

Agenda
February 15, 2021
7:30 P.M.

Due to the Stay at Home Order issued by Governor Dewine, this meeting will be via videoconference on Zoom. To attend the meeting, visit: <https://us02web.zoom.us/j/87690440826> or dial +1 301-715-8592 and use Webinar ID: 876 9044 0826

1. Call to Order
2. Roll Call
3. Guests and Residents
4. Old Business
5. New Business
 - a. Application from All European Auto Service and Repair for a conditional use for a vehicle maintenance and repair facility at 5017 Cooper Road.
6. Staff Report
7. Council Report
8. Approval of Minutes – December 7, 2020 and December 21, 2020
9. Adjournment

Planning Commission

All European Auto Service and Repair
Conditional Use Application
5017 Cooper Road

February 11, 2021

Applicant: Christopher Felber
5017 Cooper Road
Montgomery, Ohio 45014

Property Owner: Book Park
1699 Pierce Drive
Beavercreek, Ohio 45432

Vicinity Map:



Nature of request:

The applicant requesting transfer of the conditional use permit to operate vehicle maintenance and repair facility at 5017 Cooper Road. The site was previously used for Car-X; however, the business closed. The applicant is not proposing any changes to the site or the building.

Zoning:

The property is zoned 'GB' – General Business District and vehicle maintenance and repair facilities are conditionally permitted. The property to the north across Cooper Road is located in the City of Blue Ash and used for multi-family residential. The property to the west is also located in the City of Blue Ash and used for a Jiffy Lube. The property to the east is zoned 'GB' and used for Pipkin's Market. The property to the south is zoned 'D-3' and used for multi-family residential.

Section 150.1609(A) requires written approval of the Planning Commission and City Council for any transfer of a previously approved conditional use to another person or entity.

Findings:

1. The property is approximately 0.639 acres with an existing building and associated parking.
2. A vehicle maintenance and repair facility was originally approved for the site in 2003 for Tuffy. The Planning Commission approved a transfer of the conditional use permit to Car-X in 2005 and it has been used as such until Car-X closed in March of 2019.
3. The application was approved with the following conditions:
 - a. The rear of the building shall use the same materials as the elevation on the plans and there will not be any openings on the south wall of the building with the exception of the exhaust fan.
 - b. The type of juniper will be approved by the City Arborist and the height at planting of all the mountain laurel and juniper in the rear landscaping buffer will be a minimum of 30" and in all other locations a minimum of 24".
 - c. The land in the rear of the building that is not shown as parking or the landscaped mound will be grass.
 - d. The rear lighting will be recessed canned lighting with 75w bulbs.
 - e. The wattage on the bulb in the pole fixture will be 400w or less if a metal halide bulb is used.

- f. The hours of operation will be restricted to 9:00 a.m. – 6 p.m., Monday through Friday, 8 a.m. – 3 p.m. on Saturdays and closed on Sunday.
 - g. The dumpster collection must take place during the hours of operation from 9 a.m. – 6 p.m., Monday through Friday.
 - h. The 5' variance in the rear buffer strip will be granted exclusively for the purpose of providing an additional 5' of pavement for the neighboring parking lot.
 - i. The number of employees on any shift cannot exceed six.
 - j. Provisions of Chapter 151.200(w).
4. The applicant is not proposing any changes to the site and agrees with the conditions previously approved.
 5. Staff conducted a site visit and found the site to be in compliance with the conditions. The operational issues could not be confirmed during the site visit; however, Staff has not received any complaints regarding these operational items.
 6. The applicant is proposing to re-use the existing signage. The proposed sign face changes are in compliance with the Code with the exception of the phone number on the ground mounted sign. The applicant has stated that there is no issue with removing the phone number from the ground mounted sign.

CONDITIONAL USE SPECIFIC CONDITIONS:

Chapter 151.2007(W) lists the specific conditions for automobile, truck and trailer sales and rental. Those conditions are listed below with a description of how the applicant is or proposes to address the condition.

1. All work shall be conducted entirely within an enclosed building.

The applicant has stated that no work will be conducted outside of the enclosed building.

2. Outdoor storage of supplies, parts and merchandise shall be within an entirely enclosed building; however, an area not to exceed 200 square feet in size of outdoor storage shall be permitted, if the area is entirely screened by an opaque fence and landscaping.

The applicant has stated that all supplies, parts and merchandise will be stored inside of the building at all times.

3. The parking of employee vehicles and vehicles waiting to be serviced or returned to the customers following service shall be parked in areas indicated for such parking on the approved site plan.

The applicant has stated that employee parking and vehicles waiting to be serviced will park in the spots designated 1-7 on the overhead picture of the site provided by the applicant.

4. No junk, inoperable or unlicensed vehicles may be stored on site.
The applicant has stated that no junk, inoperable or unlicensed vehicles will be stored on-site.

Chapter 151.2002 lists 12 general standards that are applicable to all conditional uses. Staff has reviewed these 12 conditions and found that the site and the proposed use meets all the conditions.

Staff Comments and Recommendation

Staff believes that the site is well maintained and there have been no complaints about operations since the business opened. The applicant has stated that they agree with the conditions previously approved and are able to meet the conditions as established in Section 151.2007(W). Therefore, Staff has no objection to the transfer of the conditional use permit to All European Auto Service and Repair. Should the Planning Commission approve the transfer of the conditional use permit, Staff would recommend reaffirming the previously approved conditions and adding a condition that the phone number shall be removed from the ground sign.



CITY OF

MONTGOMERY

A CHARMING PAST. A GLOWING FUTURE.

APPLICATION FORM

Meeting (Circle): Board of Zoning Appeals Planning Commission Landmarks Commission

Project Address (Location): 5017 COOPER RD. CINCINNATI, OH ⁴⁵²⁴² ~~4542~~

Project Name (if applicable): _____

Auditors Parcel Number: 603-0022-0001-00

Gross Acres: .639 Lots/Units 1 Commercial Square Footage 4,833

Additional Information: _____

PROPERTY OWNER(S) BOOK DARK Contact SUNG KM (SON)

Address 1699 PIERCE DR. Phone: (937) 360-8607

City BEAVER CREEK State OH Zip 45432

E-mail address SUNG32@gmail.com

APPLICANT Christopher Felber Contact Christopher Felber

Address 5017 Cooper Rd Phone: 305-345-4489

City Cincinnati State OH Zip 45242

E-mail address Exoticcardoctor@gmail.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature

Book S. PARK

FOR DEPARTMENT USE ONLY

Print Name

BOOK S. PARK

Date

1/6/21

Meeting Date:	<u>2/15/21</u>
Total Fee:	<u>1115.00 & #1810</u>
Date Received:	
Received By:	<u>ED</u>



CONSENT OF OWNER(S) TO INSPECT PREMISES

To: City of Montgomery Planning Commission and Staff
City Hall
10101 Montgomery Road
Montgomery, Ohio 45242

Re: Review Subject Site

Dear Members and Staff:

As owner(s) of the property located at 5017 COOPER RD. CINCINNATI, OH 45242, we hereby grant permission to Members of the Planning Commission and City of Montgomery Staff to enter the property for visual inspection of the exterior premises. The purpose of said inspection is to review the existing conditions of the subject site as they relate to the application as filed to the Planning Commission.

Property Owner(s) Signature Bob S. Park

Print Name BOB S PARK

Date 1/6/21

Planning Commission Members:

Vince Dong
Michael Harbison
Dennis Hirotsu
Darrel Liebson
James Matre
Barbara Steinebrey
Patrick Stull

Jan. 19, 2021

Melissa Hays, AICP
Planning Commission Members
City of Montgomery

RE: 5017 Cooper Rd.
All European Auto Service and Repair

Dear Ms. Hays and Commission Members:

All European will service and repair luxury European and exotic European vehicles.

1. No work will be performed outside of our enclosed building.
2. All supplies, parts, and merchandise will be stored inside of the building at all times.
3. The parking of employee vehicles and vehicles waiting to be serviced will be park in the spots designated 1-7 on the attached overhead picture of the site.
4. No junk, inoperable or unlicensed vehicles will be stored on the site.

