

Meeting Minutes
Sycamore Township Zoning Commission
Township Administration Building
8540 Kenwood Road
Monday, September 12, 2022
6:00 p.m.

Mr. Roger Friedmann – Chairman
Mr. Rich Barrick – Vice-Chairman
Mr. Bill Mees – Secretary
Ms. Anne Flanagan – Member
Mr. Steve Roos – Member
Mr. 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, September 12, 2022.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

Ms. Flanagan, Mr. Mees, and Mr. Swanson

Staff Present: Skylor Miller

Item 3. Approval of Minutes

Ms. Flanagan stated the August 8, 2022 meeting minutes have not been received.

Item 4. Old Business

Mr. Miller introduced Case # 2022-11MA

Applicant: Landmark Recovery of Louisville, LLC
Location: 4650 E. Galbraith Road
Request: Major Adjustment to a PUD

The site is currently utilized as a nursing home with memory care services which will be closing soon, there are only a few residents occupying the site. The new user of the property; Landmark Recovery was originally proposing inpatient and outpatient services. There have been some changes: originally 119-bed nursing home facility to 136-bed facility with inpatient and outpatient to a 160-bed inpatient facility with no outpatient.

Mr. Miller stated in 1997 the site went from “B” Single Family Residential to “DD” Planned Multi Family Residential. On August 8, 2022, Zoning Commission first heard Case # 2022-11MA, they proposed both Inpatient and Outpatient services including 136-beds and outpatient group therapy facilities. Due to the Commission’s concerns over adequate parking, the Applicant

requested the case be tabled to a later date in order to revise the proposal. Mr. Miller stated A Group home is defined, in part, by a maximum occupancy of 16 patients/residents plus appropriate staff and specifically excludes treatment facilities from the definition. The application of group home standards meets neither the letter nor the spirit and intent of the Zoning Resolution. Additionally, the Applicant's use of the group home parking formula is not appropriately scaled for this proposal as it was formulated for uses 1/10 the scale.

The applicant submitted a statement regarding the available on-site parking compared to their needs and is seeking a variance for the parking requirements also the approved plans state the net floor area of the building to be 64,000 sq ft on 3 floors and the applicant's proposed 160 beds for inpatient care. Based on net floor area and beds, parking can be measured against multiple standards:

Hospital- One parking space per bed

Required: 160

Provided: 63 (60.6% deficit)

Mr. Miller mentioned that it is unclear if the Applicant's facility would fully meet the definition of "Nursing or Convalescent Home" as the zoning resolution requires that the facility be "presently licensed pursuant to the Ohio Statutes". Ohio Law strictly regulates and licenses nursing home facilities and it is clear that the spirit and intent of the Zoning Resolution's definition was for a specific use type which the Applicant's proposal has not yet successfully proven.

Putting aside the issue of the appropriateness of this definition, the parking standard would still indicate a significant deficit in required parking as shown below:

$160 \text{ beds} / 6 = 27 + 56 \text{ employees} = 83 \text{ parking spaces (24.1\% deficit)}$

$160 \text{ beds} / 6 = 27 + 66 \text{ employees, including on-call staff} = 93 \text{ parking spaces (32.3\% deficit)}$

Group Home use requires 1 space per employee on shift of max. employment + 2 visitors' spaces or 1 space per employee plus 1 space per 2 residents where residents can own vehicles ($56 + 2 = 58$)

A Group home is defined, in part, by a maximum occupancy of 16 patients/residents plus appropriate staff and specifically excludes treatment facilities from the definition. The application of group home standards meets neither the letter nor the spirit and intent of the Zoning Resolution. Additionally, the Applicant's use of the group home parking formula is not appropriately scaled for this proposal as it was formulated for uses 1/10 the scale.

Mr. Miller stated that no exterior modifications to the existing site are currently proposed, and existing features are consistent with the prior PUD and major adjustment. Lastly, While the change of use to a hospital facility or a convalescent could be considered consistent with the current land use plan, the subject site's existing parking, by any appropriate formula, is significantly deficient for the proposed use per the Sycamore Township Zoning Resolution. While the applicant has the right to request the variance, a hardship does not exist for Staff to

make a favorable recommendation nor do the consideration of practical difficulty standards exculpate the higher intensity use from the substantial parking shortage. Additionally, there does not exist sufficient open space for meaningful expansion of parking area and adjacent properties do not have parking spaces in excess of required standards for a leasing/shared parking arrangement. Based on the provisions of the Sycamore Township Zoning Resolution, Staff recommends denial. **8:28**

Ms. Flanagan asked if the board has any questions.

Mr. Swanson stated he was looking at the area behind the site and was wondering if it was a retention pond.

Mr. Miller stated there are some areas to add parking and if you look at an earlier site plan in 2004 it shows an existing retention pond.

Ms. Flanagan asked if the applicant is still proposing to have 66 employees.

Mr. Miller stated yes, that is still current. **13:54**

Ms. Flanagan asked if anyone would like to speak on behalf of the applicant and informed them, they would be sworn in.

