

July 13, 2015

Mr. Roger Friedmann – Chairman
Mr. Rich Barrick – Vice-Chairman
Mr. Tom Kronenberger – Member
Ms. Anne Flanagan – Member
Mr. Bill Mees – Secretary
Mr. Steve Roos – Alternate

Item 1. – Meeting called to Order

Mr. Barrick called the regular meeting of the Zoning Commission to order at 7:00 p.m. on Monday, July 13, 2015

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

Members Present: Ms. Flanagan, Mr. Barrick, Mr. Mees and Mr. Roos

Members Absent: Mr. Friedmann and Mr. Kronenberger

Staff Present: Harry Holbert and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Barrick stated the first order of business was to approve the June 8, 2015 meeting minutes.

Mr. Barrick asked for any corrections to the June 8, 2015 minutes.

Mr. Barrick entertained a motion to approve the June 8, 2015 meeting minutes.

Mr. Mees moved to approve the June 8, 2015 meeting minutes.

Mr. Roos seconded.

All voted – yes.

Item 4. – New Business

2015-16Z

Barrett P. Tullis, Esq.

7112 Silver Crest Dr., 7113 Garden Rd. and 7677 Montgomery Rd.

Zone Change

Mr. Holbert presented the case and case history in a power point presentation. The applicant requests a zone change from “C” Single Family Residential and “E” Retail to “EE” Planned Retail in order to renovate an existing shopping center and expand its parking lot. The parking lot expansion would add 48 parking spaces for a total of 100 stalls. Mr. Holbert noted the change of the two residential properties to commercial is consistent with the Township’s 2008 Land Use Plan. Mr. Holbert showed photos of existing conditions on the property, renderings of the proposed renovations to the LaRosa’s façade and floor plan, the proposed lighting plan, site plan and landscape plan. The site plan includes the locations of the proposed dumpster, dumpster enclosure and eight feet tall fence. Mr. Holbert then reviewed the zoning compliance issues with the proposal and the staff recommendations should the Board approve the zone change request.

The Board asked questions of Mr. Holbert.

Mr. Roos inquired about the proposed eight feet tall fence.

Mr. Holbert said the Zoning Resolution allows for an eight feet fence in the "F" Light Industrial district only.

Mr. Mees asked if this was contemplated in 2008 when the Land Use Plan was approved.

Mr. Holbert said the zoning was considered, however, this specific plan was not.

Mr. Mees asked if the property has three front yards and if the fence in the front yard would require a variance.

Mr. Holbert answered yes.

Mr. Mees asked if the dumpster would hold all of the trash for the entire center.

Mr. Holbert deferred to the applicant.

Mr. Mees said he likes the proposed façade renovation of LaRosa's and asked if there were any plans for façade improvements to the rest of center.

Mr. Holbert deferred to the applicant.

Mr. Mees asked about traffic study mentioned in the staff report and what staff hoped to find as a result of study.

Mr. Holbert said the study was a request of the residents in the neighborhood, noting they are concerned about increased traffic due to the proposed expansion of parking lot.

Mees asked if there was room up against the building to have a sidewalk and still have full length parking stalls.

Mr. Holbert answered there would be room based on where stalls are currently.

Ms. Flanagan asked if the property would lose landscaping if a sidewalk were to be added on the Garden Road side.

Mr. Holbert said they would lose the three shrubs along that side noting those could possibly be moved to the rear.

Ms. Flanagan asked about the requirement for interior landscaping.

Mr. Holbert said the applicant would have to comply with current zoning in the expanded area as much as possible but a variance would be necessary for the existing portion of the center.

Mr. Mees asked what the overall parking requirement is for the center.

Mr. Holbert answered 75-80 stalls are required noting that number would go up if they added more restaurants as opposed to retail.

Mr. Roos asked what the height of the fence behind the adjacent Skyline property is and if there is landscaping behind it.

Mr. Holbert said he thinks it is six feet tall but that he would have to verify that.

Ms. Flanagan asked how many parking spaces the Skyline property has.

Mr. Holbert counted approximately 50 spaces in the Skyline parking lot.