Thank you,

Book Park, Property Owner

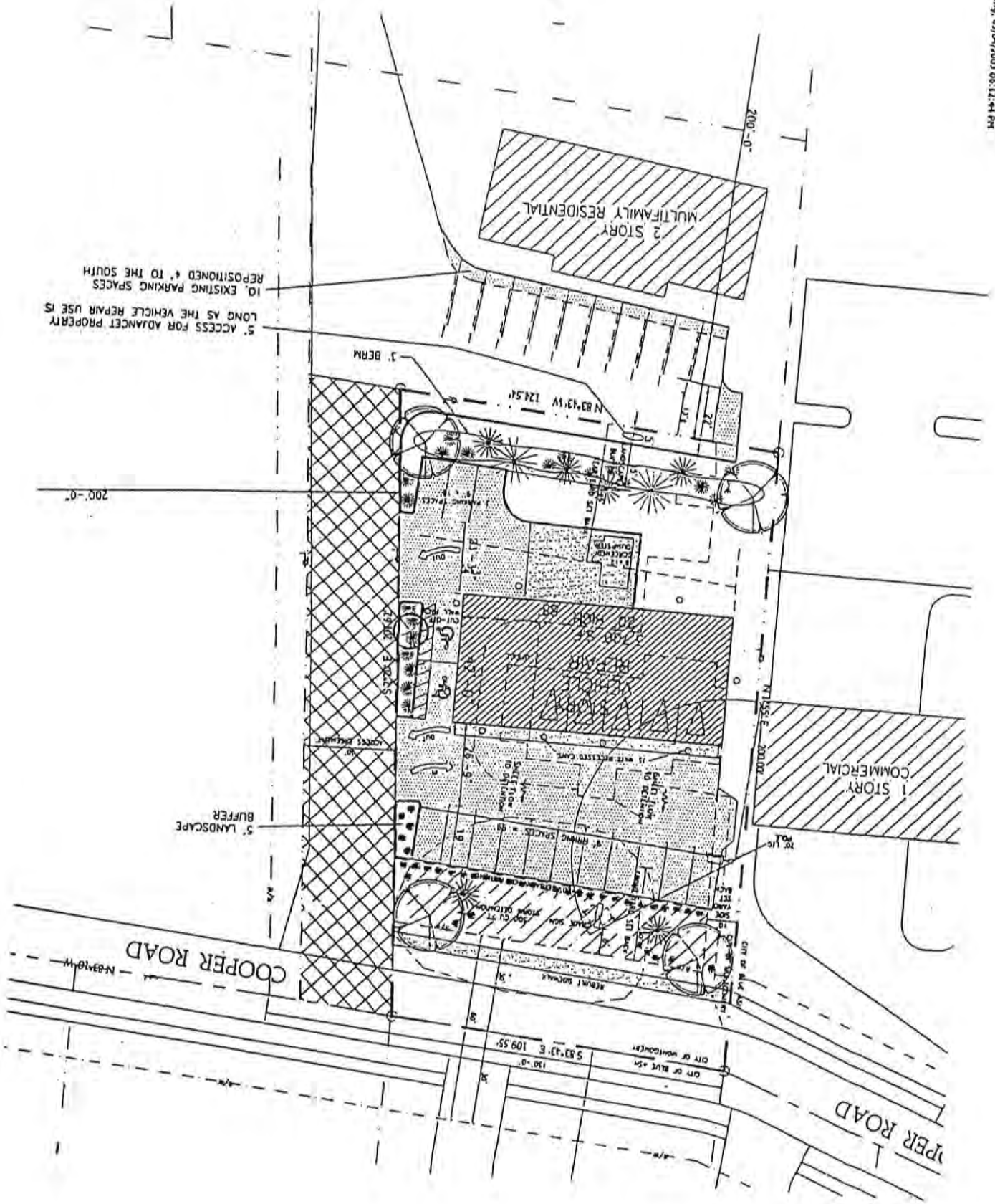
Christopher Felber, Business Owner

Google Maps 5017 Cooper Rd



Imagery ©2021 Maxar Technologies, Map data ©2021 20 ft

EXH. "B"



5' ACCESS FOR ADVANCECT PROPERTY USE IS LONG AS THE VEHICLE REPAIR USE IS REPOSITIONED 4' TO THE SOUTH

5' LANDSCAPE BUFFER

COOPER ROAD

2 STORY MULTIFAMILY RESIDENTIAL

1 STORY COMMERCIAL

COOPER ROAD

CITY OF BLUE ASH
58°43' E 109.55'

200'-0"

200'-0"

ALL  **PROFESSIONAL**
AUTO SERVICE AND REPAIR

5017

513.860.3876

ALL EUROPEAN
AUTO SERVICE AND REPAIR
513.860.3876



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**CITY OF MONTGOMERY
PLANNING COMMISSION MEETING**

*Due to the Stay at Home Order issued by Governor DeWine,
this meeting was held as a videoconference via Zoom Video Conferencing only.*

December 7, 2020

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8

<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Mr. Chris Combs (Coalition of Care) 10370 Curt Lane, 45242	Michael Rosicki 8150 Margaret Lane, 45242	Tracy Henao, Assistant City Manager / Acting Community Development Director Karen Bouldin, Secretary
Kevin and Julie Hamel 10413 Birkemeyer Dr., 45242	Mark & Sue Schlueter 10418 Radabaugh Dr., 45242	<u>ALL COMMISSION MEMBERS</u> Chairman Mike Harbison Vince Dong Dennis Hirotsu Darrell Leibson Jim Matre, Vice Chairman Barbara Steinebrey Pat Stull
Melissa Hays Zoning and Code Compliance Officer City of Montgomery	Bryon & Jill Scholle 10362 Radabaugh Dr., 45242	
Ted Huster Project Manager GBBN Architects 332 East 8th Street Cincinnati, OH 45202	Amy Shah 8171 Margaret Lane, 45242	
Brandon Lemmons 10399 Birkemeyer Dr., 45242	Michael Westfall 10611 Convo Court, 45242	
Andrew Martin 10390 Radabaugh Dr., 45242	Ben & Heather Willen 10376 Radabaugh Dr., 45242 Doug Woeste 10538 Kenridge Drive Cincinnati, OH 45242	
Steve Mombach Senior Vice President, Ambulatory Services and Network Development TriHealth 625 Eden Park Drive Cincinnati, OH 45202	Rick Zehring Project Manager Turner Construction Company	

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Planning Commission Meeting

December 7, 2020

Maria Newsad Emergency Room Director Bethesda North Hospital 10500 Montgomery Rd, 45242		
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9

10 **Call to Order**

11 Chairman Harbison called the meeting to order at 7:31 p.m. He stated that, due to the Stay at
 12 Home Order issued by Governor DeWine, this meeting was being held only as a video
 13 conference via Zoom Video Conferencing, and not in-person. Chairman Harbison explained that
 14 guests or residents could find the webinar information on the City of Montgomery website that
 15 was needed to either call-in or join-in the meeting via Zoom, as well as tonight’s agenda.

16

17 **Roll Call**

18

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

20

21 *AYE: Mrs. Steinebrey, Mr. Stull, Mr. Hirotsu, Mr. Matre, Mr. Leibson, Mr. Dong,*
 22 *Chairman Harbison* (7)

23 *NAY:* (0)

24 *ABSENT:* (0)

25 *ABSTAINED:* (0)

26

27 **Guests and Residents**

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

30

31 **Old Business**

32 There was no old business to report tonight.

33

34 **New Business**

35 *Application from GBBN Architects, on behalf of Bethesda North Hospital, for a Final*
 36 *Development Site Plan Approval to allow for construction of a two-story addition and parking*
 37 *revisions to Lot 1 on the Bethesda North Hospital Campus at 10500 Montgomery Road.*

38

39 Chairman Harbison explained the process for this evening’s meeting to all guests and residents:

40 “Ms. Roblero reviews her Staff Report, and the Commission asks any questions they might
 41 have. The applicant presents their application, and the Commission then asks any questions.
 42 The floor is opened to all residents for comments. If a resident agrees with a comment that
 43 was previously stated, they could simply concur, instead of restating the entire comment (to
 44 save time). The Commission discusses the application, and residents are not permitted to
 45 comment or question during this discussion. The Commission will then decide to table,
 46 approve or deny the application.”

47

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48 **Staff Report**

49 Mrs. Henao reviewed the Staff Report dated December 4, 2020, "Application for a Final
50 Development Site Plan for Bethesda North Hospital Addition at 10500 Montgomery Road.
51 She shared her screen with all. She asked for questions.

52
53 Mr. Dong asked if anything was not in compliance. Mrs. Henao stated that all items met the
54 code requirements.

55
56 Ms. Henao introduced all of the applicant's representation from GBBN, as well as Tri-Health.

57
58 **Ted Huster, Project Manager, GBBN Architects, 332 East 8th Street, Cincinnati, OH 45202**
59 shared his screen with all in attendance. He noted that at the heart of the project was the cardiac
60 services. They want to expand their heart program from the current 6 or 7 rooms, up to 10. The
61 current expansion of the cath labs will be over their vendor lot, and that will take 15 parking
62 spaces. It will provide 9 cath lab spaces: 3 for cath labs and 3 for electrophysiology
63 (pacemakers) and 3 for specials. Adjacent to that will be the pre-post renovation, and the front
64 lobby and staff space. This construction displaces the endoscopy area. This plan allows for the
65 patient to remain in the hospital and moves the current outpatient procedures to the 10494
66 building. The plan is to bring other GI procedures from 10600 as well as from the Evendale
67 facility, to consolidate all of those services on campus at 10494. He stated that they anticipate
68 that at 10494, there will be a second floor physician's clinic and administrative area – so there is
69 a higher density of people than were previously in the Mary Jo Cropper and Imaging Center.

70
71 Mr. Huster gave more detail, noting that there will be quite a bit of volume worked through that
72 facility, which is what drives the need for more parking in that location.

73
74 Mr. Huster noted that currently Lot 1 encompasses the Valet Lot. The Kleingers Group
75 reconfigured this area, changed the orientation of some of the drive aisles, and attained an
76 additional 59 parking spaces. Regarding the halogen light poles in that lot, it was determined that
77 it was better for the hospital (from an energy use standpoint) to upgrade to an LED light fixture
78 on a 25-foot pole base. Similar to the shrouded lights at the Thomas Center, they decided to put
79 shrouds on these new light fixtures, as well.

80
81 He explained that as you entered the hospital, there would be a new waiting area. Later, there
82 will be other interior renovations made throughout the hospital, and a concourse with amenity
83 space, to aid in patient way-finding.

84
85 Mr. Huster showed the proposed temporary relocation of the helipad during this 4 month
86 construction. Mr. Huster stated that they have consulted with the FAA and Bob Francis, an air-
87 care pilot with University Hospital in Cincinnati. They have discussed lighting, as well as the
88 wind-sock location, to meet compliance. GBBN has also talked with Emergency Department
89 staff, leadership, and Tri-Health security regarding the process that takes place when a helicopter
90 is coming in. Mr. Huster stated that they have reviewed multiple locations on this site, and the
91 southwest corner is the most logical, ideal place, because: 1) it used to be a helipad site, 2) it is

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92 able to be isolated, 3) it is somewhat proximate to the Emergency Department entrance. He
93 pointed out that there were typically 11 to 12 helicopter landings per month. He noted that there
94 would be a landing light and additional ground-mounted lights, but no other perimeter lights
95 added to that site. They would actually be taking down several of the existing parking lot lights
96 in order to clear the flight path. They would put warning lights on top of the other remaining
97 lights. He described the details and pointed it out on his site plans, for all to see.

