopper sign is the total area of the sign around all sides and the area visible from any one point is only 180 sq. ft. as indicated on the elevations. The applicant has not provided the height and exact area of either tall pole sign, but they both appear to be at least 150 sq. ft. and both greatly exceed the 12 feet maximum height requirement. Staff supports a modification to allow the site to exceed the SPI 50 sq. ft. area requirement for the 150 sq. ft. ground-mounted sign and 180 sq. ft. grain hopper sign as the ground-mounted sign is attractive and unobtrusive as it is against the building. Staff also feels that the grain-hopper sign, which depicts one of Mad Tree's cans of beer, is attractive, unique and could be considered a mural if it weren't for the beer brand and other text on the sign.*

*Staff does recommend that both pole signs along Kennedy be removed where the applicant has only proposed the southern, unused pole sign to be removed as the site would be so grossly over the maximum SPI area and height requirements when considering the pole sign to remain. With a modification to permit the ground-mounted and grain hopper sign to remain, the site would have 330 sq. ft. of signage where 50 sq. ft. is permitted and one sign being 18 feet tall where a maximum height of 12 feet is permitted. Including the pole sign to remain would add an additional sign of 34 feet in height and at least an additional 150-200 sq. ft. in area. Eliminating old, large freestanding signs is one of the focuses of the SPI standards for the Ridge and Highland area and is something other developers, Wendy's most recently to the north, have complied with and there should be an even greater focus on signage in this area as it is visible from I-71. Lastly, the wrap-around can logo sign on the grain hopper is 18 feet tall and the can text is oriented and visible to the northwest of the site in the same direction as the pole sign to remain.*

#### **Section 8-4.8 (g) (4) & 13-9 (t) Building and Window Signs**

This section states that one square-foot of building sign area is permitted for each foot of frontage on the main façade of the building or façade that contains the main entrance, 0.5 square-foot of sign area permitted for each foot of secondary building frontage, and windows signs not to exceed 30% of glass area along the front elevation.

**Findings:** *The northern building currently has a 117 sq. ft. window sign at the front entrance on Kennedy and a 62.66 sq. ft. wall sign installed without a permit above the tap room entrance on the south side of the northern building where 90.9 sq. ft. is permitted. The southern building currently used as office furniture sales also has window and wall signage at an unspecified area but it is unclear if this signage will remain as part of Mad Tree's expansion into this building. The entire sq. ft. of glass coverage on the front façade has not been provided but it appears that the window signage on the front elevation exceeds the maximum 30% glass area coverage. Staff recommends that this standard be met as it appears the window signs would only need to be modified slightly to meet the requirement. Staff also recommends that once Mad Tree occupies the southern building, that all signage on that building be in accordance with SPI requirements as the entire storefront is currently covered with neon*

window signs and a temporary sales banner as can be seen in the site photos.

**Section 8-4.8 (i) (2) Streetscape Buffers**

This section states that where street trees have not been planted within the right-of-way, a streetscape buffer consisting of 3 canopy trees and 40 shrubs per 100 feet of frontage is required.

*Findings:* The applicant has proposed 12 trees within the streetscape buffer where 10 are required but has not provided a planting schedule to confirm that the 10 canopy trees at the minimum required size would be installed. The applicant has requested a modification to permit the 418 shrubs required within the streetscape to be installed as foundation plantings around the building. However, it is unclear what shrubs around the building would be counted towards the streetscape requirement. Staff recommends a landscape plan in compliance with the Zoning Resolution and SPI requirements for streetscape trees be submitted as part of the Zoning Compliance Plan with a modification to allow foundation plantings only adjacent to the front (west) side of the northern building to count towards the streetscape shrub requirement as the building is near the road.

**Section 8-4.8 (e) & 12-6.4 Interior Parking Lot Landscaping**

This section states that parking lots with greater than the minimum number of required parking spaces should provide 2 canopy trees for every 10 spaces multiplied by 1.5 and three shrubs for each tree within the parking area as islands or peninsulas.

*Findings:* The applicant has proposed one parking lot island with one tree and no shrubs in the northern parking area where 17 trees and 50 shrubs are required for the entire site excluding the streetscape buffer area and rear parking area within the C Residence area not included in the PUD (55 spaces counted). The majority of the parking areas were constructed prior to the SPI requirement and therefore do not have any landscape islands or peninsulas. The parking area between the buildings is relatively narrow and shaded and providing trees in this area may serve no purpose. Furthermore, spaces near the rear of the site are also near each building's loading areas and future grain hoppers. Therefore, staff feels that only the northern parking area should be subject to the requirement as it is currently gravel and would be paved as part of the PUD. Given the small size of this area and proximity to the streetscape buffer, one landscaped area would need to be proposed in this area with the required tree and addition of shrubs.

