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3 City of Montgomery
4 City Council Public Hearing Minutes
5 April 18, 2018

6 Present

7 Brian Riblet, City Manager
8 Terry Donnellon, Law Director
9 John Crowell, Police Chief
10 Gary Heitkamp, Public Works Director
11 Tracy Roblero, Community Development Director
12 Katie Smiddy, Finance Director
13 Matthew Vanderhorst, Community and Information Services
14 Paul Wright, Fire Chief
15 Faith Lynch, Community Engagement Coordinator
16 Connie Gaylor, Clerk of Council
17 Kathi Ranford, Customer Service Representative

City Council Members Present

Chris Dobrozsi, Mayor
Lynda Roesch, Vice Mayor
Lee Ann Bismeyer
Mike Cappel
Gerri Harbison
Craig Margolis
Ken Suer

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20 City Council convened in Council Chambers at 6:00 p.m. with Mayor Dobrozsi presiding, to consider a request
21 from The Robert Lucke Group, Inc. to rezone 3.35 acres of property along Montgomery Road from 'A' Single
22 Family Residential to 'C' Two Family and Single Family Residential to develop a single family attached
23 residential subdivision of thirteen (13) lots with a total of 6 buildings (12 units). The applicant is also requesting
24 that a Planned Development (PD) overlay zoning classification be established for the 3.35 acres. As part of the
25 PD zoning request, the applicant is requesting approval of the general development site plan and the List of
26 Conditions and Exceptions.

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28 Mayor Dobrozsi stated that because of professional relationships past, present and possibly in the future that he
29 would recuse himself from any discussions or vote on this matter. He asked Vice Mayor Roesch to run the
30 meeting and exited the dias.

31
32 Vice Mayor Roesch read the request and explained the process of the meeting to the audience.

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34 Mr. Donnellon explained the process of the Public Hearing and what type of motions that City Council could
35 consider at the meeting. He stated that there would be no vote on this request this evening.

36
37 Ms. Roblero explained to City Council that the Robert Lucke Group Inc. has purchased the former Youthland
38 Academy daycare located at 10310 Montgomery Road and has an option to purchase the additional properties in
39 the project area. The applicant is proposing a single family attached residential Planned Development. The
40 subject property lies in a section of Montgomery Road between Schoolhouse Lane and Radabaugh Drive that the
41 City has been concerned about for many years. Studies of this section of Montgomery Road have been included
42 in the past two strategic plans and it has been identified as an area of concern in the 2007 update of the
43 Comprehensive Community Plan. For at least the past ten years, the City has experienced pressure for
44 development in this area due to high traffic counts and Montgomery Road's status as a principal urban arterial
45 route in the region. The private sector has expressed interest in redeveloping this area into office, commercial and
46 multi-family buildings or re-using existing residential structures for professional offices.

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48 Ms. Roblero further explained that the Planning Commission has met three times to discuss the proposed project.
49 The first meeting on December 18, 2017 was to consider a concept plan for the project, which is significantly
50 different from the project which is currently being proposed; however, a formal application had not yet been
51 submitted. During the concept plan stage, Staff recommended rezoning the underlying property to 'C' with a PD
52 Overlay as opposed to 'D-3', which was proposed by the applicant, so that only single family and single family
53 attached dwellings would be permitted and the possibility of multi-family dwellings would be eliminated. During
54 the concept plan discussion, Staff had some concerns with the number of units and the proposed layout. Several
55 items were discussed at the meeting, including the overall strategy for this section of Montgomery Road moving