Mr. Barrick asked for clarification on the change to a double letter district. He asked if Hamilton County Regional Planning gave a reason for the denial.

Mr. Holbert said the Regional Planning denied it based on some of the zoning compliance issues he had already reviewed with the Board. Mr. Holbert pointed out that the applicant has given more details since that hearing regarding the dumpster enclosure, fence and lighting.

Mr. Barrick asked about size of the landscape buffer.

Mr. Holbert noted the proposed buffer would be ten feet where a 50 feet buffer is required.

Mr. Barrick noted the proposed fence would take the place of some of the buffer.

Mr. Barrick asked if the applicant was present and wished to speak.

Barrett P. Tullis, Esq., of Keating, Muething & Klekamp, the applicant, addressed the board saying he represents the owners whose goal is to redevelop the entire center and reinvigorate the LaRosa's. More parking is necessary, however, there is just not enough room to add the parking needed and meet the current landscape requirements. He said their goal is to put in as much landscaping as possible. He noted the eight feet height for the fence was a request from the neighbors after an open house the applicant hosted. Mr. Tullis stated the center needs investment and new life to attract the right kinds of tenants. He noted the center would be owner operated which is ideal. Mr. Tullis said they are open to adding the sidewalks as suggested in the staff report. He said the aesthetics of the center will increase greatly as they will eliminate all the existing dumpsters in the rear alley, replacing with one that is properly screened and consolidate the utilities. Mr. Tullis discussed the parking space adjacent to the streets noting the Township checked with the police and there have not been accidents in that area. Mr. Tullis said they are open to suggestions on the landscaping noting there just is not a lot of room with which to work. Mr. Tullis noted it is not their intent to bring in any high traffic tenants and pointed out overall the center will be more compliant with current zoning than it is currently.

Mr. Greg Pancero, the owner, said the LaRosa's has been there 37 years. He stated he had considered moving it to a new location because of the lack of parking and blighted condition of the center. He said he contacted the owner of the center to let him know LaRosa's may move. The owner said he would consider selling the center to him. Mr. Pancero stated LaRosa's employs about 65 people. If they were to move, the LaRosa's would eliminate the dining room and become a delivery only which would mean a large cut in employees. He noted his properties at Trio's and Embers are the cleanest around.

Ms. Flanagan asked how they came up with the number of 100 parking spots.

Mr. Pancero said the LaRosa's was not functioning very well with the current parking. He said they would like to grow the dine-in part of their business which is currently only about 30%. He stated he

potential new tenants to the center would need more parking. He noted employees have to park across the street.

Mr. Mees asked about the square feet of the restaurant.

Mr. Pancero answered the LaRosa's is about 3300 square feet.

Mr. Barrick asked if there would be a grease trap.

Mr. Pancero said the grease trap is inside the restaurant and the grease would be contained in the one dumpster area with all the other refuse.

Mr. Barrick asked if anyone from the public wished to comment.

Trevor Christensen, of 7128 Silvercrest Drive, inquired about the possibility of shared parking arrangement with the doctors' office across the street or in the Shoppes of Kenwood as an alternative to tearing down two houses. He noted the dry cleaner has been empty for a while and that it could be an option to demolish the dry cleaner and add parking there. He noted, if approved, he would like to see at least an eight feet fence installed.

Michelle Shafer, of 7116 Silvercrest Drive, said she has two major concerns: the affect of the proposal on her property value and increased traffic on her street. She noted people speed and do not stop at the stop sign. If approved, she hopes there would be traffic calming and sidewalks for the safety of the residents.

Judy Melish, of 7145 Garden Road, said she is a 35 year resident. Ms. Melish said Larosa's has always been a good neighbor who has right to be there and improve its business. However, she is concerned about the safety of Garden Road. She said she would never allow her granddaughter to ride a bike on Garden because people drive too fast.

Michael Kurtz, of 7117 Garden Road, said he is also concerned about traffic, speeding and crime in the neighborhood.

