



COLERAIN TOWNSHIP ZONING COMMISSION
Regular Meeting Minutes
Tuesday, August 21, 2018 - 6:00 p.m.

Colerain Township Government Complex
4200 Springdale Road - Cincinnati, OH 45251

Meeting called to order.

The Pledge of Allegiance was led by Mr. Westfall.

Roll Call: Mr. Fehring – absent, Mr. Grote – aye, Mrs. Smith – absent, Mr. Taylor – absent, and Mr. Westfall – aye.

Alternates Mr. Pace and Mr. Gehring were seated to fill in for two absent members.

Also present were staff members Jenna LeCount and Jesse Urbancsik.

Approval of Minutes:

Mr. Grote made a Motion to approve the June 19, 2018 Meeting Minutes and Mr. Pace seconded the Motion.

Roll Call: Mr. Gehring – aye, Mr. Grote – aye, Mr. Pace – aye, and Mr. Westfall – aye.

Public Address: None.

Final Development Plan: None.

Public Hearings:

ZA2013-0003 Sanctuary Pointe Nursing and Rehab

Ms. LeCount presented on the case as a lot split that needed to go through Major Modification process due to a request for a change in density. In 2013, a zone change from “PD-B” Planned Development Business to “PD-R” Planned Development Residence was approved for the construction of a 124-bed skilled nursing facility consisting of rehabilitation, nursing care, and Alzheimer’s care. The one-story building was constructed of brick and stone with a pitched roof. The site created access via two curb cuts onto Crest Road with an associated 140- space parking lot, with no direct access from Hamilton Avenue (US 127). The northern portion of the site was

listed as a future development area with no specific plans at that time. In 2013, the Board of Trustees approved the density to a max of 7 units per acre to 10.9 units per acre.

Since a variance was granted for additional density of nursing home beds per acre in the Trustee resolution, an additional variance will also require Trustee approval. This request is being considered as a Major Modification to the approved Preliminary Development Plan.

Staff Recommendation is approval of the Major Modification to the Preliminary Development Plan with the following variance and conditions.

Conditions:

1. That all conditions approved as part of case Colerain ZA2013-03 shall remain in effect for the subject site including the approved landscape plan.
2. That a Major Modification to the Preliminary Development Plan be required for any future development on the remaining vacant parcel.

Variance:

1. Section 7.4.6 (A) - That the proposed development be permitted a maximum density of 17.5 beds per acre where 7 units or beds per acre is permitted.

Chase Kohn, with Sanctuary Pointe Nursing and Rehab, stated that they are in the process of refinancing the property through a HUD-insured loan vehicle for a long-term fixed rate loan. In the event that they develop the 3.8 acres of land, any development would be incredibly restrictive, and by splitting the lot, they would refinance only the existing facility and not restrict future development.

Mr. Grote asked the facility's current occupancy. Mr. Kohn responded in the lower 90%.

Mr. Gehring questioned if they are trying to split apart from the 3.8 acres so it would make it more marketable and additionally asked if that is one of the advantages.

Mr. Kohn responded that they are not looking to sell the property and plan to release any restriction that may be on the property. Ms. LeCount added that without the variance, the northern lot is not developable.

Mr. Grote questioned staff on what a future development on 3.8-acre lot is limited too, for example, a one story building. Ms. LeCount responded that those restrictions would be written on the original Resolution and would not necessarily be restricted in height.

Mr. Gehring asked if it sets a precedence for future developers on the number of beds that a property could have. Ms. LeCount reiterated that the advantage of the Planned Districts is that they can be reviewed case by case and discuss what is appropriate in the market at the time. Mr. Kohn added that they have facilities throughout Southwest Ohio and that senior living is becoming more popular. He additionally stated that 7-units per acre is extremely restrictive and should be revisited in the future to allow the Township to be open to more similar developments.

Mr. Kohn made a point about the landscaping issue on the property. He stated that the right-of-way along Hamilton Avenue is still not manicured and as contacted ODOT with no success. He stated that on his own expense they have cleaned the right-of-way.

