

**CITY OF MONTGOMERY  
PLANNING COMMISSION REGULAR MEETING**

*City Hall  
10101 Montgomery Road  
Montgomery, OH 45242*

**September 20, 2021**

**PRESENT**

**GUESTS & RESIDENTS**

**Tyler Amicon  
Viox & Viox  
602 Lila Avenue  
Milford, OH 45150**

**C. Francis Barrett, Esq.  
Barrett & Weber LPA  
120 E. 4<sup>th</sup> Street, Suite 1201  
Cincinnati, OH 45202**

**Jeff Doering  
North Shore Design  
430 Reading Rd, 4<sup>th</sup> Floor  
Cincinnati, OH 45202**

**Larry Hatfield  
North Shore Design  
430 Reading Rd, 4<sup>th</sup> Floor  
Cincinnati, OH 45202**

**Ron Joseph, Jr.  
Joseph Auto Group  
9770 Montgomery Rd, 45242**

**Mike Kubicki  
Kubicki Real Estate Partners  
8455 Kuglar Mill Road  
Cincinnati, OH 45243**

**Craig Margolis  
Vice Mayor  
Montgomery City Council  
8270 Mellon Drive, 45242**

**STAFF**

**Tracy Henao, Assistant City  
Manager / Acting Community  
Development Director**

**Karen Bouldin, Secretary**

**COMMISSION MEMBERS PRESENT**

**Chairman Mike Harbison  
Jim Matre, Vice Chairman  
Dennis Hirotsu  
Darrell Leibson  
Barbara Steinebrey  
Pat Stull**

**MEMBERS NOT PRESENT**

**Vince Dong  
Jim Matre, Vice Chairman**

**Call to Order**

Chairman Harbison called the meeting to order at 7:30 p.m. He reminded all guests and residents to sign in, and please turn off all cell phones.

**Roll Call**

*The roll was called and showed the following attendance:*

**AYE: Mr. Stull, Mr. Hirotsu, Ms. Steinebrey, Mr. Leibson, Chairman Harbison (5)**  
**NAY: (0)**  
**ABSENT: Mr. Matre, Mr. Dong (2)**  
**ABSTAINED: (0)**

**Guests and Residents**

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There were no guests or residents who wished to speak about items that were not on the agenda.

### **Old Business**

There was no old business to report.

### **New Business - 1**

***Application from Viox and Viox, Inc., on behalf of R3G2 Properties, LLC for Final Development Plan Approval for the expansion of Columbia Chevrolet at 9770 Montgomery Road. This approval does not include building architecture for the proposed pre-owned vehicle building.***

Chairman Harbison explained the process for this evening's meeting to all guests and residents: "Ms. Henao reviews her Staff Report, and the Commission asks any questions they might have. The applicant presents their application, and the Commission then asks any questions. The floor is opened to all residents for comments. If a resident agrees with a comment that was previously stated, they could simply concur, instead of restating the entire comment (to save time). The Commission discusses the application, and residents are not permitted to comment or question during this discussion. The Commission will then decide to table, approve or deny the application."

### **Staff Report**

Ms. Henao reviewed the Staff Report dated September 17, 2021, "Columbia Chevrolet – Final Development Plan Approval of 9750 Montgomery Road. She had not received any comments, phone calls, or emails regarding this application tonight.

There were no questions for Staff from the Commission.

**C. Francis Barrett, Esq., Barrett & Weber LPA, 120 E. 4<sup>th</sup> Street, Suite 317, Cincinnati, OH 45202** stated that he represented Columbia Chevrolet. He introduced others in attendance: Mr. Ron Joseph, Jr., and Mr. Tyler Amicon, Director of Engineering for Viox & Viox, responsible for the site engineering. Mr. Barrett stated that they were available to answer any questions.

Chairman Harbison asked if there were any questions for the applicant.

Mr. Hirotsu asked the applicant if there were any issues with the conditions. Mr. Barrett stated that there were not.

There were no more questions from the Commission.

Chairman Harbison asked if there were any questions or comments from the guests or residents. There were none.

Chairman Harbison closed the meeting to public comment, and asked for the Commission to discuss.

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Mr. Stull felt it looked very clean to him. He was in favor of this project.

All other members were in agreement.