Jeff Shafer, of 7116 Silvercrest Drive, submitted signatures to the Board that he had collected from neighbors. He stated that razing the house next to his would mean his child's window would face Montgomery Road. He noted Mr. Pancero has been accommodating to neighbors especially with the eight feet fence. He would like to have it in writing that future tenants cannot build out or change the dumpster location, lighting plan etc. Mr. Shafer requested to hear more about why Hamilton County Regional Planning denied the zone change. He noted it sounds like Mr. Pancero gave more information after the Hamilton County Regional Planning denial and wondered why that would be.

Mr. Holbert said when staff saw that the applicant had not provided dumpster details, staff requested it. He said the same thing happened with the lighting. Staff requested details regarding the light fixtures. He noted Hamilton County Regional Planning could have requested those items as well.

Mr. Shafer asked about adding sidewalks to their street, noting some of the streets close to them in Deer Park have sidewalks. He said all the residents whose signatures he collected would like sidewalks. He noted sidewalks would generate more business from the neighborhood.

Mr. Barrick noted the petition presented has about 50 signatures and addresses traffic and sidewalks.

Ms. Flanagan read the title and description of the petition which was submitted to be a record in the case file.

Elaine Highfield, of 7128 Silvercrest Drive, suggested parking at the empty surrounding parking lots. She also suggested ways to make the development more pedestrian friendly. Ms. Highfield said she is also concerned about safety and that she likes the updates to the center but is against razing the houses.

Tony Gribi, of 7117 Silvercrest Drive, thanked Mr. Pancero for trying to improve an area that needs improvement. He asked why Sycamore Township cannot have speed bumps.

Mr. Barrick noted traffic is not really part of Zoning Commission's jurisdiction.

Mr. Holbert stated the Sycamore Township Superintendent, with approval of the Trustees, has decided it is not in the best interest of the Township to have speed bumps for a variety of reasons. He noted there are a lot of other ways to slow down traffic.

Mr. Gribi asked about the staff comment regarding the traffic study and how such a study would work.

Mr. Holbert stated that all traffic studies are done the same way. The traffic would be studied now and in the future and action may be taken as result of the data collected.

Mr. Gribi asked whose decision would take precedence, Hamilton County Regional Planning or Sycamore Township.

Holbert said Sycamore Township has final say on development.

Mr. Gribi pointed out a spot on the lot where people illegally park which blocks line of sight getting out of the street and asked that something be done about it.

Trevor Christensen addressed board again noting there are no dimensions shown for the dumpster and would like to know if it will be enough to handle all of the refuse in the center. He asked about technical information on the lighting.

Mr. Holbert noted staff and the Board have all that information.

Mr. Tullis said he appreciates the comments from the neighbors. He pointed out that the traffic issue is already there today and whatever increase resulted from the parking lot expansion would be minor. He said it is better for all involved to have more parking and an improved center than the blighted center that is there currently. Mr. Tullis said the adjacent parking lots are not a long term solution to the parking problem.

Mr. Pancero said they have tried to approach adjacent owners for shared parking with no success.

Mr. Barrick closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Barrick pointed out the issues with the shared parking idea and reiterated the fact that Zoning Commission cannot make decisions regarding traffic issues saying they would consider impact to traffic in some cases. He noted this is a challenging property because of the obligation to balance the needs of the businesses and the needs of the residents. It is the goal of the Township to improve the corridor along Montgomery Road and he noted the double letter district allows for some flexibility with the zoning on the property.

Mr. Barrick entertained a motion.

Mr. Mees made a motion to consider case 2015-16Z.

Mr. Roos seconded.

Ms. Flanagan noted concern that the 100 spaces proposed is over the requirement. She is not opposed to the eight feet fence in this circumstance. She would like to see less parking and more landscaping.

Mr. Roos agreed more parking is needed and the updates to the center would be a benefit.

Mr. Mees said he thinks neighborhood retail is a good thing and the goal should be to eliminate the affect on the residential area as much as possible. Mr. Mees said until the applicant knows exactly who the tenants will be, it is not possible to calculate the exact parking required. Mr. Mees does not have a problem with the height of the fence.

Mr. Holbert clarified the location of the proposed fence.

Mr. Mees asked if the applicant had submitted dimensions for the dumpster.