98
99 **Steve Mombach, Senior Vice President, Ambulatory Services and Network Development,**
100 **TriHealth, 625 Eden Park Drive, Cincinnati, OH 45202** thanked the Planning Commission,
101 and stated that the hospital has been very focused on safety and meeting the code. He thanked
102 Maria Newsad, Director of ER - a veteran Tri-Health employee, for her insights. He explained
103 that they now needed to make the Cath Lab rooms larger, and technologically upgraded – to
104 allow for computers, robots and much more equipment that is vital for these procedures, and
105 better care. Mr. Mombach asked if there were any questions.

106
107 Mr. Dong asked what other locations they had looked at, for the helipad, and why they weren't
108 acceptable. Mr. Huster stated that the location that they were in, was very close to where the
109 helipad was in 2005. It was too close to a lot of cross circulation on campus, and right in front of
110 the new Thomas Center, where there is also a lot of patient parking activity. Mr. Huster pointed
111 out that it would be very hard to isolate that location.

112
113 Mr. Huster noted tertiary locations back by the salt dome, but they were so remote from the
114 Emergency Department, that it would be very difficult. Likewise, the locations on the far east
115 side of the site, would put the helipad closer to residents, and would take longer travel time to
116 arrive at the Emergency Department. Alternatively, there was a discussion regarding the actual
117 landing of the helicopter on the west side of Montgomery, in one of the vacant lots; but this
118 would put it closer to residential and posed the challenge of crossing Montgomery Road.

119
120 Mr. Hirotsu asked if the helicopter would travel south, coming in from the north, and then leave
121 back up to the north. Mr. Huster stated that they understood from Bob Francis, that they fly into
122 the prevailing wind. He stated that they will come from the northeast to the southwest. They
123 would come across, in front of the 10494 building, landing, and then take off through a clearing
124 that is actually to the south of that, going towards the intersection of Montgomery and Pfeiffer.

125
126 Mr. Hirotsu asked if the neighbors would actually hear the noise from the helicopters, mainly
127 when they are taking off. Mr. Huster confirmed, but stated that, according to Bob Francis,
128 anytime the helicopter takes off, they are on the landing pad, then go straight up 150 feet before
129 moving forward; so they would be well above the trees.

130
131 Mr. Hirotsu asked Staff if the temporary location of the helipad was compliant. Mrs. Henao
132 concurred.

133

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134 Mr. Stull stated that he lives about one mile from the hospital. He acknowledged that when the
135 helicopter comes down, approaching the landing, you hear it; and when it is on the pad (either
136 sitting there waiting or landing) – you hear it.

137
138 Chairman Harbison stated that he lives due west of Pfeiffer Park, and he hears them when they
139 lift off and come across.

140
141 Ms. Steinebrey asked how much advance time, on average, did the ground team have to turn on
142 the lights, alert security and the ambulance team, and prepare for the helicopter's arrival.

143
144 **Maria Newsad, Emergency Room Director, Bethesda North Hospital, 10500 Montgomery**
145 **Road, Montgomery, OH 45242** stated that typically they have between 20-25 minutes' advance
146 notice. If they are calling to have a helicopter come and take a patient out of the hospital, they
147 may have a little longer.

148
149 Chairman Harbison asked for comments from guests and residents.

150
151 **Bryon & Jill Scholle, 10362 Radabaugh Drive, Montgomery, OH 45242** was also sharing
152 comments from Ann Siders, and the McCauleys, as well. He was curious, that everything met the
153 code requirements. He referred to a document, "The Declaration of Protective Covenants and
154 Restrictions" that was made with the Radabaugh side of the street. He noted a height
155 requirement table, and asked if that was the same as Montgomery's Zoning Code. Mrs. Henao
156 confirmed, noting that the requirements in the Covenants were incorporated into the
157 Montgomery Zoning Code.

158
159 Mr. Scholle had 4 concerns:

160
161 1) The helipad: He asked if it was considered on the east side of the site. Mr. Huster stated
162 that it would put the helipad even closer to Radabaugh residents, on the east side of the
163 property, and further away from the Emergency Department. If it was placed all the way
164 by the Salt Dome, it would be closer to the residents to the north. The northeast corner of
165 the site actually held the 300 Tower (this was not shown clearly on the site plan).
166 The parking deck was shown, and it was not designed to support or allow the landing of
167 the helicopter.

168
169 Mr. Scholle has been a Montgomery resident for about 15 years, and asked if there was
170 any master plan, for the future, maybe 5 to 10 years down the road. He inquired if they
171 have given any consideration to placing the helipad on a roof. Mr. Huster stated that
172 some of the early discussions were around adding another floor to the top of the 300
173 Tower, but the structural engineers determined this would not work. Mr. Huster stated
174 that they are planning to relocate the helipad to its current location, after this renovation.

175

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176 Mr. Scholle requested that in the next remodel, they consider placing the helipad on top
177 of one of the buildings.

178
179 Mr. Scholle referred to the wooded berm that was supposed to prevent noise and light
180 pollution. He asked that, if the construction exceeded the 4 months, that there be some
181 sort of payback in the form of trees in the berm to continue to protect the Radabaugh
182 residents.

183
184 2) The lights: Mr. Scholle gave background, deferring to the last renovation of the hospital,
185 noting the agreement between the City, the hospital and Mr. Schlueter, to provide
186 shielding from some of the lights in the lot that directly affected his property.

187 Mr. Scholle did not believe that the shields and the lighting had been addressed by the
188 hospital, in the last year and a half. Mrs. Henao believed that the shielding had been
189 installed.

190
191 Mr. Scholle asked for the height of the existing poles near Mr. Schlueter. Mrs. Henao
192 noted that they were 25-foot poles, the same as what is being proposed. He asked for the
193 height of the current pole behind his own property. Mr. Huster stated it was a 20 to 25-
194 foot pole.

195
196 Mr. Scholle asked where the landing light would be, and how it got turned off.
197 Mr. Huster stated that it would be turned on and off by TriHealth security, when the
198 helicopter departed.

199
200 3) Noise pollution: Mr. Scholle stated that the noise pollution was not an issue when they
201 moved here in 2005. He stated that they installed additional insulation in their home, as
202 there was a lot of noise. Excluding EMS sirens, he had issues with the construction traffic
203 and commercial vehicles. He stated that there is a constant drone; he tends to wake up
204 every night between 2 a.m. and 3:30 a.m., to some loud noise. He is bothered by car
205 alarms, car doors, and people talking. He asked if a noise pollution study had been done.
206 Staff stated that a noise study has not been done. She noted that there is a noise
207 ordinance in place for the City and she was not aware of any complaints. Mr. Scholle
208 asked if it could be done, based on the growth and size of the campus. Mrs. Henao stated
209 that the Planning Commission could require it; however, it is not required by the Zoning
210 Code.

211
212 Chairman Harbison referred to the noise ordinance and asked if there was a decibel level
213 limitation. He recalled the issue with churches and the HVAC units. Mr. Scholle
214 believed that the constant hum and drone was an HVAC unit that was put in at the last
215 renovation. Chairman Harbison understood, as he hears the same, living next to a church.

216
217 Mrs. Henao stated that the current noise ordinance has a certain level of subjectivity. She
218 stated that the City was in the process of updating the noise ordinance. Currently, it is
219 tabled by City Council. The hope is to establish a decibel level, so that the Police

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220 Department will have the tools to go out and be objective, stand on the complainant's
221 property line and see if it exceeds 60 decibels – which is the level of an HVAC.

222
223 Mr. Scholle stated that, with the most recent addition, the noise has become much louder,
224 and is a nuisance, 24/7. He asked if the Commission would consider a noise study for
225 this site.

226
227 4) Trees: Mr. Scholle referred to the Covenant again. He noted that Section 1 stated that
228 the 150-foot greenbelt would be maintained and planted with trees and shrubbery.
229 It should substantially screen adjacent residential properties from parking areas and other
230 developments on the hospital property, from the light and glare. He encouraged the
231 Commission to view the 150 foot greenbelt.

232
233 Mr. Scholle referred to Section 6 – maintenance of the greenbelt – that it should be
234 maintained in a healthy condition. Trees and shrubs should be replaced with like-kind, or
235 equal; and if damaged or destroyed, conforming to the same size. The greenbelt shall be
236 maintained in good order and kept free of debris. Section 8 – tree replacement – the
237 greenbelt trees that are diseased or dangerous shall be removed. Any trees removed, will
238 be replaced within 90 days. He did not believe this was being met. Mr. Scholle stated
239 that there are many young children in the neighborhood that play in the woods, and there
240 are decaying trees. He did not feel that is was a safe greenbelt.

241
242 Mr. Scholle asked that the Commission and the hospital look at this greenbelt, and put
243 forth some money and effort, to shield noise and light pollution.

244
245 **Michael Westfall, 10611 Convo Court, Montgomery, OH 45242** stated that he has lived there
246 since 1983. Mrs. Henao reminded all Commission members of the email dated December 7,
247 2020 that she had forwarded to them, from Mr. Westfall.

248
249 Mr. Westfall explained that some of the below comments actually related to the 2005 relocation
250 of the helipad.

251
252 In 2005, the helipad was relocated from its original location (near the proposed 2020 temporary
253 site) to its current 2020 location. Below, are Mr. Westfall's notes and comments, based on a
254 meeting he attended in 2005.

255
256 Flight Path / Vibration: The hospital/city indicated the flight route to the helipad would be down
257 Montgomery Road, except in hazardous weather conditions, and not over our property (10611
258 Convo Court). This was our strong concern. That agreement was never followed.
259 Despite repeated calls to the hospital, we were shuffled off to the helicopter service, only to be
260 ignored by all parties. Today, approximately 80% of incoming flights come directly over our
261 bedroom at a height of about 40-60 feet. It is low enough that when it flies over the trees, the
262 leaves move, and in the winter, it blows the snow out of the trees. As an indicator of the
263 extraordinary impact of the helicopters on our house, the noise from the helicopter causes

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264 vibrations inside our house, and can be felt physically. This potential structural damage is above
265 and beyond the danger of helicopter debris/ accidents, which put us and our neighbors / children
266 in real jeopardy. He stated that he had photographs of how low the helicopter flew, and was
267 happy to share, if requested.

