

City of Montgomery  
Planning, Zoning and Landmarks Committee  
May 6, 2019

**Staff Present**

Brian Riblet, City Manager  
Connie Gaylor, Clerk of Council  
Tracy Roblero, Community Development Director  
Melissa Hays, Zoning Code and Compliance Officer

**Council Committee Members Present**

Craig Margolis, Chair  
Ken Suer  
Lee Ann Bissmeyer

---

The meeting of the Planning, Zoning and Landmarks Committee of City Council convened in Council Chambers at 5:30 p.m., with Mr. Margolis presiding.

**New Business**

**Residential Teardown and Rebuild Construction Report**

Ms. Hays presented the 2011-2018 Residential Teardown and Rebuild Construction report to the Committee. She stated that there have been seven teardown/rebuilds to date in 2019. Ms. Hays explained the average sales price for a teardown in 2007 was \$793,442, while the overall average sales price for the entire City was \$413,126. The most recent year on record, 2018, shows an average sales price for a teardown at \$852,559 – a 7% increase over eleven years. The overall average sales price for Montgomery in 2018 was \$460,148 – a 10.3% increase. She stated that the City began tracking the sales price of the teardown houses in 2001. The average price has increased by approximately 65% over this span of time.

Ms. Hays reported that in order to gauge the residential market demands in the Cincinnati area and specifically Montgomery, Staff met with a group of local builders. Based on these discussions, it was clear that there is a strong market for housing in Montgomery; however, the market has begun to slow down as potential buyers are paying more attention to tax rates and the price of lots is becoming too high for some builders to make a profit. Ms. Hays stated that not only are the lot prices becoming out of reach for builders, the cost of materials and labor are increasing as well. The builders also mentioned a strong pull to downtown Cincinnati from the tax abatement program currently in place.

Ms. Hays stated that a residential reconstruction survey was conducted which rendered a large response rate of 197 responses. She explained that the data indicated there are negative impacts felt by current residents. She explained that respondents were permitted to select their top two nuisances from teardowns. The greatest nuisance identified in the survey was mud on the street, followed by noise.

Ms. Hays explained that the City currently has a noise ordinance in place that applies to noise in general, including construction. This allows contractors to operate seven days a week from 7 a.m. – 10 p.m. With regards to mud on the street, if a complaint is received or a Staff member notices the mud, the builder is immediately contacted to have the debris cleared from the right of way. Should the mud not be removed in timely manner, the City will hire a street sweeper and the street cleaning bond will be used to cover the cost.

Ms. Hays stated that the third top concern was drainage. She explained the increase in building footprint on a lot creates additional impervious surface and therefore additional stormwater runoff. During the Phase 2 review process of a teardown, the City Engineer seeks out ways to improve the overall drainage of the site, including connecting downspout lines and/or sump pump lines out to the stormwater inlet or drainage channel in the right-of-way. On occasion, and typically based on topography, storm water is discharged in the rear yard area and can cause neighbors downhill to receive additional water runoff.

Ms. Hays explained that the Village of Winnetka, Illinois, is similar to Montgomery in demographics with a population of 12,187. She stated it is the wealthiest community in the State of Illinois. The most teardowns for the community in a single year was 65. The Village does not have a design review process for single family dwellings and does not have a binding preservation ordinance. The community has a strong property rights contingent, and because of that, they use a more incentive based approach. Their Landmarks Commission has tried to push more historically accurate architecture through a "Sensitive Infill Construction" award. The average lot size in Winnetka is 10,000-14,000 square feet, which is significantly less than the 20,000 square foot average in Montgomery. Due to the small lot size, the Village does have a bulk limitation, gross floor area limitation and volume of attic space limitation.

Ms. Hays explained that the Winnetka community values the mature trees and requires builders to place tree preservation bond prior to demolition, based on the size of the tree. The Village has a full time City Forester that enforces the tree preservation requirements. The Village also requires a cash bond for demolition waste recycling of \$3,000. The demolition permit fee in Winnetka is \$17,000. In addition to the City Forester, the Community Development Department has seven full time employees: Director, Assistant Director, code enforcement officer, two planners, permit clerk and an administrative assistant.

Ms. Hays stated that Madeira and Blue Ash are experiencing a significant number of teardowns, as well. Staff spoke with these nearby jurisdictions to get a better understanding of issues they were witnessing in their communities and how they are addressing these issues.