56 into the future, the proposed product type and the underlying zoning. The applicant took suggestions and
57 feedback from the Planning Commission and decided to move forward with a formal application with
58 modifications. The Planning Commission met twice to discuss the formal application. The first meeting was on
59 March 5 at which time the Planning Commission heard comments from staff, the applicant and residents. Several
60 residents attended the meeting and asked questions and/or expressed concern about water run-off, traffic, setbacks,
61 a sidewalk along Montgomery Road and process. There was much discussion amongst the Planning Commission
62 members regarding the process and if the Commission should table the application until such time that the City
63 completed the Housing Strategy as called for in the Strategic Plan and/or updated the Comprehensive Community
64 Plan. At the conclusion of the meeting, the Planning Commission voted to recommend approval of the proposed
65 re-zoning from 'A' Single Family Residential to 'C' Two Family and Single Family Residential with a Planned
66 Development Overlay in a 4 – 3 vote. The Commission voted to table consideration of the General Development
67 Plan and the List of Conditions and Exceptions until their next meeting. The Planning Commission met to
68 consider the General Development Plan and List of Conditions and Exceptions at their meeting on March 19.
69 There were questions regarding access and the traffic impact from a resident at the meeting. There was much
70 discussion on the proposed wall in the front yard along Montgomery Road and the Planning Commission
71 ultimately decided not to approve the wall as part of the project. At the conclusion of the discussion, the Planning
72 Commission approved the General Development Plan and the List of Conditions and Exceptions with the
73 condition that the following language be added or modified within the List of Conditions and Exceptions:

- 74
- 75 • Removal of the exception to allow for a wall in the front yard along Montgomery Road
- 76 • No dumpsters shall be permitted except as provided in the Zoning Code in residential districts
- 77 • All lighting shall be in compliance with the regulations of the underlying zoning district
- 78

79 Mr. Roblero closed by stating that Staff supports the recommendation of the Planning Commission to allow for
80 the property at 10280 – 10320 Montgomery Road to be rezoned to 'C' – Two Family and Single Family
81 Residential with a Planned Development Overlay and the approval of the General Development Plan with the
82 modified List of Conditions and Exceptions.

83

84 Staff believes that the proposed project is in line with the polices set forth in the Comprehensive Community Plan
85 since the 'A' Single Family zoning has restricted reinvestment and the proper maintenance of the properties in this
86 section of Montgomery Road. Staff believes that looking at the zoning in this section of Montgomery Road is
87 overdue as this area of Montgomery Road has been a concern for the City for at least the past ten years and the
88 City will continue to get pressure to rezone the property away from the traditional half acre lot size due to the
89 location along Montgomery Road, the lack of reinvestment in the area and property maintenance concerns. Staff
90 believes that the proposed development could be a nice solution which would keep the area residential in the
91 future while providing for quality, diverse housing and ensuring that this section of Montgomery Road remains
92 desirable and economically viable. Staff believes the proposed project will allow for the clustering of single
93 family attached dwellings and does not involve rezoning of residential property to a non-residential use, thus
94 solidifying a residential use along Montgomery Road.

95

96 Mr. Margolis clarified that the setback for the front yard was in fact 50 feet.

97

98 Ms. Roblero stated that he was correct.

99

100 Mr. Margolis asked that in consideration of the 22,000-traffic count in front of the development, how can we
101 maintain the properties as residential.

102

103 Ms. Roblero stated that Staff has determined that this project meets the Comprehensive Plan and would retain
104 residential zoning. She stated that the properties have been for sale several times or have been for sale for quite a
105 while and have not sold. She feels that if they were to be bought as teardowns it would have happened and that
106 with this project they would retain their residential zoning.

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Mr. Cappel asked how the City can prevent this type of change from setting a precedence.

Ms. Roblero stated that the area of Montgomery Road that is included in the request is unique because of the location. She stated that this project would allow for higher density but they would still be residential.

Ms. Bissmeyer asked how this type of development would affect the adjacent property values of single family homes?

Ms. Roblero replied that the estimated value of these units leads us to believe that they will not lower property values.

Ms. Bissmeyer asked what does staff mean by the amount of curb cuts?

Ms. Roblero explained that right now there are the individual curb cuts for each property but with the added service drive that allows the individual property access, there will only be two curb cuts that will be 'right-only' cuts restricting the exit to northbound Montgomery Road only.

Ms. Harbison stated that as a realtor, she has shown one of the properties that were functionally obsolete. There are some homes that are selling to families with children however the properties that are included in this plan are either functionally obsolete or are rental properties that are not maintained well.

Mr. Suer stated that there will be storm water detention basins to handle this development and that the City adheres to the Hamilton County stormwater guidelines. He asked Ms. Roblero if she seen any problems with this type of development.

