

February 11, 2013

Mr. Roger Friedman – 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. Friedman called the regular meeting of the Zoning Commission to order at 7:05 p.m. on Monday, February 11, 2013.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

Members Present: Mr. Friedman, Mr. Barrick, Mr. Kronenberger, and Ms. Flanagan

Staff Present: Greg Bickford and Beth Gunderson

Item 3. – Approval of Minutes

Mr. Friedman stated the first order of business was to approve the January 14, 2013 meeting minutes.

Mr. Friedman suggested waiting until Mr. Mees was present to vote on approval of the minutes from January 14, 2013.

Item 4. – Old Business

2012-11MA
JRE Real Estate LLC
4757 E. Galbraith Road
Major Adjustment to a PUD

2012-12Z
JRE Real Estate LLC
4757 E. Galbraith Road
Zone Change

Mr. Kronenberger reminded the other Zoning Commission members that he had been advised by Sycamore Township legal council that he should recuse himself from hearing the two cases involving Jewish Hospital's proposed addition. He stated as a neighbor to the project, he would again sit in the audience to participate in the discussion as a member of the public.

Mr. Bickford briefly reviewed cases 2012-11MA and 2012-12Z and the changes that had been submitted by the applicant since the last public hearing in January in a power point presentation. Mr. Bickford stated the proposed energy building was now 10,500 sq. ft. and setback 70' from the street and 70' from the adjacent single family home. The proposed building would be 16' in height from grade and composed of brick with a

metal panel. In response to residents' concerns, additional landscaping and a trellis had been added to the plans.

Mr. Bickford noted that the applicant had also submitted a report predicting that the noise generated by the building would be in compliance with the maximum decibel levels permitted by the zoning resolution. Mr. Bickford noted the Township will measure the sound emitted at the property line to verify that it is in compliance.

Mr. Barrick asked Mr. Bickford for clarification on what had changed in the plans for the energy building since the last meeting.

Mr. Bickford answered the new proposal included a building that was slightly smaller, pushed back a bit and that there were slight changes to the exterior materials such as the addition of more brick to the façade.

Ms. Flanagan asked about the staff concerns noted on the staff report and if the applicant had addressed any of those.

Mr. Bickford stated that the applicant had met all the requirements made by the Sycamore Township Fire Department.

Mr. Friedman asked if the applicant was present to speak.

David Wright, Kleingers & Associates, Civil Engineers for the project, of 6305 Centre Park Dr., West Chester, OH 45069, addressed the board. Mr. Wright noted that the Fire Chief's concerns had all been met in the revised plans. He also informed the board that when the south parking lot was constructed it did include an underground storage tank and sewer for storm water drainage necessary after the construction of the energy building.

Mr. Mic Johnson, architect with AECOM design in Minneapolis working on the project along with local representative Champlin Architecture, of 800 LaSalle, Minneapolis, MN addressed the board. Mr. Johnson presented the revised proposal in a power point presentation. Mr. Johnson stated that the proposed energy building would be eight (8) to ten (10) feet in height towards the front and up to 16 feet in back. The 16 feet height is necessary to accommodate the cooling towers. The flues on the building cannot be any lower as that would actually worsen effects of emissions. Mr. Johnson said in response to concerns from residents at the previous meeting, they added brick and cornice to the building and the trellis to the landscape plan. The result of the additional landscaping and trellis will be that the only eight (8) to ten (10) feet of the building will be visible from the street. The additional landscaping includes evergreens that will be 20 to 25 feet tall within a two to three year period. Mr. Johnson said the trees and the vegetation growing on the trellis will make it look like a forested area.

Mr. Friedman asked what the distance would be from the trellis to the adjacent single family home.

Mr. Johnson answered the distance would be about 55 feet.

Mr. Brett Oberholzer, of 1016 Mary Lane, Cincinnati, OH 45215, representing Champlin Architecture, addressed the board. Mr. Oberholzer reviewed the findings of the RWDI report regarding Air Quality and Noise Impact Assessments. He noted that the study predicted that the noise level after the construction will be the same as it is presently.

Mr. Friedman asked if the applicant had a time frame for future development on the site.

Patti Meszaros, representing Mercy Health, 4600 McAuley Place, Cincinnati, OH 45242, addressed the board stating that there was no time frame for further development at present.

Mr. Friedman asked for clarification on the power point slide depicting the noise levels and asked what the red circle meant.

Mr. Oberholzer said the red circle indicated the area of study. He noted that the highest levels of sound generated would be in the northeast quadrant where the cooling towers would be located.

Mr. Friedman noted that the RWDI study references the Hamilton County Zoning Resolution where it should say Sycamore Township Zoning Resolution.

Mr. Barrick asked for confirmation that the study concluded that there would be no difference in the existing and proposed decibel levels.

Mr. Oberholzer answered that was correct.

Ms. Flanagan asked for clarification on the report in regards to odors emitted.

Mr. Oberholzer said the report states that under certain wind patterns there could be a diesel odor perceived by the neighboring residents. He noted that this would only apply when the generators were running which would be an average of twelve (12) hours per year or one (1) hour per month. He also noted that a wind sock could be used to determine the direction of the wind and the applicant could avoid testing the generators on unfavorable days thus eliminating the possibility of noticeable diesel odors.