***Mr. Leibson made a motion approve the application from Viox and Viox, Inc., on behalf of R3G2 Properties, LLC for the Final Development Plan for the expansion of Columbia Chevrolet at 9770 Montgomery Road, with the following conditions as set forth by Staff in the Staff Report dated September 17, 2021:***

- 1. All conditions approved by the Planning Commission and City Council for the expansion of a conditional use and General Development Plan with an equivalency shall apply.***
- 2. The final stormwater, grading and utility plans shall be approved by the City Engineer.***
- 3. The final design for the sidewalk shall be reviewed and approved by the City Engineer and the Public Works Director.***
- 4. The Final Photometric Plan be reviewed and approved by the Community Development Director prior to issuing any building/zoning permits.***
- 5. All light poles to be put on a timer to reduce the average footcandles in the overnight hours, as required by Schedule 151.3213(C)(ii).***
- 6. The existing ground-mounted sign for the property at 9770 Montgomery Road be removed.***
- 7. Final building architecture and building materials be reviewed and approved by the Planning Commission prior to issuance of a building permit.***

***Mr. Hirotsu seconded the motion.***

***The roll was called and showed the following vote:***

<b><i>AYE: Ms. Steinebrey, Mr. Leibson, Mr. Stull, Mr. Hirotsu, Chairman Harbison</i></b>	<b><i>(5)</i></b>
<b><i>NAY:</i></b>	<b><i>(0)</i></b>
<b><i>ABSENT: Mr. Matre, Mr. Dong</i></b>	<b><i>(2)</i></b>
<b><i>ABSTAINED:</i></b>	<b><i>(0)</i></b>

***This motion is approved.***

**New Business - 2**

***Concept plan discussion for redevelopment of the building at 5017 Cooper Road, for a retail use.***



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### Staff Report

Ms. Henao stepped out of the meeting briefly, and Chairman Harbison reviewed the Staff Report dated September 17, 2021, "Concept Plan Discussion for 5017 Cooper Road". Chairman Harbison pointed out that this discussion was simply to provide feedback, there would be no vote. He stated that the feedback provided this evening would be shared with the Board of Zoning Appeals regarding a variance request for parking lot encroachments.

Ms. Henao returned to the meeting, and explained that while she was working on the Staff Report for the BZA variance request earlier today, she found a variance for the rear-yard setback that had been granted for the property at 5019 (and not 5017). This is the multi-family behind 5017. The variance allowed for the buffer yard for 5017 Cooper Road to be 15' in width. Thus, the required rear yard setback for this property is only 15 feet making the amount of encroachment even less than shown.

Ms. Henao showed all on the wide screen, the location of this section – only a small, triangular piece that would encroach into the rear yard setback. She noted that the parking lot for the apartment building at 5019 actually encroached onto the applicant's property by 5 feet - that was part of the variance, from 2003. At that time, the BZA, based on the Planning Commission's recommendation narrowed their setback to 15 feet, in order to leave the parking, there, so that people could access it.

She would also like to hear the Commissioners thoughts on the expansion of the rear parking lot as well as the reconfiguration of the 3 parking spaces along the shared drive. Ms. Henao stated that she had received correspondence from a resident, in response to the variance request, asking that they maintain as many of the mature trees as possible, in the buffer area.

Ms. Henao apologized to the Commission, but stated that she needed to leave the meeting, due to an emergency.

Chairman Harbison asked if there were any questions or comments pertaining to the Staff Report.

Mr. Leibson felt this would be a great transition from what it is now. He felt that the variances were minor. He was fully supportive of this and would like to see this approved.

Mr. Stull stated that this looked good to him, certainly much better than what is there now. He stated that this would be a great improvement.

Mr. Hirotsu asked the applicant if the 24 parking spaces were needed, mostly for the employees.

**Michael Kubicki, Kubicki Real Estate Partners, 8455 Kuglar Mill Road, Cincinnati, OH 45243** stated that there were 14 employees, which is why they needed the 24 spaces. Mr. Hirotsu asked if the customers would probably park in the front. Mr. Kubicki confirmed. He noted that there were 11 parking spaces in the front, 3 on the side, and 10 in the back.

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Mr. Leibson noted that they met all of the parking requirements. Chairman Harbison stated that the front does right now.

Chairman Harbison asked about the landscaping and the mature trees in the back. Mr. Kubicki stated that some of the trees were a bit scrappy. He stated that there were a couple of large trees between this property and the Jiffy Lube, that you would consider to be mature trees, but they were half dead; they would like to remove those. Chairman Harbison suggested that he have Terry Willenbrink, the City Arborist, come out and assess the trees, before they made decisions.

Mr. Kubicki stated that their intent was to improve the current condition, and to have a nice landscape buffer between them and the residential portion, as well as from the Jiffy Lube.

