

**CITY OF MONTGOMERY  
PLANNING COMMISSION REGULAR MEETING**

City Hall · 10101 Montgomery Road · Montgomery, OH 45242

**September 12, 2022**

**PRESENT**

**GUESTS & RESIDENTS**

**LeeAnn Bissmeyer**  
Vice Mayor  
Montgomery City Council

**Mary Lou & Joe Rimsky**  
11469 Grandstone Lne 45249

**John Hattersley**  
Terracon Consultants  
611 Lunken Park Drive  
Cincinnati, OH 45226

**Mary Rutledge**  
8410 Capricorn Drive, 45249

**Thomas Jordan**  
11000 Montgomery Rd, 45249

**STAFF**

**Kevin Chesar**  
Community Development  
Director

**Karen Bouldin, Secretary**

**ALL COMMISSION MEMBERS PRESENT**

**Chairman Dennis Hirotsu**  
**Vice Chairman Jim Matre**  
**Vince Dong**  
**Peter Fossett**  
**Darrell Leibson**  
**Barbara Steinebrey**  
**Pat Stull**

**Call to Order**

Chairman Hirotsu called the meeting to order at 7:05 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 response/attendance:*

**PRESENT: Mr. Stull, Mr. Fossett, Ms. Steinebrey, Mr. Matre, Mr. Leibson, Mr. Dong,**  
**Chairman Hirotsu** (7)

**ABSENT:** (0)

*All members were present.*

**Guests and Residents**

Chairman Hirotsu asked if there were any guests or residents who wished to speak about items that were not on the agenda. There were none.

Chairman Hirotsu explained the process for this evening's meeting to all guests and residents: "Mr. Chesar reviews his 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.

## **Planning Commission Meeting**

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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.

### **Old Business**

There was no old business to report.

### **New Business**

***Application for expansion of a Conditional Use and Final Development Plan for Gate of Heaven Cemetery located at 11000 Montgomery Road.***

### **Staff Report**

Mr. Chesar reviewed the Staff Report dated September 12, 2022, "Application for Expansion of a Conditional Use and Final Development Plan at Gate of Heaven Cemetery, 11000 Montgomery Road." He showed drawings on the wide screen for all to see, to provide more understanding of the Staff Report.

Mr. Chesar indicated that there had been one email received (included in Commissioners' packets), from a person inquiring if any of the wooded area would be removed, regarding this application. He indicated that the application is not impacting any of the wooded area surrounding the cemetery.

Staff asked for any questions.

Regarding the 5 year extension, Mr. Dong asked if we had ever extended this in the past for a 5 year term, or more. He understood that it had been done for six months in the past, and could go up to one year.

Mr. Chesar explained that there is a provision in the Code to allow Staff or Planning Commission to extend for 6 months, and then an additional 6 months; these have both occurred previously in various cases. He additionally checked with Assistant City Manager, Tracy Henao, if she recalled of any previous 5-year extensions, and she had not. While not a normal practice, the provision in the Code does allow the Commission to consider this.

Mr. Chesar noted that it could be possible that regulations could change in the next several years. This could make a difference for a development that hadn't really come to fruition.

Alternatively, Mr. Chesar noted the cemetery has been here since 1947, and is probably not going to be redeveloped into anything else. He reiterated that at this time, it is unknown if a potential code change regarding mausoleum regulations could occur in the future and most likely it makes sense that any future structures coordinate with the current architectural designs on the site. He deferred to the applicant, for explanation of the 5-year extension request.

There were no more questions from the Board.

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Chairman Hirotsu asked if the applicant wished to speak.

**John Hattersley, Terracon Consultants, 611 Lunken Park Drive, Cincinnati, OH** introduced Tom Jordan, from Gate of Heaven Cemetery. Mr. Hattersley explained that they requested both buildings at the same time simply for the sake of efficiency and simplicity. He felt they would be back again in 2 or 3 years, to do this again, so they decided to put both buildings in the same application. They are planning to get into construction for Buildings A1/B1 toward the end of this year or early next year, so that it would be completed and installed by this time next year. And then, within that 5 year timeframe, constructing and installing Buildings A2/B2.

**Thomas Jordan, Director, Gate of Heaven Cemetery, 11000 Montgomery Rd, Montgomery, OH 45249** stated that the reason to request approval now was that the same architect and same builder designed both buildings – they are identical. He holds the same concerns, that if trends change such as cremation becoming more popular than burial, they may not even need them. But if they do need them, they will be one step ahead.

Chairman Hirotsu asked if they were out of capacity now. Mr. Jordan stated that they were. He pointed out the 4 buildings on the drawing on the wide screen that were at capacity, except for a few upper level, less desirable spaces. He noted that they probably should have started this project about 3 years ago.