Mr. Holbert said he will have to check noting the larger the dumpster the more it impacts parking.

Mr. Mees said he would like the goal of the traffic study to be specific.

Mr. Holbert said the purpose would be to see if there is an increase to traffic that would justify sidewalks. Mr. Holbert noted there would have to be majority approval from the residents for sidewalks because there would be an assessment on taxes.

Mr. Barrick asked about the staff recommendation to eliminate stalls in right of way.

Mr. Holbert said a safety report was requested and found that in the past three years there was only one incident in that location. He also noted there had been an easement agreement between the Township and the center.

Mr. Barrick applauded the applicant for trying to improve this property noting it is a challenge. He said he is fine with the eight feet fence and the façade is a step in the right direction. However, in his opinion, the plan falls short because it does not give any site improvements along the front with the exception of LaRosa's. It would serve the community better to try to improve the center and add landscaping to the front as well.

Ms. Flanagan amended the original motion to consider case 2015-14MA granting a variance for the eight feet fence in the front yard and with the following conditions:

1. The applicant must provide a traffic study reviewing traffic on Silver Crest Drive and Garden Road to determine the effectiveness of sidewalks.
2. The applicant must provide sidewalks along north, east and west sides of building.
3. The applicant must provide additional Streetscape along Garden Road.
4. The applicant must provide additional buffering between proposed fence and parking lot.

Mr. Roos seconded.

Mr. Mees called roll.

Ms. Flanagan - AYE

Mr. Barrick – NEA

Mr. Roos – AYE

Mr. Mees - AYE

Mr. Holbert noted the case would be heard by the Board of Trustees at a date and time to be determined.

2015-14MA
Assurance Health Cincinnati
11690 Grooms Road
Major Adjustment to a PUD

Mr. Holbert presented the case and case history in a power point presentation. The applicant requests a major adjustment to an existing PUD to convert an office building with typical business hours to a 24 hour geriatric psychiatric hospital with 28 beds. Mr. Holbert showed photos of the existing conditions on the property. He noted the locations of a proposed ramp and canopy which would be added to the exterior of the building. Mr. Holbert noted the zoning compliance issues with the proposal. Mr. Holbert gave the Board the list of conditions from the original 2001 approval for the building. Mr. Holbert noted the staff comments on the staff report which the Board should consider if they are inclined to approve the applicant's request.

The Board asked questions of Mr. Holbert.

Mr. Barrick noted there were no agency comments.

Mr. Holbert stated many agencies had no comments because the site itself is not changing.

Mr. Barrick asked if Fire and EMS commented.

Holbert noted their concern was traffic.

Mr. Mees asked about the staff recommendation that the Board consider the impact of the hospital to safety services.

Holbert said the biggest concern is traffic.

Mr. Barrick asked if the applicant was present and wished to speak.

Mr. Morris Long, of 2725 Enterprise Drive, Anderson, IN 46013, partner in Assurance Health, the applicant, addressed the board. Mr. Morris explained that many facilities "dope up" elderly patients but their hospital will have an excellent staff who will administer the proper care to the geriatric psychiatric patients. He noted the 24 hour facility is necessary but employees will work 12 hour shifts. They plan to have their own ambulance. He said they generally have only one EMS run a month, patients are psychiatric not physically ill. He said they would have 25 employees on site from 8:00 a.m. to 5:00 p.m. and eight overnight. There would not be lights and sirens when patients transferred from nursing homes or other hospitals without psychiatric care to their facility.

Mr. Roos asked if it would be a lock down facility.

Mr. Long answered yes.

Mr. Mees asked what changes there would be to the property besides those already noted.

Mr. Morris said visiting hours would be 2 p.m. to 4 p.m. weekdays and 4 p.m. – 6 p.m. weekends.

Ms. Flanagan asked about food preparation on site.

Mr. Morris said there would be a chef on site and there will be some deliveries of food and medical/pharmaceutical supplies. He noted linens will be outsourced for laundry.

Mr. Mees inquired about how many deliveries there would be per week.