Ms. Roblero stated that she sees no problems as this development with stormwater issues as the Developer will be required to have a final development plan approval with the stormwater detention approved by City Engineer. This differs from a regular single family as they are not required to meet the same standards. This project would have detention whereas a single lot requirement is not required to.

Scott Lucke, 10685 Weil Road- Mr. Lucke explained that he was the President of the Robert Lucke Group as well as a resident of Montgomery. He stated that the Lucke Group has been involved in quite a few teardown projects in Montgomery and when the opportunity to purchase the day care came about he felt it was a natural progression to consider the property for a different type of housing offering in the city. He explained that Montgomery Staff reached out to the developers to find out what the needs were in Montgomery and the overwhelming need was more density. He stated that he feels this development blends in with the neighborhood. He explained that after meeting with the Planning Commission that he did rework the plan to reduce it from 14 units to 12 and is keeping the front yard setbacks consistent with the existing properties as well as incorporating landscaping as a buffer. He stated that originally there was a decorative brick wall that Planning Commission would not approve so he is looking to use landscaping to give that buffer plus provide aesthetics that would be comparable to that of the Twin Lakes project just south on Montgomery Road. He explained that the access would be the same as it is now and that all stormwater detention would be underground.

Mr. Cappel asked how we can be assured that these don't become rentals.

Mr. Lucke stated that within the covenants of the Homeowners Association the maintenance would be covered however he cannot control the property becoming a rental.

Mr. Cappel asked who would be maintaining the storm sewers for this development.

158 Mr. Lucke stated that he would follow Hamilton County guidelines but that this has not been discussed yet at this
159 point in the project.
160

161 Mrs. Harbison stated that the rentals could be contained within the rules and regulations of the Homeowners
162 Association covenants but also the price point of these units would discourage the property becoming a rental.
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164 Mrs. Harbison asked Mr. Lucke if he has reached out to other adjacent homeowners.
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166 Mr. Lucke replied that he had. His goal would be to extend these types of buildings to the corner of Montgomery
167 and Hopewell if possible.
168

169 Mrs. Bissmeyer stated that one nice feature in Montgomery is that the homes don't all look the same but with his
170 drawings all the buildings are identical. She asked if he planned to keep this design the same.
171

172 Mr. Lucke stated that the designs used were plans that the Lucke Group has and that he would also like to see a
173 variation in the outside design to break up the aesthetics of the buildings.
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175 Mr. Suer asked Mr. Lucke if their group has built this style of a project before.
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177 Mr. Lucke replied that the footprint of the buildings is taken from a single family that they have built and was just
178 put together.
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180 Mr. Suer asked Mr. Lucke if there was a market for this type of project in Montgomery.
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182 Mr. Lucke replied that he felt there was and that it was a more affordable option for those who are ready to sell
183 their single-family homes in order to downsize.
184

185 Mrs. Bissmeyer asked the timing of the project and what his window of opportunity was.
186

187 Mr. Lucke replies that he owns the former Youthland Academy building and has a three-month contract on the
188 others which will be closed if this project is approved.
189

190 PUBLIC COMMENT
191

192 Mr. Robert Wallace- Mr. Wallace explained to City Council that he has a number of rental homes and that a lot of
193 people are concerned with their taxes. This project is necessary for retired people. He feels it will help traffic
194 rather than impair it. He also stated that he liked the idea of the brick wall, maybe a little shorter, because he felt it
195 would be a nice buffer from street noise.
196

197 Mr. Steve Silverman, 7504 Golf Green- Mr. Silverman stated that he can acknowledge that Scott Lucke is taking
198 the economic risk as there are no tax abatement, federal or state funding, or TIF available to fund this, which is
199 admirable. He thinks it would be worthy of City Council to establish a special committee made up of the
200 Planning Commission, Community Development employees, Council Committee members, Citizens at large and
201 members of the Lucke Group to come up with a collaboration of ideas that we haven't been able to bring forth
202 because of the formality of these proceedings. We all want the common good.
203

204 Charles Escowitz, 10721 Buxton Lane- Mr. Escowitz stated that he thought it was a nice-looking project. He
205 assumes it will look similar to Twin Lakes. His concern is the setback. He likes the idea of the 50 feet front
206 setback but he does not like the idea of the 30 feet in the rear. Currently it is 35 feet. He is inquiring why it is
207 different for this project.
208

209 Gary Gross, 7943 Shelldale Way- Mr. Gross thanked staff for having a Public Hearing. He stated that he agrees
210 that something needs to happen along Montgomery Road but also, he is worried that we start piecemealing how
211 will we retain control. He stated that we should have considered this when we reviewed the strategic Plan. He is
212 not advocating to stop the project but to delay it until the setback issues can be reviewed. He feels that we are
213 setting a precedence set and what will the effects of that be on the City.