268

269 1) Building Height: We understood there were height restrictions on buildings in the city,
270 and that they would be followed by the hospital. This restriction was violated. The
271 hospital structure is approximately 7 stories above the level of our back yard. We were
272 told the height restrictions would be observed, then later told they only applied to the
273 buildings on Montgomery Road.

274

275 2) Noise: The construction noise ordinance was regularly violated. We initially notified the
276 police, who enforced the rule at the beginning. That enforcement did not continue past
277 the third day of construction. That noise level began shortly after 5 a.m., sometimes as
278 late as 6 a.m.

279

280 3) Location: We had a source of information inside the hospital that noted there was
281 consideration of a helipad location to be placed on the roof of the recent new addition,
282 but that it was declined. This indicates to me that all believe the current location is
283 acceptable. Is that true? He did not feel the current location was acceptable.

284

285 Mr. Westfall asked the City to consider and/or implement, the following, based on the current
286 2020 proposal:

287

288 1) Require the proposed temporary relocation of the helipad to be the permanent location.
289 This would allow an approach path that is over a wooded area, largely without houses,
290 since they are not going to pay attention to the previously agreed-upon route, down
291 Montgomery Road. Aside from noise, that would mitigate the dangers present from
292 arriving/departing helicopters currently on our property. It would also minimize the
293 damage to houses from the vibrations caused by the rotor wash/engine vibrations.
294 In his past work experience, as a Director of Engineering in a multi-national chemical
295 company, he would require hearing protection, if he were sitting on his deck, and a
296 helicopter came through the current path. That is well above the 60 decibels referred to,
297 earlier.

298

299 2) If there is to be any use of the existing helipad, then do not allow any construction of
300 buildings that would act as a sound catcher/reflector, which will direct even more noise
301 back to our houses/properties. The 2020 proposed addition was unclear to him, and he
302 couldn't tell if there were additional walls that would apply to this comment.

303

304 3) Enforce existing height restrictions on buildings.

305

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- 306 4) Make as a condition of any agreement, the observation of the noise ordinance, which I
307 understand to be currently 7am. Put teeth in the enforcement so it is given more than lip
308 service when construction starts at earlier hours.
309

310 Mr. Westfall asked the Commission to consider his concerns from 2005, that still apply now.
311

312 **Ben Willen, 10376 Radabaugh, Montgomery, OH 45242** stated that they live next door to
313 Bryon and Jill Scholle, and echoed many of their same concerns:
314

- 315 1) Light Shrouds: He was concerned with the shrouds on the parking lot lights, and wanted
316 to be sure they were put on before the parking lot will be lit/used; put on during
317 construction. He was concerned that the lights would be used, and then the shrouds
318 would be forgotten.
319
- 320 2) Light Pollution: Mr. Willen stated that currently, they have lights shining into their home
321 / bedrooms, from car headlights in the parking lot. He noted that sometimes they are so
322 bright, they wake him up. He would like to see landscaping, ideally a privacy fence,
323 down that south parking lot line, to prevent the lights, and also provide safety for their
324 children. The trees / greenbelt berm behind his home do not protect much. He was
325 concerned even more, now that the parking lot will hold more cars.
326

327 **Heather Willen, 10376 Radabaugh, Montgomery, OH 45242** stated that she was concerned
328 with the safety of her four young children. She had concerns especially because Ohio was a high
329 sex-traffic state, with the parking lot and not having a good barrier between it and her backyard.
330 She felt it was a legitimate concern that someone could come through this very limited
331 landscaping, from Bethesda, into their yard. She would like to see it addressed.
332

333 Mrs. Willen also took issue with the constant noise. Recently, a car alarm was going off for 45
334 minutes straight. The hospital security said to call the police, and the police tried to find the car.
335 She stated that the car alarms were constant, and disruptive. She noted that the helipad
336 temporary location will be about 300 feet from their home, and had concerns for her children and
337 the issues it could bring, with their calm and sleep, and interfering with her sleep and waking for
338 work. Currently, their entire home shakes when the helicopter comes in and takes off. Their
339 home is only five years old.
340

341 Mrs. Willen suggested that the Commission come to their home before these decisions were
342 made, so they can see how this disrupts their entire lives. She encouraged Commissioner not to
343 hide behind saying that something is "up to code", because it doesn't necessarily make it right
344 for Montgomery residents.
345

346 **Mark Schlueter, 10418 Radabaugh, Montgomery, OH 45242** wanted to comment on the light
347 poles in Lot 1. He felt that many of the poles, if not all of them, were 20 feet. He suggested that,
348 if 20 feet was sufficient up until now, he encouraged them to maintain that height, and not raise
349 them to 25 feet, as is proposed tonight.

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350 Mr. Schlueter stated that the parking lot lights were still not in compliance, from the conditions
351 placed on Bethesda in 2017. This was a condition of the Site Development Plan that was
352 approved on December 4, 2017. He referred to a letter addressed to the Planning Commission,
353 dated November 29, 2017, from GBBN Architects and the hospital. This was included in the
354 September 4, 2017 packet of the Planning Commission, at their meeting, to approve the Site
355 Development Plan. He read a few key items into the record:

356
357 During the public hearing on 11/20/17, the Planning Commission requested further
358 information, prior to voting on the GDP application. This package is supplemental
359 information and is intended to provide clarifying details on these topics. Mr. Schlueter stated
360 that there were several topics, including traffic studies, parking garage and landscaping
361 information, and also parking lot fixtures. It continued on...

362
363 Based on the 11/20/17 meeting, we are submitting this supplemental information to help
364 support our pursuit of two equivalency provisions, based on the Montgomery Building Code.
365 Mr. Schlueter stated that they wanted to construct a building that required many more
366 parking spots than were permitted by the Montgomery Zoning Code. An agreement was
367 passed, with an equivalency, in order to allow that to happen.

368
369 ...Regarding parking lot fixture types...Most of the existing parking lot poles are “shoebox”
370 type lights that include a metal enclosure around the light fixture, and direct the illumination
371 downward. Mr. Schlueter noted that this is specifically the way it is, in Lot 1 today.

372
373 ...During the public hearings, there were comments by the neighbors, that some of the
374 parking lights seemed to be different from typical fixtures. We reviewed the existing
375 conditions and found that some of the light poles in Lots 5 and 6 are “Hoover” style fixtures.
376 These fixtures do not include an enclosure, and therefore, do not control the illumination
377 direction as well as the shoebox style light. TriHealth will commit to replacing these
378 “Cobra” style lenses with a shoebox style enclosure that will be consistent with a typical
379 parking lot fixture type. Based on what we have heard from the public hearing, we feel that
380 changing these existing light fixtures will be an asset to the surrounding neighborhood.
381 Additionally, we identify that there are existing flood lights on the electrical poles overhead
382 power lines in Lots 5 and 6. TriHealth does not own these lights; Duke Energy owns and
383 maintains these floodlights, however, TriHealth will discuss options for changing these light
384 fixture types with Duke Energy.

385
386 Mr. Schlueter stated that the “Cobra” style light fixtures in Lot 5 and 6 have not been replaced
387 with enclosed-type lighting fixtures, in 3 years. The bright amber flood lights from Duke Energy
388 have not been replaced, either, in 3 years. Also, in October of 2019, new light fixtures were
389 installed and turned on in Lots 3a, 3b and 4. The big surprise - when they were turned on - is
390 that they were not shoebox type light fixtures – and did not include enclosures that would direct
391 illumination downward, as was expected. Rather, they were the bright LED light fixtures, with
392 no enclosures. The new LED lights are much more intrusive than even the “Cobra” style light
393 fixtures. He stated that he brought this new LED light issue to Mrs. Henao right after they were

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394 turned on, last year. He stated that she worked with the hospital Project Manager to install
395 shrouds on the lights directly behind his home, in Lot 3b. This took 7 months, and was finally
396 resolved in May 2020. He stated that the shrouds were mostly effective, in controlling the light
397 spread. He thanked Mrs. Henao for making that happen.

398
399 Mr. Schlueter stated that the new lights in Lots 3a and 4 remain without shrouds and are still
400 very intrusive. He was disappointed that after 3 years, the hospital still did not meet their
401 commitment. He asked when shrouds would be installed on the new light poles in Lots 3a and 4.
402 When will the Cobra style light fixtures in Lots 5 and 6 be replaced with lights with enclosures
403 or shrouds? When will the hospital work with Duke Energy to remove the bright, amber flood
404 lights on the Duke telephone poles in Lot 6.

405
406 Ted Huster had located the document that Mr. Schlueter referenced. The issue with the parking
407 lot lights was that the LED lights are a new style of parking lot light, and the way the
408 manufacturers make them, is that the LEDs are on the plane on the bottom of the light. If you
409 look at the light, it looks acceptable, you put it up in the air, and you realize there is no cut-off.
410 Through that process, what was typical for a shoebox style parking lot with a halogen bulb, the
411 LEDs did not have that. He stated that they are now proposing cut-offs for all of the lights in
412 Lot 1. He understood, from the Project Manager at the Thomas Center, that the cut-offs were
413 added throughout that parking lot. He stated they would revisit that with TriHealth.

414
415 Mr. Huster stated that he had no idea of the commitment regarding the Cobra style parking lot
416 lights, in Lots 5 and 6. Certainly, that is something that should be investigated. Moving from
417 the current fixtures that are out there, to an LED, is an energy-saver for the hospital, and over
418 time, that energy savings would pay for those light fixtures, so it is a good move, long-term.

419
420 Mr. Huster stated that he would also investigate the discussion with Duke Energy and his Project
421 Manager.