Mr. Friedman asked if there was anyone present from the public who wished to speak.

Ursula Hilbert, of 7954 Merrymaker Ln., Cincinnati, Oh 45236 addressed the board. Ms. Hilbert inquired about why a generator was running on the property last week for three hours causing a lot of noise.

Ms. Meszaros answered it was not a generator that Ms. Hilbert heard last week. It was actually the sound of underground work involved in the installation of oxygen tanks. She stated it was a onetime occurrence and the contractor doing the work does not anticipate any more noise.

Ms. Hilbert said the current generator can be heard as far as Styra Ln. and Largo Dr. and that she hopes the proposed landscaping will help with that issue but she is not sure it will.

Rita Lambers, of 7933 Frolic Dr., Cincinnati, OH, 45236, addressed the board. Ms. Lambers asked who would be responsible for measuring the sound decibels and what would be the consequence if it was over the permissible levels.

Mr. Bickford stated the Township will measure the decibel levels and the applicant could risk losing its certificate of occupancy if found to be in violation.

Ms. Lambers expressed concerns about additional traffic caused by the hospital's expansion and wondered why the parcels that are currently residential could not remain so.

Jean Bresnen, of 4687 Happiness Way, Cincinnati, OH 45236, addressed the board. Ms. Bresnen asked if the meeting was being recorded and if the Trustees would listen to the audio and/or read the minutes.

Mr. Bickford said the audio and minutes would be available to them if they chose to listen to the audio or read the minutes.

Ms. Bresnen said the neighbors have been attending meetings regarding the hospital since 1990 and that it is continually encroaching on the neighborhood. She stated the proposed building was awful looking and that she did not understand why it could not be moved to a less offensive location.

Tom Kronenberger, of 8029 Frolic Dr., Cincinnati, OH, 45236 addressed the board. Mr. Kronenberger said he would keep his comments brief since he expressed his views at the January meeting. He stated that the revisions to the plans were cosmetic only and would not change the fact that the proposal includes an industrial use building within 100 feet of a residence. He said the applicant's reasons that the building must be there are false and that the reason the plans show the building in that location is because it is simplest for the applicant. He concluded that there is plenty of room to the south farther from the residents to locate the energy building. Mr. Kronenberger requested that the board deny the plan and ask the applicant to move the building to a less intrusive location.

Carol Martini, of 8098 Merrymaker Lane, Cincinnati, OH 45236, addressed the board. Ms. Martini said she agreed with Mr. Kronenberger that the energy building should be moved. She noted her opinion that Jewish Hospital had not in the past properly cared for the landscaping. Ms. Matini said she too was concerned about noise and fumes from the energy building.

Mr. Friedman asked if the board had any comments or questions.

The board discussed the issues brought before them.

Mr. Friedman entertained a motion.

Mr. Barrick moved to approve case# 2012-11MA as submitted.

Ms. Flanagan seconded.

Mr. Friedman asked what staff comments were noted on the staff report for that particular case.

Mr. Barrick summarized the staff comments for the patient tower addition and noted that there were five variances listed in the staff report.

Mr. Barrick amended his motion to approve case# 2012-11MA including approval of the five variances noted and with the conditions listed in the four comments from staff in the staff report.

Ms. Flanagan seconded.

Mr. Barrick called roll.

Ms. Flanagan – AYE

Mr. Barrick – AYE

Mr. Friedman – AYE

Mr. Bickford noted the case would be heard by the Trustees on March 7, 2013 at a time to be determined.

Mr. Friedman entertained a motion for case# 2012-12Z for the zone change of the two parcels from "B" Residential to "OO" Planned Office and the construction of the proposed energy building.

Ms. Flanagan moved to approve case# 2012-12Z with the conditions recommended on the staff report. Ms. Flanagan summarized the conditions listed on the staff report.

Mr. Barrick seconded.

Mr. Friedman asked the board for comments.

Ms. Flanagan said the addition of more brick on the building and the trellis is an improvement even though the community is not entirely satisfied.

Mr. Barrick commented on Mr. Kronenberger's statements as a resident in regards to the industrial nature of the building. He said the applicant had done a reasonable job to minimize the impact on the neighborhood as much as possible. In reality the generator was probably the only thing that could go underground because the cooling towers would need air circulation.

Mr. Friedman said he is not convinced that moving the energy building to another location would make it less intrusive. He said he hoped that the reason behind the location of the building was not just that it was the simplest and cheapest place to put it and that there were other valid construction reasons for placing it where it was proposed. Mr. Friedman noted that he appreciated that the applicant had revised the plans to include additional landscaping and the trellis in response to residents' concerns.

Mr. Friedman said the RWDI findings should be added to the approval by requiring the applicant to test the generators at the least offensive times by avoiding windy days. He stated that he appreciated the applicant's submittal of the noise/odor study and that it was the job of the Zoning Commission to make sure the project has the least possible impact on neighboring residential properties.

Finally, Mr. Friedman added that a condition of the approval should be that the landscaping be maintained properly. He said that staff must be diligent in enforcing landscape care and in testing the noise levels. Staff must be willing to cite the applicant for any violations found.

Mr. Friedman moved to amend the motion to include the recommendations found in the RWDI report.

Ms. Flanagan seconded.