Ms. Steinebrey felt this would be a great addition. She thought the landscape plan on the drawing looked wonderful. She was in favor of the extra parking.

**Larry Hatfield, Architect for North Shore Design, 430 Reading Road, Fourth Floor, Cincinnati, OH 45202** introduced Jeff Doering (also an architect with North Shore). He stated that his client would like to clean this up and turn it into a very nice facility. He stated that his client had not yet purchased the property; he intends to purchase the property if the plan is approved. He asked if there were any questions.

Chairman Harbison explained the process: they would go before the BZA first, and then they would come to the Planning Commission for the Final Development Plan.

Chairman Harbison asked if they had thoughts about the big ground sign in the front. He noted that it would not need to be addressed until the Final Development Plan. Mr. Kubicki stated that he had that in his plan – they would like to keep the sign, but improve it.

Chairman Harbison spoke on behalf of all Commission members, noting that it was unanimous that they were all in favor of this project, and the variances.

### **Staff Report**

There was no Staff Report this evening.

### **Council Report**

Mr. Margolis stated that two weeks ago at the Strategic Plan Retreat, they reviewed their Mission Vision and Values. And they were asked to challenge themselves, with each decision and every action. He shared the five questions:

- 1) Is it right for the community?
- 2) Is it right for the City?
- 3) Is it ethical and legal?
- 4) Is it consistent with our values and policies?
- 5) Is it something for which I am willing to be accountable for?

He felt that this could apply to everything we do.



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Mr. Margolis noted that recently he travelled to Montgomery, New York, to celebrate their General Montgomery Day. He explained that General Richard Montgomery fought in Canada for the United States, during the Revolutionary War, and many of the villagers from a town called Hopewell, New York fought with him. Although he perished in the war, they decided to rename Hopewell as Montgomery. Every Montgomery in the United States is named after him.

Mr. Margolis noted that Montgomery, NY is north of New York City, but south of Lake Ontario. It is a rural and agrarian area, and most all the county joins in the celebration - there are about 150 floats in the parade. The city itself is small and consists only of about 4500 residents. The mayor knows everyone by name and many of the names are like those here – Terwilliger, etc.

As this celebration is inspiring, Mr. Margolis stated that they are in the incubation stage of a small group of like-minded citizens who are interested in the history of Montgomery, Ohio, and in promoting it – possibly a History Club. They would promote the idea of what inspired these settlers to make that 600-mile trek from New York to northeast Cincinnati, and form our community. We want to also highlight that there is a rich heritage and history here. We want to turn it into a type of entertainment, where we are bringing this information to the public, and drawing them into the downtown area, to enjoy the history, and support businesses.

Mr. Margolis touched on the upcoming election, pointing out that there were a number of candidates – a bit more than usual. He reminded all members that every election is important. There was more discussion on who the candidates were and how many seats were open. Mr. Margolis noted that there were 6 candidates: 5 open positions, but one of the 5 positions was un-opposed (Ken Suer). So there were 5 people running for 4 positions; and there were 3 incumbents. Mr. Margolis stated that he would be happy to help anyone who would like to host a get-together of candidates, so that people can discuss issues.

Mr. Hirotsu asked about the 5-year Strategic Plan, and if there was any outcome. Mr. Margolis stated that this was a process, and not one single event gives a complete outcome. They spent a day and a half, divided up into specific teams, and came up with broad goals, and sub-goals. Then Management Partners took all of the information, they will digest and wordsmith it, and bring it back to the City, for review. He stated that he will bring an update, when it comes about.

### Minutes

Mr. Hirotsu moved to approve the minutes of July 19, 2021, as submitted.

Mr. Leibson seconded the motion. The Commission unanimously approved the minutes.

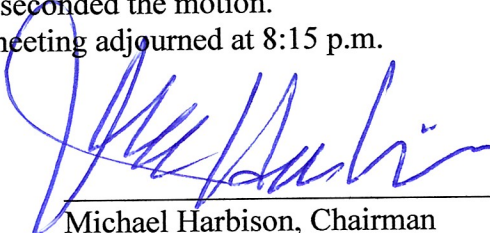
### Adjournment

Mr. Hirotsu moved to adjourn. Ms. Steinebrey seconded the motion.

The Commission unanimously approved. The meeting adjourned at 8:15 p.m.

  
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Karen Bouldin, Clerk

/ksb

  
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Michael Harbison, Chairman

15 NOV 2021  
Date