422
423 **Michael Rosicki, 8150 Margaret Lane, Montgomery, OH 45242** stated that he lived just a few
424 streets over, from Radabaugh. He concurred with all of the statements named by his neighbors.
425 He has lived here for 6 1/2 years, and his biggest concern was with the impact on real estate
426 values. He pointed out that one of the reasons that made this neighborhood so valuable, was that
427 there was such great healthcare, close by. He also felt that the number of projects that have come
428 from Bethesda over the past 10 years, has rattled a few people. He noted a lot at 10432
429 Radabaugh, (one of the best lots in the neighborhood) that has been for sale for two years. A few
430 neighbors had talked with the real estate agent, who told them that people were afraid of the
431 proximity of the hospital, and the constant change and disruption in the lifestyle there.
432 He restated the suggestion of a multi-year plan, so that it is clear of what the future is like.

433
434 **Mr. Chris Combs, 1030 Radabaugh, Montgomery, OH 45242** stated that he lived across the
435 street from many of his neighbors on Radabaugh. He wanted to affirm several comments already
436 made. He would like TriHealth to assess the light situation and make the changes. He asked for
437 a noise study to be done, at all hours of the day and night. Mr. Combs asked for additional trees

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438 and landscaping for the berm. Regarding the helipad, he asked if there was any thought given to
439 placing the temporary helipad on top of the relatively new 2-story parking garage, directly across
440 the street from the entrance to the Emergency Department. This is the closest proximity you
441 could probably get, and the furthest point from any residential – in every direction. The fact that
442 it is a walled-off parking garage would allow you to direct traffic, as needed, appropriate for a
443 helipad.

444

445 **Brandon Lemmons, 10399 Birkemeyer Drive, Montgomery, OH 45242** stated that he also
446 lived in the neighborhood, one street over from Radabaugh. He asked the Commission when the
447 residents could expect answers to the questions posed tonight, prior to the Commission making a
448 decision on this expansion project. He felt that many questions had been asked, and the hospital
449 has remained silent, specifically regarding the light fixtures. He did not feel that the
450 Commission was taking these comments and questions seriously. He believed they deserved
451 answers, before any further decisions were made.

452

453 Chairman Harbison stated that the Development Team has answered some of these questions,
454 and there was discussion about the light fixtures and Duke Energy from Mr. Huster. As far as
455 answers, that will depend on the Commission's discussion after we close the public comment.
456 Normally, we wait until all of the questions have been asked, and then the applicant can respond,
457 unless Mr. Huster would like to address anything now.

458

459 Mr. Huster stated that the only issues not addressed were the parking deck. He stated that he
460 would consult with the Structural Engineers to verify this, but he understood that the parking
461 decks were just designed for cars, and were very lightly loaded. It would not sufficiently support
462 a helicopter landing. He will reach out tomorrow morning to confirm this.

463

464 **Andrew Martin, 10390 Radabaugh Drive, Montgomery, OH 45242** stated that he and his
465 family have lived here for two years. He stated that when they moved in, there was less
466 illumination, and there was a lot of construction. He wanted to emphasize and support all of the
467 previous comments made by his neighbors. He pointed out that this was a very attractive
468 neighborhood, and they are shocked that just three doors down, perhaps one of the nicest
469 available spaces in the neighborhood- has gone unsold, since the time they have lived there.

470

471 Mr. Martin sees more illumination coming through, and car lights, enough to wake you up in the
472 middle of the night. He understood the need for helicopter service, but did not want Bethesda to
473 encroach any further. He noted that the trees and berm were in very bad shape. He would like to
474 see Bethesda come through and execute a heavy replanting and have a fence installed.

475

476 **Kevin Hamel, 10413 Birkemeyer Drive, Montgomery, OH 45242** stated that he has lived in
477 the neighborhood for eight years. He asked about enforcement, noting that several of the issues
478 made tonight were about promises made and not kept, lack of follow-through by the hospital.
479 He asked if the Commission could ensure that enforcement of agreements would be kept, going
480 forward; and also ensuring some communication mechanism to the residents. He did not believe
481 that Montgomery residents needed to police previous agreements made. He felt that it was

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482 important to ensure clear accountability, updates and progress, clarity on open issues and
483 changes. He was amazed that it would take seven months to have lights fixed, and thought it was
484 just ridiculous. He asked the Commission to consider and look at the process that the plans,
485 going forward, would provide to Montgomery residents to achieve resolution of commitments
486 made.

487
488 Bryon Scholle recapped most (but not all) comments:

- 489 • request of a noise study
- 490 • green belt be restored and added to
- 491 • evaluate the most recent garage as an option for the helipad
- 492 • resolve the lighting issues / commitments made from the past
- 493 • accountability on how these questions get answered, and follow-through on the result

494 He asked that all of this gets taken care of before anything gets approved by the Commission on
495 the current application.

496
497 There were no other questions from the guests and residents.

498
499 Chairman Harbison closed the public session so that the Commission could discuss and
500 deliberate. He noted that there may be more questions for the development team.

501
502 Mr. Stull stated that, based on the comments from the residents, he was not sure why the past
503 commitments had not been completed, and asked why. He remembered the Thomas Center
504 application, and the equivalency for more landscaping and lights. He recalled this was
505 documented, and didn't understand why this wasn't done. He asked Bethesda about this. Mr.
506 Leibson felt that the more important piece was the check and enforcement by the City. He asked
507 Staff who enforced this, from the City.

508
509 Mrs. Henao stated that this would be enforced by her department. She stated that the shrouds
510 discussed by Mr. Schlueter were not actually a condition upon approval; those were
511 supplemental. The hospital did that after installation to be a good neighbor. She explained that
512 flat-lense LED lights are approvable under the code. The hospital installed those, per the City's
513 request, after working with the residents. She stated that she would will take responsibility for
514 the Cobra lights not being taken care of; and she will work with the hospital on that. She knows
515 that they are working with Duke Energy, and they were supposed to be done before the
516 Certificate of Occupancy was granted for the Thomas Center. She will work with the hospital to
517 get this completed.

518
519 Mr. Leibson asked about the green belt buffer, noting that it should have been maintained, which
520 would hopefully mitigate some of the light and noise issues. He asked if the City had the
521 responsibility to inspect that and make sure Bethesda was doing their job, as originally intended.

522
523 Staff stated that the City does periodic zoning code inspections where they go out and look at
524 things. There have been several instances in the past few years, where the hospital went out and
525 removed a lot of the trees – the ash trees, in particular. She stated that they will go out with the

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526 city arborist and look at it again. She has not recently received any complaints from residents
527 regarding the buffer. She did point out, that because of COVID-19, the City has been a little
528 more hands-off, in terms of zoning and property maintenance compliance issues with a sensitive
529 regard to costs, and our medical health focus for this year.

530
531 Mr. Leibson stated that we needed to be more diligent about this. He clarified that it is the City's
532 job to be sure this is inspected and completed and maintained.

533
534 Chairman Harbison wanted the guests and residents to know that the Commission cannot ensure
535 that these things get done; this is not the job of the Commissioners.

536
537 Mr. Hirotsu stated that, as the Acting Community Development Director, Ms. Henao has the
538 resources and accountability to check, and enforce these commitments. As he separated the
539 questions of maintenance versus design, he heard a big design question around lights going
540 through to the homes. With expanding this parking lot, he has not seen any clarity of how the
541 lights from the cars will be mitigated. He did not see the hospital's view, regarding Lot 1.

542
543 Mr. Stull asked if it was part of our purview to not allow the temporary move of the helipad.

544
545 Ms. Steinebrey felt stated that would defeat the project. She did not feel that the Commissioners
546 had the expertise to deny that. She felt that was out of bounds. Mr. Leibson agreed.

547
548 Mr. Matre stated that no matter where you put the helipad, it is going to bother somebody.
549 He stated that if it met code, we have to approve it.

550
551 ***Mr. Matre made a motion to approve the application, as submitted, from GBBN Architects,***
552 ***on behalf of Bethesda North Hospital, for a Final Development Site Plan to allow for***
553 ***construction of a two-story addition and parking revisions to Lot 1 on the Bethesda North***
554 ***Hospital Campus at 10500 Montgomery Road, with the conditions suggested by Staff in the***
555 ***Staff Report, dated December 4, 2020, as well as the addition of a 6 foot high privacy fence, to***
556 ***be placed along Parking Lot 1 – to shield the neighbors from car light intrusion.***

557
558 ***Ms. Steinebrey seconded the motion.***

559
560 Mr. Dong was glad to hear from the residents. He was disappointed to hear that what we have
561 previously approved, has not been executed. He was not in favor of approving this motion, until
562 he understood the previous agreements, and what has been executed and what has not.
563 He believed that trust needs to be built, and it sounds like there is so much that has not been
564 executed. If an entity does not execute their previous agreements, that is very disconcerting, and
565 he would not approve the next one, until he understands why they did not fulfill their previous
566 agreements.

567
568 Ms. Steinebrey was concerned with the fact that we are constantly finding these roadblocks to
569 keep us from making a deliberation on a motion. She believed that the City was very concerned

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570 about our residents. She did not believe that Mrs. Henao has had these comments from all of
571 these residents about the lights, and she's done nothing about it.

572
573 Ms. Steinebrey stated that when the application came up for the garage, we were originally going
574 to put it down close to Radabaugh Drive. Many residents complained about it - the noise.
575 She pointed out that the hospital changed the location. Each resident she has heard from, moved
576 in, knowing that there was a hospital there. She stated that, within the past two months, she
577 spent 4 days at a Level 1 Care in Columbus, Ohio, with her mother. There were probably 5 to 6
578 helicopter flights, on a regular basis. She was on the 5th floor of an 8-floor hospital, and she was
579 simply grateful that they were there – that the helicopters could come in and help people.
580 She pointed out this was only 10 or 11 per month.