Mr. Grote responded to Mr. Kohn's comment about the landscaping and stated that the silk fence from the construction of the nursing facility is still located on their property and stated it looks trashy. Mr. Kohn was under the impression that they had to keep the silk fence up to catch run off. Ms. LeCount stated that Hamilton County Soil and Water division could clarify that and that the ODOT right-a-way could be part of the Township's pending beautification plan. Mr. Grote added that dead trees and the detention pond needed to be improved and that he expects applicants to do what they say they are going to do.

With no further questions for staff, Mr. Gehring made a Motion to open the public hearing and Mr. Grote seconded the Motion.

Roll Call: Mr. Gehring – aye, Mr. Grote – aye, Mr. Pace – aye, and Mr. Westfall – aye.

Gene Brockett, adjacent resident to the subject property, stated concerns about splitting the property and what its future use may be. He agreed with Mr. Grote's comments about the landscaping needing to be maintained.

Kevin Hawkins, adjacent resident to the subject property, reiterated Mr. Brockett's concerns and also expressed concerns about the runoff water coming from Crest Road.

Mr. Grote made a Motion to close the public hearing and it was seconded by Mr. Gehring.

Roll Call: Mr. Gehring – aye, Mr. Grote – aye, Mr. Pace – aye, and Mr. Westfall – aye.

Mr. Gehring questioned that if splitting the lots would do anything legal that would not require the maintenance of the retention pond. Ms. LeCount stated she cannot give legal advice but reiterated that this is all still a part of the same development plan so when the applicant comes back with a new development plan for the new parcel, the plans would be reviewed through the agency review contacts.

Mr. Pace asked the applicant about their timeline and if they have any financing.

Mr. Kohn responded that the first year for the HUD financing is a 120-150-day process for them to approve it and roughly 30 days to close.

Mr. Gehring asked the applicant if the parcel can be transferred to a different entity. Ms. LeCount responded that ownership of the property is irrelevant and that the only issue is the zoning and development on the parcel.

Mr. Pace asked staff about the landscaping issue and if there is a timeline for the changes for the landscaping. Ms. LeCount stated that if they were to issue a violation however, staff does not intend to issue a violation notice since they are currently in communication with the application.

Mr. Kohn stated that he just became aware of the landscaping issues and spoke of flora and fauna availability being a concern.

Mr. Westfall asked staff about the Hamilton County Engineer comment regarding the location of the existing driveway access. Ms. LeCount responded she did not know and stated that it is a future cause.

Mr. Gehring made a motion to approve the Major Modification based on Staff Recommendation, and Mr. Westfall seconded the Motion.

Roll Call: Mr. Gehring – aye, Mr. Grote – aye, Mr. Pace – aye, and Mr. Westfall – aye.

Informal Concept Review: None.

Old Business: None.

New Business:

Mr. Westfall brought up one story developments and stated that everyone should give thought to the height of buildings and to take that into consideration.

Mr. Grote referenced Mr. Kohler's staff report studies of other Township's densities for units in nursing facilities and asked if we should look at something. Ms. LeCount responded stating that this subject can be pulled into the land use plan and more comprehensive conversations will be had.

Administration:

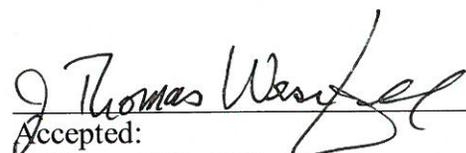
Ms. LeCount announced that the Land Use Plan will need a committee and that Planning & Zoning Department are currently accepting applications for the committee.

Announcements: None.

Next Meeting: September 18, 2018.

Motion to adjourn at 6:40 p.m. by Mr. Grote, 2nd by Mr. Gehring. Motion Carried.


Respectfully submitted:
Jesse Urbancsik, Planner


Accepted:
J. Thomas Westfall, Chairman