Mr. Fossett asked about the increasing popularity of cremation, and wondered if in another four years they would not need another mausoleum. If that is the case, would the site look strange, when it was designed for the 2 mausoleums to complement each other. He questioned if the area would look like an awkward gap.

Mr. Jordan stated that they have plenty of uses for that land, whether it be for cremation or ground burials.

Chairman Hirotsu asked if any guests or residents had comments.

**Joe Rimsky, 11469 Grandstone Lane, Montgomery, OH 45249** stated that their property abutted the cemetery. His question was about the new construction that they were addressing today. He asked if these were the same people who designed the existing mausoleums, with the same materials. Mr. Jordan stated that this is a different architect, but the same builder. He confirmed that the material will be granite, very similar in color, whatever is available today, versus in the 1980s, when the original mausoleums were built. Mr. Jordan stated that this is about identifying trends and expecting that is what it will be for the near future.

Mr. Rimsky asked to see the location of these proposed new buildings, on the drawing, as well as the 2 existing buildings. Mr. Chesar pointed them out, on the wide screen, noting that the new buildings will be approximately 240 feet off of Montgomery Road. He also showed Mr. Rimsky the 2 ponds, near the entrance.

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**Mary Rutledge, 8410 Capricorn Drive, Montgomery, OH 45249** stated that she received a letter from the City regarding this application saying that there were going to build the mausoleums within 300 feet of her property. She didn't believe this to be true. She was confused as to why she received a letter. Mr. Chesar explained that the Zoning Code requires the City to notify everyone who lives within 300 feet of the cemetery property. Because there are two large parcels of the cemetery, totaling approximately 160 acres, there were a lot of mailings that went out. He noted that it did not mean that they would be built within 300 feet of her property, but that she received notice of this application because she lived with 300 feet of the cemetery.

Chairman Hirotsu thanked Ms. Rutledge for coming to the meeting.

Chairman Hirotsu asked for discussion / comments from the Commission.

Mr. Stull felt this was clear cut. He was in favor of this application.

Mr. Fossett was also in favor; he felt the 5 year extension was sensible.

Ms. Steinebrey agreed with the other members.

Mr. Matre approved; he didn't feel we would set a precedent because there is not another 160 acres anywhere else. Mr. Dong noted the hospital, but agreed it was different than the cemetery.

Mr. Leibson agreed with this application.

Mr. Dong agreed with this plan, but did not agree with the 5 year extension. He noted that it was not that difficult to come back before the Planning Commission (and then City Council) to get approval. He felt that the process was very simple. He would not want to give a blanket approval for 5 years to any developer.

Chairman Hirotsu agreed with Mr. Dong. He felt that this seemed like a matter of convenience, and it didn't feel that it was necessary – for example, if it was for a structural reason. He noted that other applicants could come and request the same only based on convenience.

Mr. Matre asked for Staff to explain the guidelines associated with this, regarding Staff's approval in these matters. Mr. Chesar stated that Staff could extend an application for (2) 6-month periods, essentially one year.

Mr. Matre asked if we could give Staff the ability to extend it for a longer period of time. Mr. Chesar stated the decision for extension is Planning Commission role.

Mr. Stull recalled that the only times the Planning Commission had granted extensions was for Joseph Chevrolet's Body Shop and the Tree of Life applications.

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Mr. Chesar stated that if the 6 month extension was approved, the applicant could come back and ask for another 6 month extension, and the Planning Commission could approve or deny it.

Mr. Fossett felt this issue was more than convenience; he stated that it appealed to the unity of the project, and the ability to attain visual unity against any possible changes in design or the Code, between now and the time of construction, that might change the look of the second mausoleum. Mr. Dong stated that we have no design guidelines. Mr. Leibson pointed out that we could, if we happened to create a new ordinance between now and then.

Mr. Leibson asked if they were going to build both of these now, would anyone have any issues with it. If not, then let's give them some time to do it. Mr. Dong pointed out the Vintage Club, noting that they came back for each phase.

Mr. Chesar stated that there is a point to be made, that if something does change, from the design guideline perspective, it could make a difference. He noted that there are Corridor Design Guidelines that could at some point be developed for this area. However, whether those changes would impact the cemetery is not known in relation to the future.

***Mr. Leibson made a motion to recommend to City Council that they approve an application for expansion of a Conditional Use and Final Development Plan for Gate of Heaven Cemetery located at 11000 Montgomery Road, per the application submitted by Thomas J. Jordan, dated August 22, 2022, and proposal submitted by John L. Hattersley of Terracon, with the following conditions:***

- 1) Final stormwater regulations be met, in conformance with Hamilton County Stormwater Regulations.***
- 2) Final Development Plan be approved, with City Council's approval of the Expansion of Conditional Use.***
- 3) Final landscaping be approved, subject to the City Arborist.***
- 4) Approval of a five-year extension for construction.***

***As detailed in the Staff Report dated September 12, 2022.***

***Mr. Fossett seconded the motion.***

Mr. Dong had no problem with this development proposal, but he took issue with the 5 years. He asked if they could amend this motion so that there be two motions: one for the development, and one for the 5 year extension.