581
582 Mr. Matre felt that, in this application, we needed to separate our job as reviewing the design,
583 and the City's job of enforcing it. He stated that this project met the Zoning Code, and he did not
584 feel that we could put any conditions on this regarding enforcement. He did not feel that we
585 should delay this motion until the hospital answers or resolves previous issues. He agreed that
586 there are issues that should be addressed, but we don't have the power to address them.

587
588 Chairman Harbison felt that we could live with the helipad for four months, as it was temporary.

589
590 Chairman Harbison agreed with Mr. Matre, but he felt that if there have been issues with putting
591 up new lights in the past, we should make sure the issues are considered now, when they are
592 putting up more new lights. He was concerned with the buffer and blocking the car-lights and
593 noise. He pointed out that expanding Lot 1, would bring lights closer to the residents. He noted
594 that the Commission's job was to protect the residents. He believed looking at the buffer is
595 within the Commission's purview as part of approving the plan, and he felt that we should
596 require more buffering in that area. He felt that the developer / owner needed to take a serious
597 look at the buffer, to protect the residents. He agreed the 2017 commitment was an enforcement
598 issue, but this expansion is new, and brings on more car-lights, and closer.

599
600 Mr. Leibson agreed, clarifying that the enforcement of the original buffer should take place, no
601 matter what. He stated that the question for the Commission was if we should require additional
602 buffering trees and/or privacy fence because of the new parking lot.

603
604 Mr. Hirotsu agreed with Chairman Harbison that the applicant should address the issue of
605 buffering car lights, due to the parking lot expansion. Mr. Hirotsu felt that the applicant needed
606 to demonstrate what they were willing to do, versus the Commission dictating the answer of
607 more trees or fence – and he did not see anything referring to this issue in the applicant's
608 proposal.

609
610 Mr. Leibson suggested that we add a condition that they enhance the buffering to prevent car-
611 light intrusion and noise.

612

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613 Chairman Harbison asked if the developer/owner should go back to the drawing board and come
614 back with a new plan, and we table this motion now. Mr. Leibson wanted to know if they would
615 put in a 6 foot privacy fence.

616

617 Mr. Mombach stated that they have worked on several things as follow-up, and if there was
618 anything they had agreed to, and haven't done from the Thomas Center project, we will go back
619 and fix it. He was not aware of anything that hasn't been done, and he stated that their word is
620 good. As far as a privacy fence, or doing something along the stretch where they are expanding,
621 he has no issue with that.

622

623 Mr. Leibson suggested an amendment to the motion, adding a condition. Mr. Matre accepted the
624 amendment, and Ms. Steinebrey seconded the amended motion.

625

626 Mr. Dong questioned if 6 feet was high enough, or did it need to be 8 feet. He asked if there
627 should be an assessment to determine the correct height and placement - should it be placed at
628 the bottom of the berm or the top of berm. Mr. Leibson stated that the main concern from the
629 residents was the car lights, and they are 4 feet off the ground.

630

631 Mr. Hirotsu did not want to approve something without a specific plan. He felt that, as a
632 Planning Commission, we should be approving a very specific plan. He felt that just requiring a
633 fence was not fulfilling our responsibility to really require a plan. Chairman Harbison was more
634 inclined to table this motion. Ms. Steinebrey felt this was unfair. She noted that this was an
635 important project for Bethesda, and did not want them to wait any more. She felt that all we do
636 is continue projects. At this point, they have offered to put a fence in, at the back of the parking
637 lot. She noted that the applicant had come before the Commission on October 19, 2020, asking
638 for our feedback, and we gave it to them. Now, they come before us with an application, and we
639 ask them to wait again.

640

641 Mr. Dong pointed out that the difference was that today, we had feedback from the neighbors.
642 We did not know any of this before, and he recalled asking the question, if there were any issues
643 from neighbors – and Mr. Mombach stated that there were none.

644

645 Mr. Leibson echoed Ms. Steinebrey's comments.

646

647 Mr. Hirotsu asked Staff if this proposal met the code. He understood that when a project is done
648 like this, it cannot significantly cause a hindrance to the neighbors, including light intrusion.

649 Mrs. Henao stated that we have very specific regulations for light poles, in terms of height, light
650 cut-off and light trespass – all of which are being met. She stated that the car light section reads
651 that we require perimeter buffering along the rights-of-way. She pointed out that Lot 1 did not
652 abut a right-of-way; however it did abut residential. It is within the Commission's purview to
653 ask for additional buffering requirements – a fence or additional shrubbery. Typically how we
654 buffer car-lights from a parking lot is through the planting of shrubbery, up to 4 feet in height, or
655 a fence. In this case, the 150-foot buffer had been required many years ago, and at that time, the

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656 Planning Commission felt that it was sufficient. She stated that this Commission has the ability
657 to require additional buffering, should they choose.

658

659 Mr. Hirotsu asked if the judgement determining whether that is a sufficient buffer – is a part of
660 the code. Staff confirmed that the Planning Commission has the ability to look at the buffer and
661 determine if it is sufficient. Mr. Hirotsu then decided that this was part of the code, and not a
662 preference, by Planning Commission.

663

664 Chairman Harbison asked, and there was no more discussion among the Commission.
665 He clarified and restated the motion. All members agreed with the rewording of the motion,
666 below.

667

668 *Mr. Matre made a motion to approve the application, as submitted, from GBBN Architects,*
669 *on behalf of Bethesda North Hospital, for a Final Development Site Plan to allow for*
670 *construction of a two-story addition and parking revisions to Lot 1 on the Bethesda North*
671 *Hospital Campus at 10500 Montgomery Road, with the conditions suggested by Staff in the*
672 *Staff Report, dated December 4, 2020, as well as the addition of a 6 foot high privacy fence, to*
673 *be placed along Parking Lot 1 – to shield the neighbors from car light intrusion.*

674

675 *Ms. Steinebrey seconded the motion.*

676

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

678

679 *AYE: Mr. Matre, Mr. Leibson, Ms. Steinebrey, Chairman Harbison (4)*

680 *NAY: Mr. Dong, Mr. Stull, Mr. Hirotsu (3)*

681 *ABSENT: (0)*

682 *ABSTAINED: (0)*

683

684 *This motion is approved.*

685

686 Chairman Harbison told guests and residents that, based on all of the comments received this
687 evening, there will be some discussions, in the near future, regarding the enforcement of the
688 previous plan, because that reflects badly on the City, as a whole.

689

690 Mrs. Henao stated that they have been tracking the Cobra lights and the Duke lights, as part of
691 the punch list for the Thomas Center. She apologized that it has been on the back burner, due to
692 the health pandemic, but it will be put back on the radar. She will have the City Arborist look at
693 the buffer to see what needed to be done.

694

695 **Council Report**

696 There was no Council Report for this evening.

697

698

699

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700 **Other**

701 Chairman Harbison felt that there was some good discussion tonight. He noted that they were
702 hard-pressed, because the project met the Code; and the applicant was agreeable to expand the
703 buffering. Even though we were split, he felt there was good discussion.

704
705 Mr. Dong was concerned with the enforcement and in keeping your agreements. He was
706 disappointed with this and felt like he was caught in the middle.

707
708 Chairman Harbison had wanted to put this in, but forgot, when they got caught up in the
709 discussions. He wanted to put in the motion, that they come back in one year with a report on
710 the follow-through. He stated that when they come back for the front lobby, he wants to put this
711 statement in there – that we ask for a report on all past projects. He would like to put this in as a
712 condition. The enforcement can still be separate, but at least we will know what is happening.

713
714 Mr. Leibson stated that we should check with the Law Director, to determine if that condition
715 would be legal. He felt it was a good idea, but wanted to be sure it was legal.

716
717 Staff reiterated that, from Staff's perspective, it was certainly not that we were not trying to
718 follow-through.

719
720 Mr. Leibson asked if they didn't comply with something we approved previously, can that have
721 any impact on our judgement on a new project. Staff stated that in the past, we had asked the
722 applicant (Maple Dale Elementary) and residents to come back and take a look at the lights one
723 year later. We did not say that we would not approve any more of their projects until that was
724 taken care of. This is the key difference.

725 726 **Staff Report**

727 Mrs. Henao stated that there is construction taking place on the Montgomery Quarter project.

728
729 She noted that December 21 held a full agenda: Sycamore Junior High and the Audi Connection
730 and Chevrolet. She reminded all that we will be meeting via the Zoom videoconferencing
731 platform, probably through January 2021.

732 733 **Minutes**

734 Regarding the November 2, 2020 minutes, Mr. Hirotsu asked about the second paragraph on
735 page 13, lines 489 and 490: 3 feet versus 4 feet. His question was on the degree of the safety
736 difference, and he thinks her response was related to the general building code. He asked if there
737 was a specific planned development for that area, which restricted them to 3 feet. Staff stated the
738 planned development did not actually restrict the size of the window wells, it restricted the
739 amount that the window well could encroach into the side yard setback. Because the developer
740 will typically build right up to the property line, it usually dictates a 3-foot window well, instead
741 of a 4 foot. It was a choice of the builder, because of where they place the home on the property.

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Planning Commission Meeting

December 7, 2020

742 Mr. Hirotsu stated that the way he read the minutes, it made it look like everything was fine, but
743 it really was not fine. He asked if Staff would reword it, to show that it was not ok, and why.
744 Staff stated that she would do this.