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**CONCLUSION:**

Based on the above findings and with removal of the two pole signs along Kennedy Avenue, sidewalks completed, and modifications to landscaping and signage requirements, there is sufficient reason for staff to support the request. The addition of sidewalks and streetscape buffering would be a significant improvement to the area. Therefore, staff finds that the requested Planned Unit Development would be appropriate in this location.

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**RECOMMENDED  
MOTION:**

To consider approval of case Columbia 2014-05; Mad Tree Brewing, a request for approval of a Planned Unit Development in an existing “F SPI-SC” Light Industrial district with the standard covenants and the following conditions, variance and modifications:

Conditions:

1. That a landscape plan which complies with Sections 8-4.8, 12-6, 14-7, and 14-8 of the Zoning Resolution and with the Modifications below shall be submitted as part of the Zoning Compliance Plan.
2. That sidewalks shall be completed along Kennedy Avenue for the length of the frontage in accordance with the standards of the Hamilton County Engineer.
3. That any semi-trailer boxes stored on the site shall be placed against the rear of either building.
4. That any window signage on either building shall comply with the Zoning Resolution requirement of 30% glass coverage area.
5. That the two existing pole signs along Kennedy Avenue shall be removed.

Variance:

1. Section 8-4.8 (g)(1)&(2) – That the existing 150 sq. ft. ground mounted sign and 180 sq. ft. grain hopper sign shall be permitted where one freestanding sign is permitted with the grain hopper sign permitted to be 18 feet in height where 12 feet is permitted.

Modifications:

1. Section 8-4.8 (e) & 12-6.4 – That only the northernmost parking area shall be subject to the interior parking lot landscaping requirement and that these standards shall be waived for the remaining parking areas within the site as they would serve no meaningful purpose.
2. Section 8-4.8 (i)(2) – That a portion of the required streetscape shrub plantings shall be permitted to be planted as foundation plantings around the western façade of the northern building where all shrubs are required to be planted within the streetscape buffer area.

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**AGENCY REPORTS:**

Dept. Public Works (DPW):	Report not yet received
Metro. Sewer District (MSD):	Conditional Approval
Fire Prevention Off. (FPO):	Report not yet received
Cincinnati Water Works (CWW):	Report not yet received
H. C. Soil & Water (HCSW):	Approval
Hamilton County Engineer (HCE):	Report not yet received
Twp. Trustees (TT):	Report not yet received