Mr. Chesar read from the Code: "Conditional Use shall expire one year from date of enactment ...". His point was that it was the Conditional Use that you were extending.

Mr. Leibson understood it to be that the expiration of the expansion of Conditional Use, as approved tonight, be extended 5 years.

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There was more discussion, and all gained clarity of what points that the Planning Commission was recommending City Council to approve:

- 1) Expansion of a Conditional Use
- 2) Final Development Plan
- 3) Five year extension of the Conditional Use

Mr. Dong stated that he was in favor of the Conditional Use and the Final Development Plan, he reiterated he only took issue with the 5 year extension.

*Mr. Dong made a motion to amend the motion made by Mr. Leibson, to eliminate the 5 year extension of the Conditional Use, which would revert to allowing for an expansion of possibly one year.)*

*Ms. Steinebrey seconded the motion.*

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

<i>AYE: Mr. Stull, Ms. Steinebrey, Mr. Dong, Chairman Hirotsu</i>	<i>(4)</i>
<i>NAY: Mr. Fossett, Mr. Matre, Mr. Leibson</i>	<i>(3)</i>
<i>ABSENT:</i>	<i>(0)</i>
<i>ABSTAINED:</i>	<i>(0)</i>

*This motion to amend Mr. Leibson's motion is approved.*

*Mr. Leibson made a motion to recommend to City Council that they approve an application for expansion of a Conditional Use and Final Development Plan for Gate of Heaven Cemetery located at 11000 Montgomery Road, per the application submitted by Thomas J. Jordan, dated August 22, 2022, and proposal submitted by John L. Hattersley of Terracon, with the following conditions:*

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- 3) Final landscaping be approved, subject to the City Arborist.*

*As detailed in the Staff Report dated September 12, 2022.*

*Mr. Fossett seconded the motion.*

**Planning Commission Meeting**

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

<i>AYE: Ms. Steinebrey, Mr. Matre, Mr. Leibson, Mr. Dong, Mr. Stull, Mr. Fossett, Chairman Hirotsu</i>	<i>(7)</i>
<i>NAY:</i>	<i>(0)</i>
<i>ABSENT:</i>	<i>(0)</i>
<i>ABSTAINED:</i>	<i>(0)</i>

*This motion is approved.*

Mr. Leibson asked Staff a question regarding guidelines. If the applicant wanted an extension in about two years, do they come before the Planning Commission, and then we recommend to Council again, or do they go just to City Council. Mr. Chesar will research the code to clarify to all members of this Commission and will let them know what Staff can extend and what Planning Commission can extend.

**Staff Update**

Mr. Chesar gave brief updates to the Commission:

- Bethesda Hospital: Right before Labor Day, the Helipad relocated to the original area; a bit in advance of their projected date at the end of September.
  - Sycamore High School is still on track for the first game this Friday, September 16. There is still a lot of work to be done.
  - The City is working through the 2022-2023 Budget. City Council has a work session coming up. Staff will discuss the Comprehensive Plan with the Commission later this year.
  - Montgomery Quarter’s grand opening has been bumped to spring 2023, because they can’t get their materials in, due to the supply issue.
- There is no definite word on any more office rentals.  
 --Phase 2: still discussion about what that will be.  
 --Mr. Fossett stated that the flower boxes on the southern side of the parking garage looked great.

Mr. Chesar confirmed with members that because of the Labor Day holiday interfering with the meeting days for Planning Commission, there will be no other meeting this month.

**Planning Commission Meeting**

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**Council Report**

Ms. Bissmeyer stated there were only two items that City Council discussed at the last meeting.

- 1) Various roads such as in the Winds Subdivision, were discovered to have been dedicated but never accepted by the County. A motion was made to make this happen.
- 2) Annual review process for the TIF projects for the Vintage Club, the Triangle and Montgomery Quarter.

**Minutes**

Mr. Dong moved to approve the minutes of August 15, 2022, as written.

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

**Adjournment**

Mr. Leibson moved to adjourn. Mr. Matre seconded the motion.

The Commission unanimously approved. The meeting adjourned at 7:50 p.m.

<i>Karen Bouldin</i>	<i>5-22-23</i>	<i>Dennis Hirotsu</i>	<i>5/22/23</i>
Karen Bouldin, Clerk	Date	Dennis Hirotsu, Chairman	Date

/ksb