745

746 Mr. Hirotsu moved to approve the minutes of November 2, 2020, as amended.

747 Mr. Matre seconded the motion. The Commission unanimously approved the minutes.

748

749 Mr. Dong moved to approve the minutes of November 16, 2020, as written.

750 Mr. Hirotsu seconded the motion. The Commission unanimously approved the minutes.

751

752 **Adjournment**

753 Mr. Leibson moved to adjourn. Mr. Dong seconded the motion.

754 The Commission unanimously approved. The meeting adjourned at 9:53 p.m.

755

756

757

758

759

760

761 _____
Karen Bouldin, Clerk

Michael Harbison, Chairman

Date

762

763 /ksb

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**CITY OF MONTGOMERY
 PLANNING COMMISSION MEETING**

*Due to the Stay at Home Order issued by Governor DeWine,
 this meeting was held as a videoconference via Zoom Video Conferencing only.*

December 21, 2020

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<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Abby Anastasio Project Architect SHP 312 Plum Street, Ste 700 Cincinnati, OH 45202	Craig Margolis Vice Mayor Montgomery City Council 8270 Mellon Drive, 45242	Tracy Henao, Assistant City Manager / Acting Community Development Director Terry Donnellon, City of Montgomery Law Director Karen Bouldin, Secretary
C. Francis Barrett, Esq. Barrett & Weber LPA 120 E. 4 th Street, Suite 1201 Cincinnati, OH 45202	Allison McKenzie Principal SHP 312 Plum Street, Ste 700 Cincinnati, OH 45202	<u>COMMISSION MEMBERS</u> Chairman Mike Harbison Vince Dong Dennis Hirotsu Jim Matre, Vice Chairman Barbara Steinebrey Pat Stull
John Bascom 9410 Wynnecrest Drive, 45242	Molly Polasky	<u>MEMBERS NOT PRESENT</u> Darrell Leibson
Kai Blunt	Tom Tepe, Esq. Keating Muething & Klekamp One East Fourth Street Suite 3400 Cincinnati, OH 45202	
Michelle Breen 9860 Tollgate Lane. Montgomery, OH 45242	Roger Wade Cintech Construction 4865 Duck Creek Road Cincinnati, OH 45227	
Frank Forsthoefel Superintendent Sycamore Community School District 5959 Hagewa Drive Blue Ash, OH 45242	Rick Woolf 9530 Croton Drive, 45242	

9

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Planning Commission Meeting

December 21, 2020

GUESTS & RESIDENTS	
Melissa Hays Zoning and Code Compliance Officer City of Montgomery	Bob Zielasko Design Architect Elevar Design Group 555 Car Street Cincinnati, OH 45203
Grant Joseph Joseph Auto Group	
Greg Joseph Joseph Auto Group	
Ron Joseph, Jr. Joseph Auto Group 9770 Montgomery Rd, 45242	
Steve Korte Principal The Kleingers Group 6219 Centre Park Drive West Chester, Ohio 45069	
Chad Lewis Assistant Superintendent Sycamore Community School District / E.H. Greene Intermediate School 5959 Hagewa Drive Blue Ash, OH 45242	

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Call to Order

Chairman Harbison called the meeting to order at 7:32 p.m. He stated that, due to the Stay-at-Home Order issued by Governor DeWine, this meeting was being held as a videoconference via Zoom Video Conferencing only (not in-person). Chairman Harbison explained that guests or residents could find the webinar information on the City of Montgomery website that was needed to either call-in or join-in the meeting via Zoom, as well as tonight's agenda.

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Planning Commission Meeting

December 21, 2020

19 **Roll Call**

20

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

22

23 *AYE: Ms. Steinebrey, Mr. Stull, Mr. Hirotsu, Mr. Matre, Mr. Dong,*

24 *Chairman Harbison* (6)

25 *NAY:* (0)

26 *ABSENT: Mr. Leibson* (1)

27 *ABSTAINED:* (0)

28

29 **Guests and Residents**

30 Chairman Harbison asked if there were any guests or residents who wished to speak about items
31 that were not on the agenda. There were not.

32

33 **Old Business**

34 There was no old business to review.

35

36 **New Business - a**

37 *An application from SHP on behalf of Sycamore Community Schools to consider an*
38 *expansion of a conditional use and Final Development Site Plan approval, with an*
39 *equivalency for construction of a new Junior High School at 5757 Cooper Road.*

40

41 Chairman Harbison explained the process for this evening's meeting to all guests and residents:

42 "Ms. Henao reviews her Staff Report, and the Commission asks any questions they might
43 have. The applicant presents their application, and the Commission then asks any questions.
44 The floor is opened to all residents for comments. If a resident agrees with a comment that
45 was previously stated, they could simply concur, instead of restating the entire comment (to
46 save time). The Commission discusses the application, and residents are not permitted to
47 comment or question during this discussion. The Commission will then decide to table,
48 approve or deny the application."
49

50 **Staff Report**

51 Ms. Henao reviewed the Staff Report dated December 18, 2020, "Expansion of a Conditional
52 Use and Final Development Site Plan Approval for Sycamore Junior High School at 5757
53 Cooper Road." She asked if there were any questions from the Commission.

54

55 Mr. Dong referred to the parking minimum of 294 and the maximum of 364 spaces. He asked
56 how those figures were determined. Ms. Henao stated that the minimum is based on the
57 standards in the Zoning Code and includes both the school and the stadium; there are different
58 calculations for both uses. She explained that the maximum was added to the Code several years
59 ago to be sure we do not end up with the negative impacts that come along with a sea of parking.
60 They may be planning for their absolute busiest time and then the majority of the parking
61 remains empty most of the time.

62

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Planning Commission Meeting

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63 Mr. Dong asked how many spaces were there currently. Staff deferred to the applicant to
64 provide the existing parking count.

65
66 Mr. Dong asked if the light shields were part of our zoning requirement. Ms. Henao noted that
67 shields are not a requirement. The Zoning Code requires a 90° flat, cut-off lens. The proposed
68 fixtures do meet that requirement. Ms. Henao explained that during discussion of the parking lot
69 lights for Bethesda North Hospital, Staff suggested that shields be used because there were
70 previous issues with adjacent property owners and those the LED lights. She was not aware of
71 any issues with the lights at the Junior High from surrounding property owners, so she did not
72 make any suggestions regarding shields for this application.

73
74 Mr. Dong understood that there would be police officers directing traffic during the bus pick-up
75 and drop-off times. He asked if they would do the same when they held events. Ms. Henao
76 deferred to the applicant.

77
78 Mr. Hirotsu noticed that this plan complied with the zoning regulations whereas the previous
79 plan discussed at the concept plan stage was not. He asked if the applicant went before the
80 Board of Zoning Appeals or if they adjusted this plan. Ms. Henao stated that the applicant
81 adjusted bring the plan into compliance with the Zoning Code.

82
83 Mr. Hirotsu noted that since they would be building the new school on the site of the current
84 parking lot, there would not be much parking during construction. He asked how the applicant
85 planned to handle parking during construction. Mrs. Henao stated that the applicant would
86 discuss their plans during their presentation.

87
88 Chairman Harbison agreed with Mr. Hirotsu's question, asking where all the students would be,
89 while this new school was being built. Chairman Harbison asked if there were any more
90 questions from the Commission. As there were none, he asked the applicant to speak.

91
92 **Frank Forsthoefel, Superintendent, Sycamore Community School District / E.H. Greene**
93 **Intermediate School, 5200 Aldine Drive, 45242** addressed some of the questions from the
94 Commission members. He stated that the students will be in the existing building the entire time
95 of construction of the new building. He introduced others on the team.

96
97 **Allison McKenzie, SHP, 312 Plum Street, Suite 700, Cincinnati, OH 45202** referred to the
98 parking during construction. She noted that the school will not be holding special events during
99 construction as parking will be limited and one of the first things, they will do is to demolish the
100 auditorium, to make way for the new building. They anticipate putting some temporary parking
101 spaces on the existing bus depot site and will utilize some existing paved areas for temporary
102 parking. Ms. McKenzie stated that a general contractor will be on-site performing the work, and
103 SHP will work with them to create a site safety plan that isolates the area of construction and
104 locates any temporary parking necessary to support the school outside the current building
105 footprint and the area where the new building will be constructed. She asked for any questions
106 from the Commission.

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107 Mr. Dong asked if there were any complaints to the school over the last 2-3 years regarding
108 traffic. Mr. Forsthoefel stated that if you drove down Cooper Road at 8 a.m. or 3 p.m., then you
109 would know that there are traffic complaints. He noted that was one powerful benefit about this
110 design is that it will allow them to queue traffic up and get more cars onto the campus and
111 alleviate some of the traffic issues that currently exist with the Junior High School. He did not
112 anticipate any traffic challenges once their building was up and running.

113
114 Mr. Dong had read that they were planning a 20% increase in students, in the future, with this
115 new development. He wondered how that would impact traffic and if the traffic report reflected
116 that.

117
118 Mr. Forsthoefel stated that they do project that their enrollment is growing, across the district;
119 and that it will go up in the next 3 to 5 years. He did not feel it was 20% but was not sure what
120 the current figure was. He did not believe the increase in students would be enough to
121 significantly increase the traffic flow given the changes to the site that will improve traffic
122 concerns.

123
124 Mr. Dong referred to one of the items stated in the enclosed Traffic Report: to re-route the
125 destination of the drop-off point in the parking area. Mr. Dong wondered if they should just do
126 this now, to help alleviate the traffic problems. Mr. Korte was asked to address this concern.

127
128 **Steve Korte, Principal, The Kleingers Group, 6219 Centre Park Drive, West Chester, Ohio**
129 **45069** shared the computer screen so that all in attendance could see. He spoke to all, marking
130 the screen to depict the locations he described. He stated that The Kleingers Group were the
131 civil engineers for the project. He pointed out that the proposed new school will sit farther back
132 from Cooper Road, noting that that the existing building sits close to the street. With the new
133 school being relocated to the south, it increases the “queue” length, and it is substantially more
134 than they currently have. As noted in the traffic report, if the queue in front of the building fills
135 up, on a typical school day, they recommend an overflow flow parking space for parents to pick-
136 up.

137
138 Mr. Dong asked about any expected back-up of traffic due to left-hand turns. Mr. Korte feels
139 this situation will be better. He understands that in the current situation, if the traffic is backed
140 up, and you can’t turn left into the site – that’s a problem. The proposed design pushes more of
141 the queue onto the site which gives parents a substantially increased queue of designated parking
142 spaces somewhere in that lot for overflow. Now, there may be times at the peak few minutes of
143 dismissal where there will be some back-ups in that left-turn lane – it is possible. But it is
144 important to see that this will be a substantial improvement from the existing condition.