Annie Mooney, VP of Public Affairs for Landmark Recovery, address 720 Cool Springs Blvd. Franklin, TN. 37067 was sworn in by Skylor Miller. She stated they will only be offering inpatient care at this site. She mentioned other locations that are currently being built to offer inpatient or outpatient services. Also, they received a letter of intent from 8650 E. Galbraith Road to lease additional parking spaces. She stated while the hospital use is the most similar, Sycamore Township does not have a particular zoning code for their type of use. They requested to be considered as a group home use as it deems to be more applicable to their use. Ms. Mooney stated in the staff report there is some confusion regarding what on-call staffing is defined as or Saturday only visiting hours.

Ms. Flanagan asked if the board had any questions.

Mr. Mees asked who created the on-call sheet.

Mr. Miller stated the Applicant created the on-call sheet.

Ms. Michelle Lubbert, Director of Sourcing & Zoning for Landmark Recovery, 720 Cool Springs Blvd. Franklin, TN. 37067 was sworn in by Skylor Miller. They discussed the on-call number of employees of 63. **29:07**

Ms. Mooney stated family members who would like to attend group meetings they may do so by virtual only on Saturdays.

Mr. Mees stated that a letter of intent is not a binding contract, he asked if the Applicant was able to obtain a legal binding agreement from the adjacent property owner to lease additional parking spaces.

Ms. Lubbert stated they have been in several agreements with the adjacent property owner regarding additional parking spaces and they feel confident that they could lease up to 10 spaces. **31:10**

There was discussion about the group home uses and if it allows for drug treatment facilities.

Mr. Miller mentioned the applicant is deficient 20 parking spaces even with the adjacent property. Also, Mr. Miller has concerns regarding the adjacent property owner has its own PUD and could possibly come in for a variance and the parking may be reconfigured.

There was discussion regarding if patients are driving to facility and if they will be parking. **41:50**

Ms. Lubbert asked the board to take into consider their facility to be a convalescent or group home use rather than a hospital use.

Ms. Flanagan asked if there was anyone from the public would like to speak.

Carol Martini, 8098 Merrymaker Drive, Cincinnati, Ohio 45236 was sworn in by Skylor Miller. Ms. Martini stated she spoke with Carriage Court, and they advised her they would be closed on November 8, 2022. She wasn't sure why they were being considered a hospital use. She also mentioned no security will be present at night, fears patients will leave premises and hang out in surrounding neighborhoods, bringing additional concerns regarding the dispense of methadone or suboxone for heroine detox. Ms. Martini requested Planning & Zoning to vote this down. **48:22**

Ms. Flanagan asked if anyone else from the public would like to speak.

Michelle Graven, 4686 Happiness Way, Cincinnati, Ohio 45236, was sworn in by Skylor Miller. Ms. Graven stated she opposes Landmark Recovery due to the lack of security, drama and the fear of what type of people it will bring to the neighborhoods. **52:05**

Ms. Flanagan asked if anyone else would like to speak from the public.

Susan Weeks, 7965 Frolic Lane, Cincinnati, Ohio 45236, was sworn in by Skylor Miller. Ms. Weeks stated she is a retired nursing professor. She is concerned about Landmark Recovery's ratio of staff to patient. Also, she asked if Landmark Recovery were including the janitors, cafeteria workers, and housekeepers in the employee ratio. Ms. Weeks stated she is concerned about patients coming and going. **56:17**

Ms. Flanagan advised the Applicant they are more than welcome to address the public's comments or questions.

Ms. Mooney stated they must follow the state's guidelines for mental health issues along with security.

Ms. Lubbert stated they will have adequate security on-site.

Mr. Miller stated there was one comment that was brought up about notifying the residents. He explained that they Township is required to notify occupants that are within 200 ft. of the site. The Cases are posted in the Enquirer and on our website. **59:00**

Ms. Flanagan entertained a motion to consider Case # 2022-11MA.

Mr. Mees made a motion to consider Case # 2022-11MA.

Mr. Swanson second the motion.

Ms. Flanagan asked the board if they would like to discuss the case.

Mr. Swanson made comments regarding the parking issues.

Ms. Flanagan stated she is concerned about considering a drug treatment center considered a nursing home use. Also, there is concerns with the parking issues.

Mr. Mees stated he has concerns with the parking requirements.

1:04:08

Ms. Flanagan asked if there was any further discussion from the board.

Ms. Flanagan asked the board to vote on Case # 2022-11MA.

Ms. Flanagan called roll.

Mr. Swanson NO

Mr. Mees NO

Ms. Flanagan NO

Mr. Miller stated the Zoning Commission is a recommendation body and the final decision will be in front of the Board of Trustees. The Board of Trustees will meet on October 4, 2022, at 6:00 p.m.

Item 5. – Township Report

Mr. Miller stated nothing to add.

Item 7. – Date of next meeting

The next Zoning Commission meeting is scheduled for Tuesday, October 11, at 6:00 p.m.

Ms. Flanagan stated she will be absent on that date.

The meeting adjourned at **7:06 p.m.**