The applicant answered there would be two food deliveries per week, two medical deliveries via UPS, plus vans delivering oxygen and pharmaceuticals. Linens would be delivered once per week.

Mr. Barrick asked what door would be used to transport the patients in and out of the facility.

Mr. Morris said they would come in and out the main door where the canopy would be. The proposed ramp would be for deliveries.

Mr. Barrick asked the applicant to respond to staff comments on the staff report.

Jack Hollingsworth, the architect, of 5367 North College Avenue, Indianapolis, IN 46220, said they will have only one dumpster on site located down by the new generator. Mr. Hollingsworth said both the dumpster and generator would be enclosed.

Mr. Holbert noted the material requirements for the dumpster enclosure.

Mr. Hollingsworth noted the details on the ramp and pointed out the location of the dumpster on the power point.

Mr. Barrick asked about the lighting plan and issues with the landscaping.

Mr. Hollingsworth said landscaping would be replaced after they have a new water line put in, and all mechanicals would be screened.

Mr. Barrick asked about the location of the fire hydrant.

Mr. Hollingsworth noted they would have a stand pipe because the building must have a sprinkler system.

Mr. Holbert noted staff will request comments from Fire Chief Penny.

Ms. Flanagan asked about signage for the building.

Mr. Hollingsworth said they would use the existing monument sign and the building sign would be slightly smaller than the existing sign.

Mr. Barrick asked if anyone from the public wished to comment.

Mr. Bruce Weinel, of 11165 Grooms Road, addressed the Board saying he is concerned about his property value and traffic. He said it is difficult for him to get out of his driveway at certain times of day already because of the high volume of traffic. He asked if there would be a security guard.

The applicant answered there would be no security guard but the building would be locked.

The applicant reiterated that the patients would be primarily 65 years old and older.

Ms. Flanagan asked if the patients would be admitted voluntarily and if there would be any criminal patients.

Mr. Morris said the patients would be voluntarily and there would be no criminals. He said many of the patients would be treated for depression.

The applicant said the patients are free to walk around the facility. He said employees must swipe in and out and are trained to properly de-escalate situations.

Mr. Morris noted there would be a double set of locked doors.

The applicant noted deliveries would be during business hours.

Mr. Barrick entertained a motion.

Mr. Mees made a motion to consider case 2015-14MA with the conditions recommended by staff in the staff report.

Ms. Flanagan seconded.

Mr. Mees amended the motion to include not only the staff recommendations on the staff report but also items 7 and 11 on exhibit A:

1. All mechanical units, ground level and roof top must be screened.
2. The applicant must provide container enclosures, screening and setback distances to meet Zoning Resolution.
3. The applicant must provide a lighting plan with existing and proposed site lighting.
4. The applicant must provide a generator cut sheet with details on the screening and dimensions to property lines.
5. All parking areas must be sealed and striped per the current Zoning Resolution.
6. The applicant must submit drawings and cut sheets for proposed signage.
7. All conditions as set forth by Resolution 2001-13 are to be upheld except as modified by later approved Major Adjustments.
8. The proposed new fabric canopy post must be wrapped in brick and trimmed out.
9. The applicant must provide additional streetscape along Grooms Road as approved by staff.
10. The applicant must provide details on the proposed dumpster location and enclosure.
11. The Fire Chief is to review the location of the proposed stand pipe to determine if pavers are needed for fire truck access on the west side of the building.

Mr. Roos seconded.

Ms. Flanagan said she could see some potential issues with the food preparation but that she was otherwise fine with the proposal.

Mr. Barrick agreed the hospital seems that it would have minimum impact.

Mr. Mees called roll.

Ms. Flanagan - AYE

Mr. Barrick – AYE

Mr. Roos – AYE

Mr. Mees - AYE

Mr. Holbert noted the case would be heard by the Board of Trustees probably on August 6, 2015 at a time to be determined.

Item 6. – Trustees Report

No report.

Item 7. – Adjournment

Mr. Roos moved to adjourn.

Mr. Flanagan seconded.

All voted yes.

Meeting adjourned at 9:35 p.m.

Minutes Recorded by: Beth Gunderson
Planning & Zoning Assistant