

February 13, 2023

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

**Item 1. – Meeting called to Order**

Ms. Flanagan called the regular meeting of the Zoning Commission to order at 6:00 p.m. on Monday, February 13, 2023.

**Item 2. – Roll Call of the Board**

Mr. Roos called the roll.

Members Present: Ms. Flanagan, Mr. Roos, and Mr. Swanson

Members Absent: Mr. Friedmann, Mr. Barrick, and Mr. Mees

Staff Present: Jeff Uckotter and Kevin Clark

**Item 3. – Approval of 11-14-2022 Minutes**

Ms. Flanagan noted approval of the January 2023 Zoning Commission Meeting Minutes would be postponed. She entertained a motion to approve the November 14, 2022 minutes which had been revised.

Mr. Swanson made a motion, seconded by Mr. Roos, to approve the November 14, 2022, Zoning Commission Meeting Minutes. Ms. Flanagan called roll. Vote: All-Aye.

**Item 4. – New Business**

Case: 2023-01MA

Applicant: David Froelicher

Name of Business: Montgomery Dentistry

Location: 8810 Montgomery Road

Request: Major Adjustment to a PUD

Mr. Uckotter presented the case report and case history in a presentation noting the proposed use is a medical office for a dentist and requires a major adjustment to Case 2018-13MA. Mr. Uckotter displayed a rendering of the building elevations and described the floor plans and height. He said the business would operate on only one floor, and the added massing in the roof area is to allow for vaulted ceilings. He noted staff had determined the scale and height of the building to be consistent with the scale that is the Montgomery Road business corridor.

Mr. Uckotter noted the building would be setback 274.35 feet from Montgomery Road which mitigates concerns related to scale from the viewpoint of Montgomery Road.

Mr. Uckotter described the covered outdoor areas and parking plan. He reviewed the adjacent zoning districts and described the property in question noting the proposed impervious surface ratio is .559. Mr. Uckotter briefly described the topography of the site. He then reviewed the more recent zoning case history of the site.

Mr. Uckotter said the proposed use of the site is consistent with the Land Use Plan, and the proposed parking spaces exceed the number required. He discussed a utility pole that may be removed so as not to interfere with the parking plan. He noted there is a shared access drive which is generally consistent with the previous case. Mr. Uckotter discussed drainage and erosion, which is governed under Section 302.2 of the Property Maintenance Code. He showed photos of an area with a drainage issue brought to his attention by a neighboring property owner and addressed that issue. Mr. Uckotter went on to discuss lighting, building materials, and the landscape plan. He explained staff recommendations regarding the landscaping and buffer yards.

Mr. Uckotter said the applicant proposes a ground-mounted sign and a wall sign; he noted some additional detail from the applicant is needed for the signs. He recommended the applicant note a dumpster location on the site plan in case there is ever a need for a dumpster in the future.

Mr. Uckotter said he was waiting on comments from ODOT and MSD regarding the project and stated other agencies that have responded submitted standard comments. He addressed concerns resident John Misali had raised about the size of the proposed building as compared to the adjacent academic building, as well as lighting and the grading plan.

Ms. Flanagan asked the applicant if they would like to address the Board.

Mr. Uckotter swore in all those who stood, indicating they would like to speak about the case.

The property owner, Dr. Michael Hull, of 9841 Forestglen Drive, addressed the Board, explaining the reasons he had chosen the site for his dental office. Dr. Hull addressed the utility pole Mr. Uckotter had mentioned, stating it may be relocated as opposed to being removed. He clarified that it is a one-story building with the business operating on only one floor.

Ms. Flanagan asked about the hours of operation.

Dr. Hull answered the office would be open four days a week, Monday through Thursday, from 7:30 a.m. to 4:30 p.m.

Ms. Flanagan asked about the dumpster/waste disposal plan.

Dr. Hull answered he does not think a dumpster will be needed but welcomed feedback on where to note a dumpster location on the plans for the future if necessary.

Ms. Flanagan asked if the applicant had any issues with the recommended conditions listed in the staff report in terms of compliance.

The applicant stated he was willing to comply with the conditions recommended by the staff.

Ms. Flanagan asked if there was anyone present from the public who would like to comment on the case.

Ms. Marsha Butler, of 8845 Lyncris Drive, addressed the Board. Ms. Butler stated she lives behind the property in question and expressed concerns about the proximity of the proposed building and parking to her property line. She also asked for clarification on the landscaping proposed for the rear and said she is concerned about drainage.