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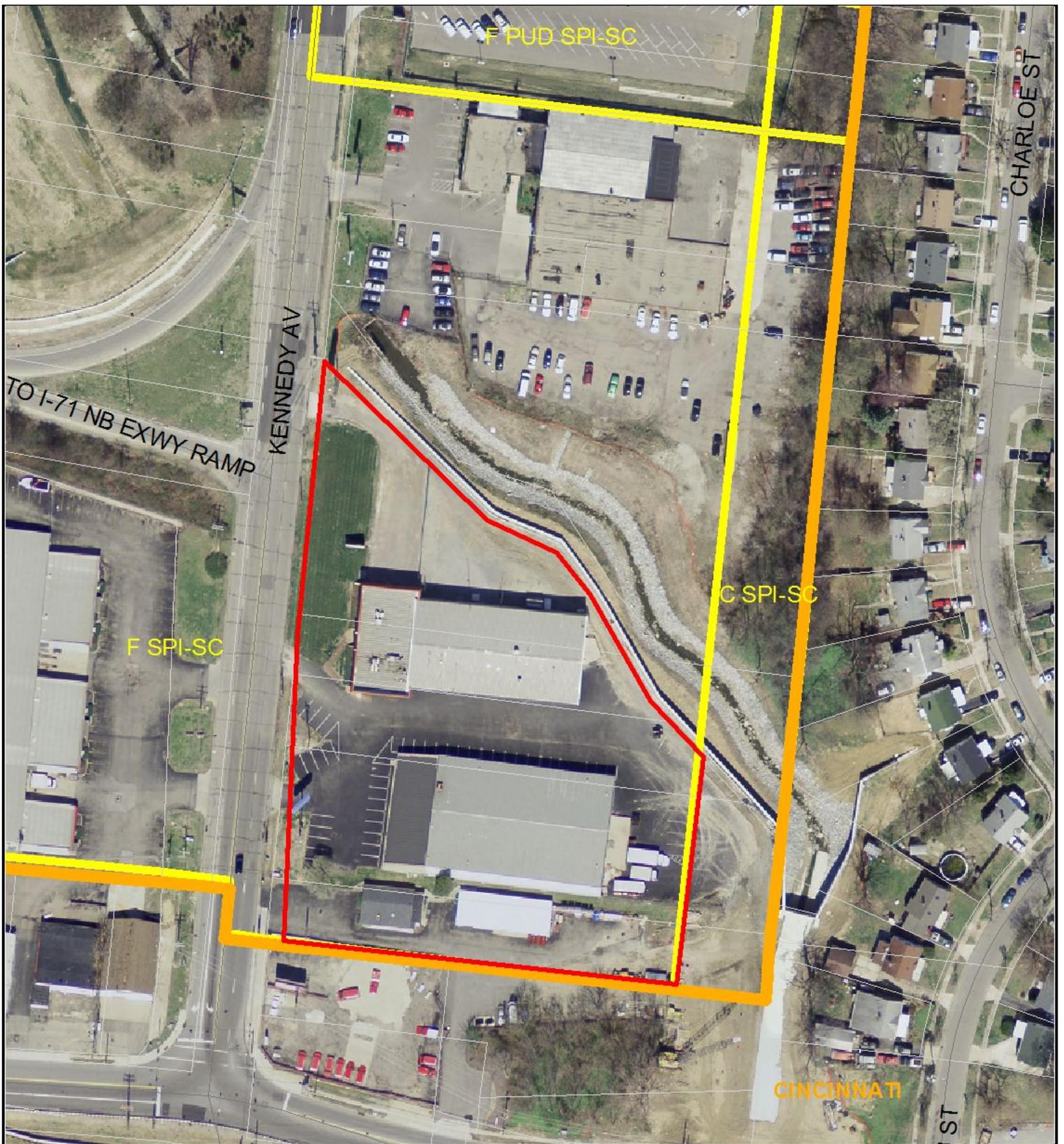
NOTE: Recommendations and findings in this staff report reflect the opinions of the staff of the Hamilton County Planning and Zoning Department, but may not necessarily reflect the recommendation of any Commission. This staff report is primarily a technical report on the level of compliance with adopted land use regulations and plans. The report is prepared in advance of public hearings and often in advance of other agency reviews. Additional information from other agency reviews and public review is considered by appointed commissions and elected boards. Therefore, the advisory and final decisions of such commissions and boards may result in findings and conclusions that differ from the staff report.

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Prepared by:  Senior Planner  
Eric Fazzini, CNU-A

Reviewed by:  Development Services Administrator  
Bryan D. Snyder, AICP

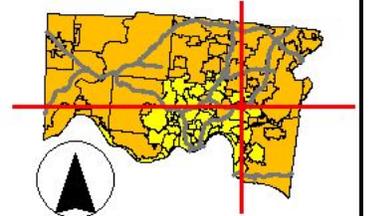
Approved by:  Planning Director  
Todd M. Kinskey, AICP



# VICINITY MAP

**Case: Columbia 2014-05; Mad Tree Brewing**

**Request: Planned Unit Development**



Printed: 11/12/14  
 Printed By: Eric Fazzini

This is a vicinity map of the project area. It is not intended to provide any warranty or representation, either expressed or implied, with respect to the information or its quality, performance, accuracy, reliability, or fitness for a particular purpose, as a result of the information provided. The user assumes all responsibility for the use of the information. The user shall not be held liable for any damages, including consequential damages, arising from any reliance on the information or any other part of the map product, even if advised of the possibility of such damages. In particular, the user shall not be held liable for any damages, including consequential damages, arising from any reliance on the information or any other part of the map product, even if advised of the possibility of such damages. The user shall not be held liable for any damages, including consequential damages, arising from any reliance on the information or any other part of the map product, even if advised of the possibility of such damages. Any third-party trademarks or registered trademarks are the property of their respective owners. © 2014 Rural Planning Commission. All rights reserved.