With regards to lot challenges, Madeira's density can be problematic, as the areas experiencing the most demolitions have small lots (approximately 7,000 square feet). They have since addressed this density challenge by requiring a 6' side setback, where 5' was formally required. They have also instituted a maximum lot coverage of 28% for new residences. In addition, Madeira has strict construction hours, which were adopted by ordinance in 2008, of 7 a.m. - 7 p.m. Monday through Friday and 8 a.m. - 4 p.m. on Saturday and no construction on Sunday. With regard to bonding, Madeira currently does not require bonds.

The City of Blue Ash is experiencing most of their teardowns within the Community Redevelopment Area they have established. Blue Ash adopted an ordinance in 2017 restricting hours of construction to 7 a.m.- 7:30 p.m. Monday through Friday, 9 a.m.-7:30 p.m. on Saturday, and between 9 a.m.- 5 p.m. on Sunday in residential areas. Blue Ash formally enforced a one-foot maximum change in foundation height, similar to our regulation, but has since removed this requirement. With regards to bonds, Blue Ash does require a \$1,000 site conditions bond (money order) and a \$5,000 right of way bond. These are similar to our bonding requirements.

Ms. Hays reported that potential policy changes could help to address some of the negative impacts felt by residents. She explained that the City currently has in place a general noise ordinance from 7 a.m. - 10 p.m., seven days a week. The residential teardown survey showed 25% of respondents listing noise as a top nuisance and 14 residents commented specifically about noise in their longer, written responses. Nearby communities such as Madeira, Indian Hill and Blue Ash have ordinances adopted specifically in regard to construction noise and are more limiting on allowable times of construction.

The Committee and staff discussed the review of work hours permitted in the noise ordinance and if changes were made, how to enforce them.

Mr. Suer stated that if the hours of work were narrowed, would that mean that the construction time would then be delayed and take longer. He stated there is a balance to managing both.

Ms. Hays stated that in order to address dust complaints from neighboring property owners, staff posed the question of watering during the teardown of a house during the meeting with local builders and were surprised to find out that keeping the site watered down was actually written into many of the contracts, but not performed. A requirement by the City to have the site watered down by water truck or by fire hydrant would allow for improved dust control during the removal process.

The Committee would like staff to reiterate watering by the contractor during demolition and requiring the contractor to provide their own watering truck.

Mr. Suer suggested an award for builders who could be recognized for a clean work site, preservation of trees and attention to sensitive infill by providing a variety of home designs and importantly not receiving complaints from neighboring properties.

Ms. Roblero stated that she thought incentives could also be used to encourage the use of rain barrels and recycling of site materials.

Mr. Margolis stated that most residents aren't aware of how the teardown/rebuild process works and how the City works to manage the projects. He suggested placing an article in an upcoming bulletin describing the City's efforts in the process.

#### Other Business

Mr. Margolis discussed with the Committee and staff his previous conversation about a history project which included the prominent placement of plaques for every landmark building that would be easy to find for people visiting the city. He spoke about several cities he has visited in which the landmark buildings were frequently used for events in an effort to feature their history. He spoke about a possible partnership with the Chamber of Commerce in order to find funding outside of the city that would work as a grant to make events possible.

Mr. Riblet stated that Twin Lakes and Bethesda North could be good resources as they have been very good partners with the City and with the Chamber of Commerce. Mr. Riblet also stated that our relationship with Montgomery, New York could be very beneficial as they now have a new historian in place.

Mr. Margolis suggested the creation of a two-year plan that would detail timelines, goals and strategies in order to utilize our landmark buildings in future events and publications. He added that part of these strategies could be to reach out to other historians of other cities.

Mr. Suer stated that the City of Madeira has a historical society that operates out of a house/museum that he visited. He stated that the house was open two days a month for the community. He stated that activities to highlight our landmark buildings was the key in featuring them. He stated that adding this as a focus to our next strategic plan would be a good consideration.

Mrs. Bissmeyer added that the City of Loveland has a museum that is operated solely by volunteers.

#### Minutes

Mr. Suer moved to adopt the minutes of the March 4, 2019 meeting of the Planning, Zoning and Landmarks Committee. Ms. Bissmeyer seconded. The Committee unanimously agreed.

Adjournment

Mr. Suer moved for adjournment. Ms. Bissmeyer seconded. The Committee unanimously agreed.

The Planning, Zoning and Landmarks Committee meeting adjourned at 6:40 p.m.

  
Chair