Mr. Uckotter addressed her concerns by explaining the front line of the proposed building would be within one to two feet of the location of the existing academic building next door. He discussed the drainage displaying a photo provided by an adjacent property owner Mr. John Misali.

Ms. Butler asked about the timeline for construction. She also stated she is in favor of the project as long as her concerns are addressed.

Mr. Patrick Ashcraft, of 6518 Westover Circle, addressed the Board, representing his sister-in-law, who lives across the street from the subject property. Mr. Ashcraft said the size and scope of the building are too large for the location. He stated the intent was to keep that stretch of Montgomery Road as residential in character as possible. Mr. Ashcraft expressed concerns about the traffic on Montgomery Road in that area. He discussed the neighboring residential properties and concluded the proposal should be constructed in a different location or reduced in size and scale.

Ms. Flanagan asked if any other members of the public would like to comment on the case. No response.

Ms. Flanagan entertained a motion.

There were several motions to consider the case with discussions about the wording of the conditions recommended in the staff report and the possibility of adding conditions limiting construction hours and requiring a motion sensor light.

There was a discussion about the Township's noise ordinance and how it is enforced. It was decided the condition regarding construction hours was not necessary as it is covered by the Township's existing noise ordinance.

There was a discussion about the motion sensor light condition and the language in conditions seven and eight on the staff report.

The motion was revised by Mr. Swanson, and seconded by Mr. Roos, to consider Case 2023-01MA with the following conditions:

- 1) For safe maneuverability, the site plan shall be revised to install two turn-around aprons consistent with the turn-around aprons at the neighboring northern property, 8812 Montgomery Rd.
- 2) As noted in the graphic on page 2, note 2, the applicant shall consolidate surplus pavement into that row's non-handicap parking spaces. Please revise the parking space dimensions for this area.
- 3) If consistent with forthcoming ODOT guidance, the observed water and erosion issues along Montgomery Road should be remedied with a curb along Montgomery Road; the road curb shall run to the property line of 8800 Montgomery Road.
- 4) If the power pole is to remain, concrete /metal bollards shall be installed to protect the pole. If the power pole is to stay, the streetscape tree(s) shall be relocated to account for the power line, according to Duke's guidance.
- 5) To ensure safe nighttime activity, the site and photometric plan shall be revised to show parking lot lighting consistent with the neighboring parking lot lighting at 8812 Montgomery Road.
- 6) The landscape plan shall be revised to be consistent with the noted-landscape comments in the staff report.
- 7) The transformer may be removed from the island to make way for the necessary landscaping; please revise the site plan.
- 8) Dimensions and elevations of the building wall sign and the ground-mounted sign shall be provided and shall be consistent with the comments noted in the staff report.
- 9) Development shall be subject to 'Section 10-5 Dumpsters and Trash Handling Areas for Non-Single-Family Districts' of the Sycamore Township Zoning Resolution unless otherwise approved by the Board of Trustees. If no dumpster enclosure is proposed at this time, a note and location shall be included on the site plan for future planning purposes.
- 10) A motion sensor entrance light must be installed on the eastern elevation (rear elevation of the building..

Ms. Flanagan stated she has some empathy for Mr. Ashcraft and the other neighbors but noted this building is only one story and the business operates only four days a week. She said she fears if we pass on this, something denser and less attractive for the community could be proposed in the future.

Mr. Roos agreed, adding the number of patients will not be enough to have an impact on traffic.

Mr. Swanson stated the plan is a good transition between the residential and commercial areas saying this plan is the perfect example of what the Land Use Plan envisions.

Given the concern about the intensity of use, Mr. Uckotter suggested the Board perhaps consider including a condition that the building remains one floor use only to prevent issues in the future with parking requirements.

There was a discussion about this issue. The Board decided they were comfortable with the conditions as previously discussed.

Ms. Flanagan asked for a roll call vote:

Ms. Flanagan – Aye

Mr. Roos - Aye

Mr. Swanson - Aye

Mr. Friedmann - Absent

Mr. Barrick - Absent

Mr. Mees - Absent

Ms. Flanagan stated the case was recommended for approval and will be heard by the Board of Trustees.

Mr. Uckotter stated the case will be heard on March 7<sup>th</sup> by the Board of Trustees.

**Item 5. – Township Report**

Mr. Uckotter had no report.

**Item 6. – Adjournment**

Ms. Flanagan noted the next Zoning Commission Meeting will be held on March 13, 2023 and requested a motion to adjourn.

Mr. Swanson moved to adjourn.

Mr. Roos seconded.

All voted yes.

Meeting adjourned at 6:57 p.m.

Minutes Recorded by: Beth Gunderson