## SITE PHOTOS



From southwest corner of site looking northeast



Front of main building and ground sign to remain



From northern corner of site looking southeast a gravel area to be paved



Northern facade of main building and grain hopper sign



Southeast corner of site

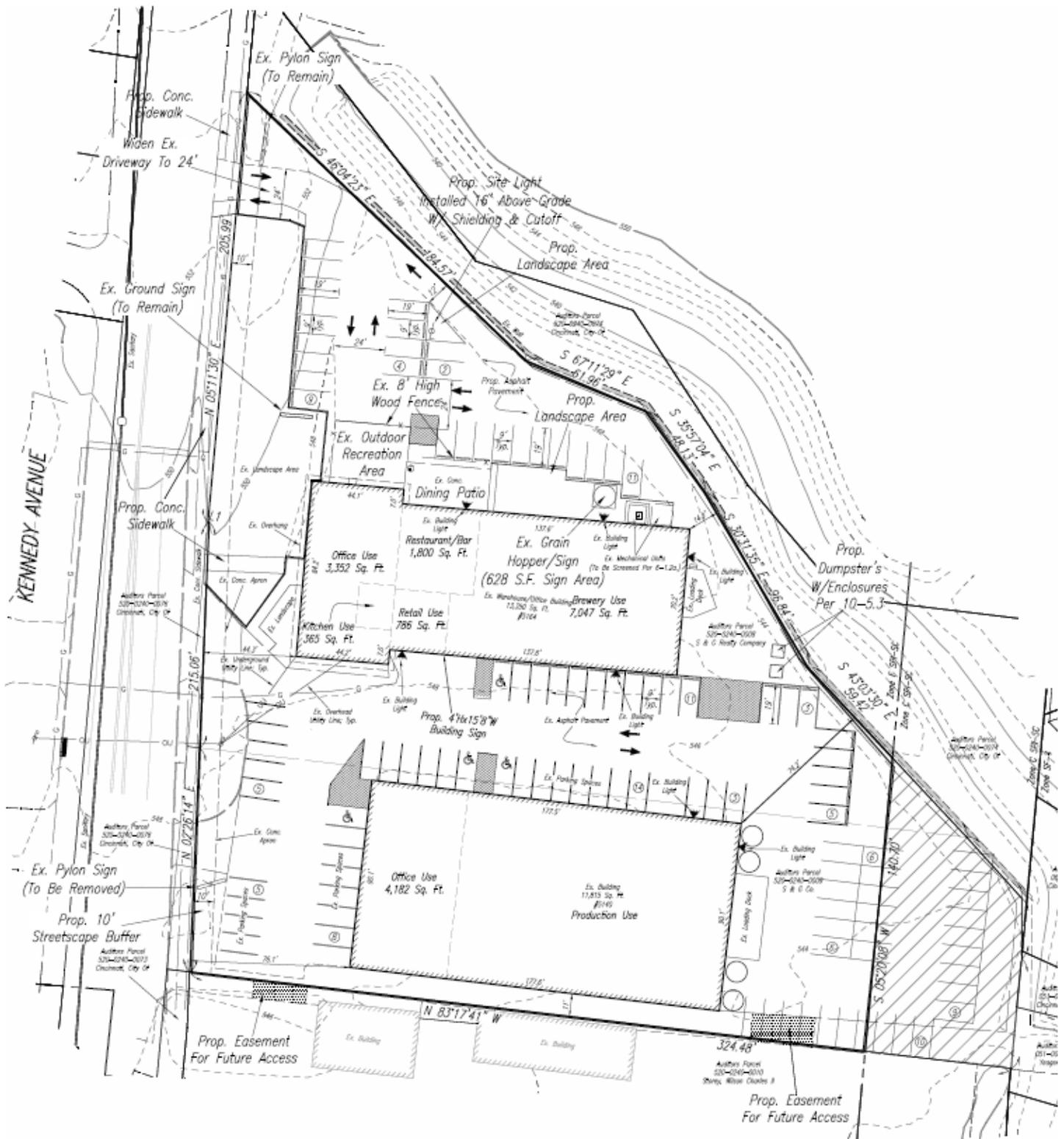


From southeast corner of site looking back northwest

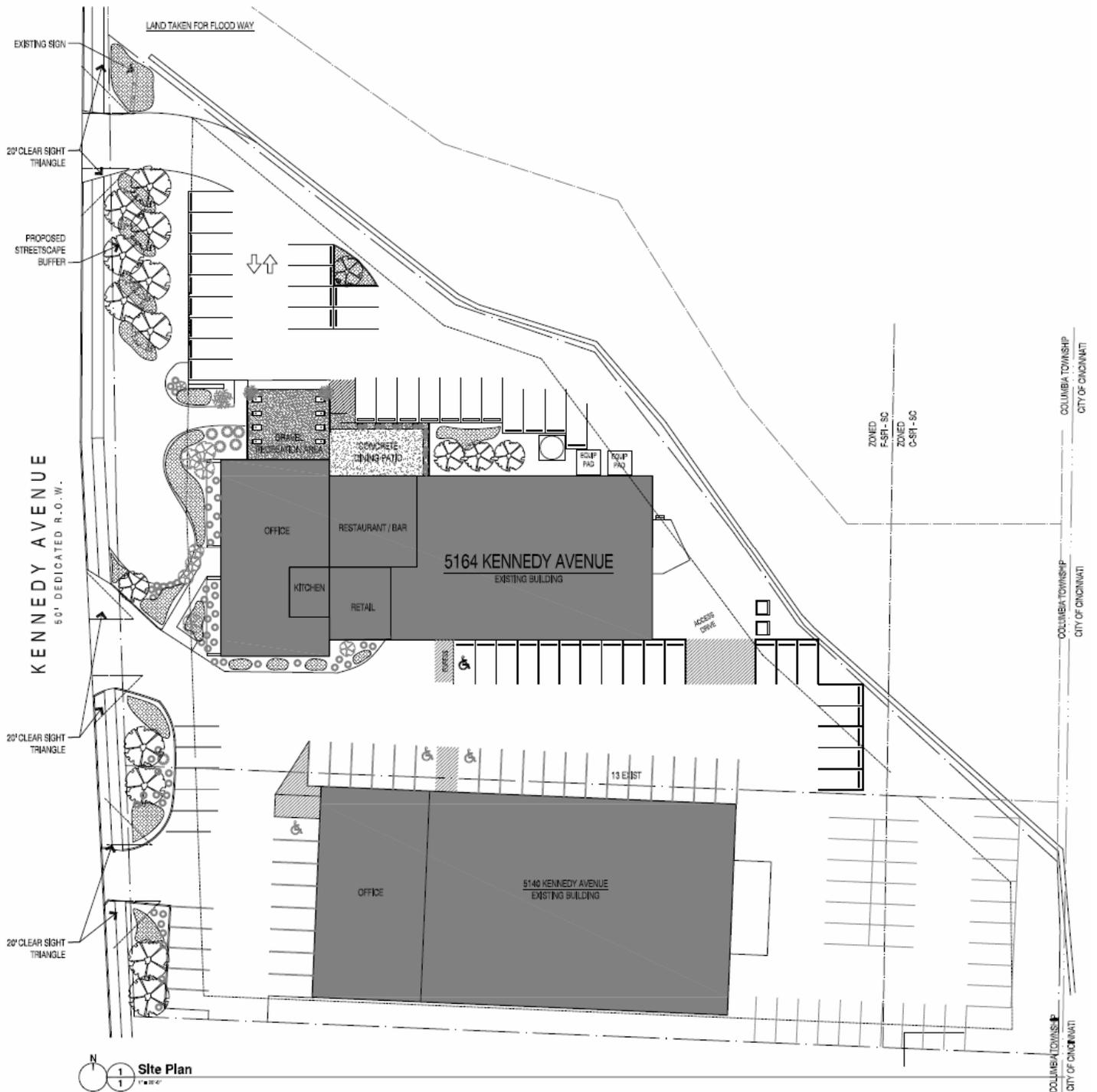


Southern pole sign along Kennedy to be removed

### PROPOSED SITE PLAN



# PROPOSED LANDSCAPE PLAN

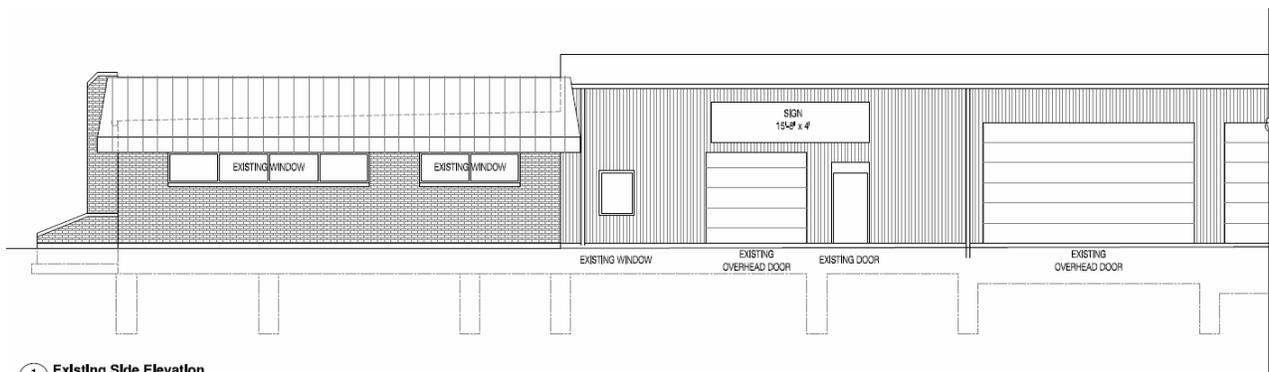


# ELEVATIONS AND BUILDING SIGNAGE- MAIN NORTH BUILDING

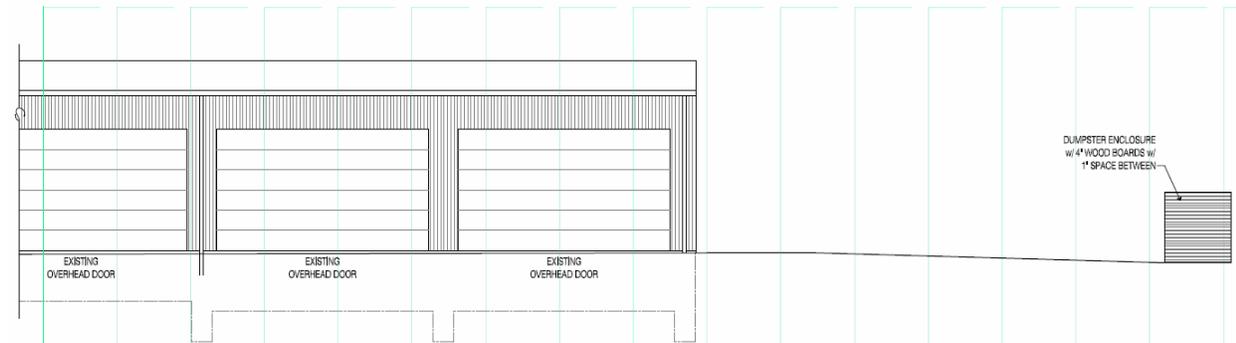


1 Existing Front Elevation  
1/8" = 1'-0"

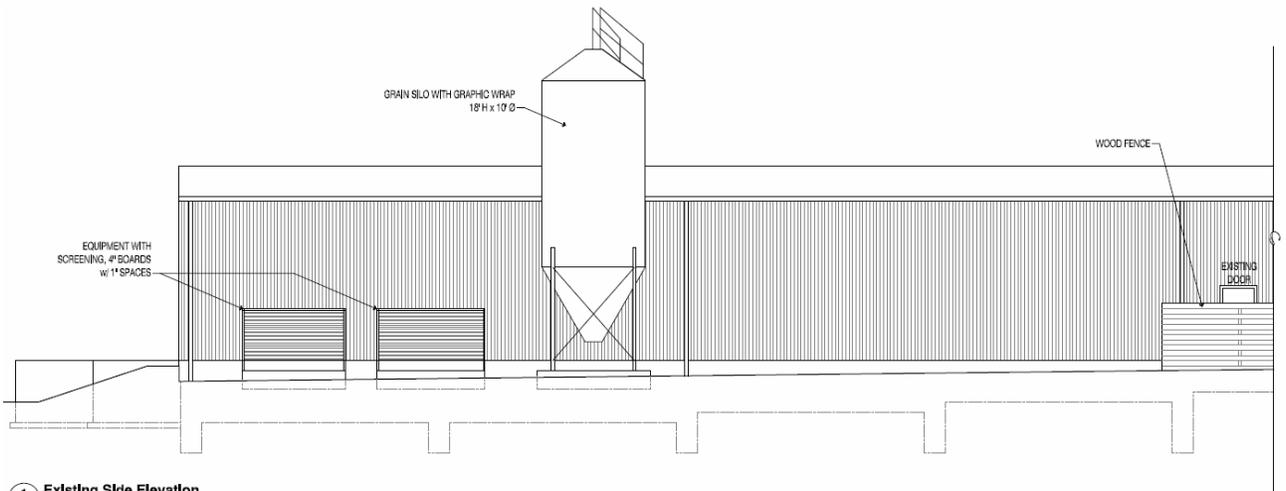
Front and Rear



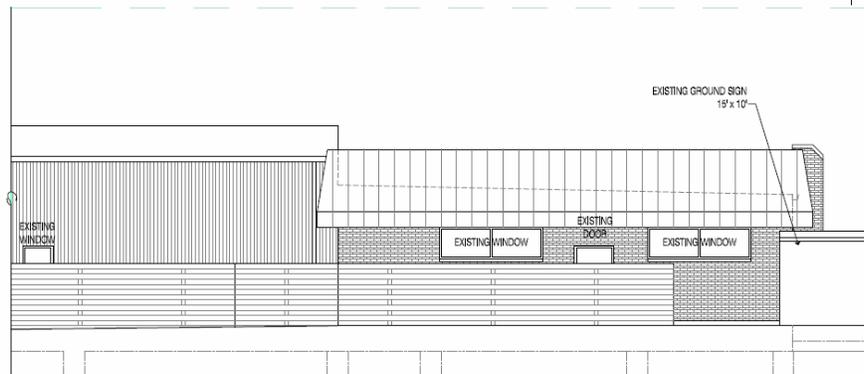
1 Existing Side Elevation  
1/8" = 1'-0"



South Side



1 Existing Side Elevation  
1/8" = 1'-0"



North Side

## ADJACENT OWNER LETTER



5130 KENNEDY AVENUE  
CINCINNATI, OH 45213  
513-631-5747  
FAX 513-631-0403

**RECEIVED**

NOV 04 2014

**HAMILTON COUNTY  
PLANNING & DEVELOPMENT**

November 4, 2014