214
215 Ken Schneider, 9801 Tollgate Lane- Mr. Schneider stated that he is in favor of keeping the residential community
216 because he feels that it is the perfect protection with how we want to maintain the city. He feels that this
217 development will lead us in the right direction. He stated that City Council is equipped to make that decision and
218 he doesn't feel that an additional committee is needed. He also pointed out that we have a personal involvement
219 with Mr. Lucke being a resident. He feels that Mr. Lucke cooperates with the City and does quality work. He
220 closed by stating that he realizes the timeframe is important and is a great plan.

221
222 John Molander, 9905 Tollgate Lane- Mr. Molander stated that staff has referred to a Comprehensive Plan and
223 asked when that is coming out, what type of a plan it would be and will this development set a precedent. He
224 asked are we adhering to the plan and does this development fit into the plan. His last question was, are we
225 pushing a personal exception for Mr. Lucke.

226
227 Mr. Wallace- Mr. Wallace added that as he has a lot of rentals, older people would love to downsize and stay in
228 Montgomery.

229
230 Pam Brown, 7963 Shelldale Way- Ms. Brown stated that she thinks the development looks nice but her concern is
231 the long-term plan and wants to make sure it complies with the Comprehensive Plan. Her question was what can
232 we do to get the plan in place.

233
234 Barb Giblin, 10305 Montgomery- Ms. Giblin asked where this change would leave the other property owners
235 along Montgomery Road. Would they still be considered as residential A or C. She asked what it would take if
236 other property owners would like to be zoned the same.

237
238 Mr. Donnellon explained the process and encourage Ms. Giblin to contact staff to get further information on how
239 to request a zoning change.

240
241 Gary Gross- Mr. Gross reminded City Council of a past petition that was brought by residents to go commercial.
242 Similar in nature they were looking for a zone change that is why it is important to have the plan in place.

243
244 Neil Ober, 10294 Gentlewind- Mr. Ober stated that he was a realtor of Sibcy Cline and that he feels that the City
245 needs this type of a development. He stated that he talks with a lot of residents who are looking for this type of
246 property, specifically those that live in Swaim Field.

247
248 Mr. Donnellon reminded the audience that there would not be a vote on the plan tonight that Council has the right
249 to move the motion forward in the process but there is no legislation to vote on tonight. If moved onto an agenda,
250 it will not be heard until Wednesday, May 23 at the Work Session and voted on in the normal process of 3
251 separate readings starting June 6, 2018, with a 30-day waiting period afterwards.

252
253 Mr. Margolis thanked the Planning Commission and Board of Zoning Appeals for their work up to this point.

254
255 Mr. Margolis moved to advance the Planning Commission's recommendation to rezone 3.35 acres of property
256 along Montgomery Road from 'A' Single Family Residential to 'C' Two Family and Single Family Residential to
257 develop a single family attached residential subdivision of thirteen (13) lots with a total of 6 buildings (12 units).
258 The applicant is also requesting that a Planned Development (PD) overlay zoning classification be established for
259 the 3.35 acres. As part of the PD zoning request, the applicant is requesting approval of the general development

260 site plan and the List of Conditions and Exceptions.
261
262 Mrs. Bissmeyer seconded. City Council unanimously agreed, except for Mayor Dobrozi who recused.
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264 Vice Mayor Roesch asked if there was any further business to be heard in the Public Hearing. There being none
265 she asked for a motion to adjourn from the Public Hearing.
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267 Mr. Margolis moved to adjourn the Public Hearing. Mr. Cappel seconded. City Council unanimously agreed.
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269 The meeting was adjourned at 6:58 p.m.
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Connie Gaylor, Clerk of Council