Hamilton County Regional Planning  
801 County Administration Building  
138 E. Court Street  
Cincinnati, Ohio 45202  
Attn: Eric Fazzini

Subject: Mad Tree Brewing PUD Review

To whom it may concern:

I am the property owner and adjacent neighbor of Mad Tree Brewing. I fully support their ambitious plans and feel they can provide a continued spark of good business growth and vitality to a re-developing area. I have no issue with the outdoor additions they have proposed, and no issues with the current graphic wrapped silo.

I am willing to work with both Mad Tree Brewing and Hamilton County Planning to the mutual benefit of all.

Respectfully,

A handwritten signature in black ink, appearing to read "Chuck Storey", is written over a circular stamp or seal.

Chuck Storey  
President/Owner  
W.C.Storey & Son.  
513-631-5747

## APPLICANT LETTER

drawing dept

architecture & design

3217 madison rd cincinnati ohio 45209  
513.272.8099 | www.drawingdept.com

November 10, 2014

Hamilton County Planning & Development Department  
Attn: Bryan Snyder, AICP, Zoning Administrator  
138 East Court Street, Room 801  
Cincinnati, Ohio 45202-6202

Re: PUD Application Letter REVISION 1

To whom it may concern,

The following is an application letter for the proposed Planned Unit Development at 5164 and 5140 Kennedy Avenue on behalf of MadTree Brewery. This application is made as a response to the existing impervious surface ratio of 5164 Kennedy Avenue being greater than .6, signage and parking concerns as well as the review and development of future expansion plans for the brewery facility.

MadTree started brewing beer in January 2013 with the capacity to make 2500 bbls (105,000 gallons) of beer. Over a 2 year period, MadTree has quickly grown to a capacity of 25,000 bbls (over 1 million gallons) with projections to earn about 8 million dollars in revenue next year. The taproom is an attraction that draws thousands of visitors from all over the US and the world. On top of this, MadTree has continued to be a part of the community through donations to charities, hosting fundraisers and contributing to community projects. The brewery is currently outgrowing their facility, but with expansion plans it could reach over 50 million dollars in sales and continue to increase visitors to the Cincinnati area as well as increase their relevance in the craft beer industry.

The expansion and utilization of the current building and site falls into multiple parts. Phase 1 is the addition of a Pizza Kitchen into the existing building, which is currently under building permit review with Hamilton County. Phase 2 is the further utilization of the site including additional paved parking areas, the addition of three outdoor equipment pads, an existing silo with a graphic wrap that is being interpreted as signage, the addition of an outdoor dining area and fence with an adjacent outdoor activity area (cornhole). Phase 2 coincides with MadTree taking over the lease for the building and site at 5140 Kennedy for use as brewing facilities.

Character of Development – The proposed development will not change the outward appearance of the existing building. The site will be further developed with the inclusion of a grain silo with graphic wrapping, a privacy fence for the outdoor dining areas, and the paving and landscaping of the existing gravel parking area on the North side of the building.

Surrounding Land Uses – The subject property and the majority of the surrounding properties are zoned “Industrial” by Columbia Township and, as such, the land uses are mostly a mix of retail and industrial uses such as auto-body garages, car impound lots, fuel supply vehicle yards, and rental car lots. These uses are to the North, West and South. In 2010, the Army Corps of Engineers constructed a flood wall to retain the Yononte Creek which flows into Duck Creek. This flood wall is a concrete wall that ranges between 6’ and 10’ above the ground and runs the entire length of the East property line. Properties to the East are zoned Residential by the City of Cincinnati but are separated from the subject property by the recently constructed Flood Way, which is approximately 50’ wide and is bordered by a wall 10’ tall on the subject property’s East property line.

Specific Changes – While we are not pursuing a change in the overall zoning classification of the subject property, we are requesting an intensification of its use in terms of its existing and proposed impervious surface ratio being above the permitted ratio. Much of this impervious surface ratio has been due to the taking of property for the flood wall project. Over 21,000 square feet (0.5 acres) was taken from the property and dedicated to the flood spill way between the newly constructed flood walls. Due to this reduction in lot area and the fact that the existing building and parking area did not change, the ratio skewed toward greater imperviousness.

Building footprint	13,000
Existing paved parking	25,000
Proposed parking (north lot)	9,500
Dining Patio	800
Activity Area (gravel)	1,000
Equipment pads	3) 100
Front Sidewalk	750
TOTAL IMPERVIOUS SURFACES	50, 350
5164 total lot area =	62, 779
Resulting ISR	0.80
Taken for flood way	28,977
Including land for flood way	91,756
Resulting ISR	0.55

The above table shows that if the land for the flood way were still a part of this parcel, the Impervious Surface Ratio of the entire site would not surpass 0.60. The fact that the land taken for the flood way is pervious and cannot and will not be used for any future paving purposes should be counted toward the site’s credit rather than the land taking being used as a backdoor lot reduction preventing future development. The existing building and site

development done on the site previous to MadTree Brewery's involvement on the site (as well as the Army Corp of Engineers decision to take a large portion of the site) should not impede MadTree Brewery from making relatively small impacts to this number in the present and future.

Effect on Community – Proposed changes to the building and site would have no lasting effect on the community. The addition of the silo with graphic signs more than 200' from the edge of the street and, while visible, is not significantly more visible than many other site elements in the vicinity such as free standing signs and building signs. The outdoor dining and activity area is behind a privacy fence and is not be visible from outside of the site, which is as much of a concern from inside the fence as outside. The proposed parking paving will actually improve quality for the surrounding community as it will be an improvement over the disorganized current situation and will keep dust and mud to a minimum.

Effect on Character of Vicinity, Adjacent Properties – As the near vicinity includes many vehicle intense businesses with large dilapidated parking lots filled haphazardly with cars, un-renovated buildings with little or no pedestrian gesture or access and a general atmosphere of unkemptness, we feel that the proposed alterations would not have a deleterious effect on the vicinity. To the contrary, creating something new, something inviting and something popular with patrons, would invigorate the immediate vicinity in a positive matter. Residentially zoned properties are separated from the development by the wide flood way and concrete wall and would not be subject to effects on the vicinity.

Effect on City Services – there would be no effect on City services as a result of this plan.

In summary, we feel that the proposed changes to the site for Phase 2 are in the best interests of MadTree Brewing and the surrounding business owners, the economic development and future of Columbia Township and the City of Cincinnati and do not impinge on the rights or character of the existing adjacent residences. MadTree Brewery has greatly benefitted from their decision to locate at their current site and hopes that their efforts to stay in this location are the beginning of a long and equally beneficial relationship with Columbia Township. We hope that you agree that MadTree Brewing's attempts to grow their business are in the best interest of MadTree Brewing, Columbia Township, the surrounding community and are not at the imposition of anyone else.

Signage – in discussions with Columbia Township, it was decided that of the 2 existing pylon signs currently on site, the south sign would be removed and the north side would remain. The existing monument sign along Kennedy Avenue and any existing building signage would also remain.

## Summary

We hope that you find that the above letter and attached plans and drawings meet with your expectations for describing the future goals of MadTree Brewing in Columbia Township. While MadTree Brewing is happy to be a part of the Columbia Township community of businesses and residents, we believe that a strict application of the zoning code requirements to this property may create obstructions to the continued growth and success of operations and hope that you agree. We look forward to discussing these issues at greater length with you during this process and extend an invitation to visit MadTree Brewery either as an organized group tour or in a social capacity.

Sincerely,

Kevin Kluender, AIA  
Architect  
Drawing Dept

Brady Duncan  
Owner  
MadTree Brewery

Jeff Hunt  
Owner  
MadTree Brewery

Kenny McNutt  
Owner  
MadTree Brewery