145
146 Ms. Henao noted that there could also be 2 lanes of cars stacked in front of the school for pick-up
147 and drop-off, if needed. Mr. Korte stated that they will widen the driveway so that if they
148 needed to double-stack at dismissal, they could. He pointed out, that it was not preferred, but
149 possible. He noted that they didn’t have as much concern with arrivals, as it is more spaced out

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150 over a 20-minute period. At dismissal, people are waiting for their children, and there could be
151 some back-up.

152
153 Mr. Dong asked if there would be police directing traffic at the stadium, as well as at the school,
154 for special events. Mr. Forsthoefel confirmed there would be, explaining that that they estimate
155 how many friends will be coming to the campus. If it is a high number, they will do everything
156 they can to assist the traffic flow. This frequently involves police officers to drive the traffic for
157 events such as an athletic event, open house at the school, or curriculum night. Chairman
158 Harbison added that they use the police when they have their football games.

159
160 Mr. Dong asked about impervious surface coverage. He heard that the minimum parking spaces
161 were 294, and the school was recommending 350 spots. He assumed if they went down to 294,
162 the impervious surface would be at 40%. Chairman Harbison explained that it is a requirement,
163 from our Zoning Code, that they must have 294 parking spaces. The 364 is the maximum, based
164 on the combination of all the uses. He explained that the school has proposed 350 spaces, and
165 that follows the Code. If we ask to remove the parking spaces in the front of the lot that do not
166 meet the setback, they would still be within the range of the code.

167
168 Mr. Dong understood but pointed out that they would not be within the code for impervious
169 surface, at close to 50%. Mr. Dong was asking how many parking spaces they needed to take
170 out to get to 40% impervious surface.

171
172 Ms. McKenzie stated that they just did a quick, Google-map count of current parking spaces, and
173 came up with 320 – 350. She stated that they would be roughly replicating the number of
174 parking spaces that currently exist on the site. In discussions with the District, Ms. McKenzie
175 stated that they did not feel that they could go down to the minimum number of spaces required
176 by Code and still have enough spaces to serve their daily and event parking needs. She estimated
177 that they would still be over the 40% impervious surface coverage, even if they went down to the
178 minimum parking requirements.

179
180 Mr. Korte stated that the average parking space was about 350 square feet. He stated that even if
181 they eliminated 50 spaces, that would be about 17,000 square feet – about 1/3 acre. He stated
182 that the existing site was about 21 acres, and the existing impervious surface ratio was 57%. He
183 pointed out that they were reducing it down to 47%, a 10% reduction, which is approximately
184 2.1 acres. As a point of reference, the area inside a typical stadium track is about 2 acres, so we
185 are reducing by the amount inside a stadium.

186
187 Mr. Korte stated that even if we did eliminate 50 spaces, it would not come close; just the nature
188 of the existing infrastructure – the stadium and everything, with impervious surface – it just isn't
189 practical.

190
191 **Abby Anastasio, Project Architect, SHP, 312 Plum Street, Ste 700, Cincinnati, OH 45202**
192 stated that, to meet that requirement, they have gone through several rounds of redesigns to

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193 consolidate the footprint, and eliminate extraneous paving, down to the point that it was still safe.
194 If you eliminate any more, it will start to cut function and program off the site.

195
196 Ms. McKenzie stated that reducing 50 parking spaces, using 350 square feet per space, is less
197 than 1% reduction in impervious surface; so, they would still be around 45%. She pointed out
198 that it involves parking, buildings and paving associated with the stadium and the track.

199
200 Mr. Hirotsu asked if the bus depot was moving somewhere else. Mr. Forsthoefel confirmed,
201 noting that the only buses you will see at the Junior High, will be the ones coming to the Junior
202 High.

203
204 Mr. Hirotsu felt this plan was fantastic. He asked about the 3 water collection areas on the site,
205 wanting to know where the water flows from. Mr. Korte stated that there were four sub-drainage
206 areas onsite. One drains towards I-71, and the southern drainage area drains to a pipe which
207 goes under the stadium; and the rest of the area drains to another pipe. A little bit of drainage
208 area up front goes to Cooper Road, but they were relieving the burden on the sewers on Cooper
209 Road – it all goes to the creek to the west of the site, west of the stadium. They have based it all,
210 per the County's requirement. Mr. Hirotsu stated that it looked like a huge improvement.

211
212 Mr. Stull figured if they had about 870 students enrolled currently, there would be about 20
213 students on a bus, to require 45 buses. He asked if they needed 45 buses, and spaces. And if not,
214 could they do something else with some of those parking spaces? Mr. Stull asked how they
215 would also be able to accommodate parking spaces for the construction vehicles and crew.

216
217 **Chad Lewis, Assistant Superintendent, Sycamore Community School District / E.H.**
218 **Greene Intermediate School, 5200 Aldine Drive, 45242** stated that he was overseeing the
219 construction projects, and working with the construction teams. He wanted to address the bus
220 situation and asked the construction team members to discuss their parking situation. Mr. Lewis
221 stated that the transportation department has had a 3-tiered system, for most years. The High
222 School tier goes first, then the Junior High and Intermediate School run together – so they are
223 picking up 1600 students, not 800. They need the capacity to do that because they do not have
224 time to run those buildings separately, and then have the buses go back and run the four
225 elementary schools. This was why they required parking for 45 buses. He noted that after they
226 get picked up in the afternoon from the Intermediate School, they go to the Junior High to
227 transfer buses, and then get on a bus to go to home to their neighborhood. This is the most
228 efficient and effective way to transport students without increasing costs to taxpayers. These are
229 for students who have no ability to drive themselves.

230
231 Allison McKenzie stated that The Kleingers Group created an interim parking. She stated that
232 there was also a plan that showed temporary bus parking during the construction, in
233 approximately the same area as the current bus service facility was located (the upper northwest
234 portion of the site). She stated that they were able to create some potential drop-off space for the
235 building, right in front of it. Construction parking is expected to stay within the construction
236 boundaries – this is within the area where the new building will be built.

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237 Mr. Korte stated that on the plan, they do show the existing building (lightly); he showed all
238 attendees on the computer screen. He showed the corner where the auditorium would be
239 demolished. He acknowledged that it would be very tight during construction – they would be
240 using some of the existing bus parking; but most of the function in the front of the school will be
241 business as usual.

242
243 Mr. Matre understood there would not be any landscaping in the bus parking lot and asked what
244 equivalency the applicant was providing. Ms. Henao showed on the screen, the 10 shade trees
245 they would have placed within the bus parking lot, that will now be added along Cooper Road, in
246 the front section of that lot. The landscaping plan is on SHP L100 drawing. She stated that they
247 were also providing a continuous line of shrubs along Cooper Road, as well as additional shade
248 trees throughout the site. Ms. McKenzie pointed out that they were providing the same amount
249 of required interior landscaping that would have been in the bus parking lot, but just in different
250 locations. Ms. Henao stated that this was the 10% interior required landscape.

251
252 Mr. Dong asked about impervious surface – he understood they would meet the Hamilton
253 County standards but asked if they could talk about what they have done that would help justify
254 them going over the 40% impervious surface requirement.

255
256 Steve Korte stated that they have exceeded the size of the detention basin, according to Hamilton
257 County's requirement. He explained that they want to be conservative with the discharge rates
258 of the water quantity for downstream properties. For water quality, they have included many
259 swales on site, which will pick up site drainage, versus running it to a storm sewer in a curb and
260 gutter. They will also put some rock forebays at the upstream side of the detention basin, so the
261 larger (a 2 or 3 inch size) rocks help to filter out the litter and debris before it gets to the creek to
262 the west and downstream. They will also put pervious gutters in the bottom of the basin to help
263 the water naturally percolate into the ground, versus letting it just all run off. He noted that they
264 have many other best management practices planned on this site. He believed this would be a
265 tremendous improvement for stormwater quality / quantity in the neighborhood.

266
267 Mr. Dong asked if they would catch any of the water to irrigate some of the fields.
268 Mr. Korte was not aware of any planned irrigation, he deferred to Ms. Anastasio for that
269 question. Ms. Anastasio did not believe any of the on-site water would be re-used.

270
271 Chairman Harbison asked about the seating and the press box on the eastern side of the stadium;
272 he asked where that would all go.

273
274 Mr. Lewis stated that the homestand and the press box were being torn down as part of the
275 master plan. They still have not brought forward the High School Plan, which contains the
276 relocation of the stadium to the High School property. In the long run, their hope is to replace
277 the stands on the visitor's side with an equitable number of seats, because there will be fewer
278 people, when it becomes a Junior High facility. There may be a need to put a small press box on
279 that side, but it would be nothing that compares to the structure that stands there now, on the
280 home side.

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281 Chairman Harbison asked about the football games for 2021. Mr. Lewis stated they would see
282 how they progress through the plans, and it could be a 10-games away season. It just depends on
283 how it all plays out. They want to be flexible with this construction and ready to adapt. He felt
284 that holding a football game at that site would be near impossible.

285

286 Chairman Harbison asked if there were any more questions from the Commissioners. There
287 were none. He asked if any guests or residents wished to speak.

288

289 **Michelle Breen, 9860 Tollgate Lane, Montgomery, OH 45242** asked what accommodations
290 were made to allow, and even encourage students, to walk or bike to school. Mr. Forsthoefel
291 stated that they would look to see how they could provide an ample number of bike racks, if the
292 students need them. As you know, many more students were riding bikes to school, especially at
293 EH Green.

294

295 As there were no other guests or residents who wished to speak, Chairman Harbison closed the
296 meeting to the public comment. He asked for discussion from the Commission.

297

298 Mr. Dong appreciated the fact that the District and the architectural team came back and were
299 able to eliminate the issues with setbacks. He was also happy that they were reducing the
300 amount of impervious surface. His main concern was around traffic and was hoping that they
301 could get it closer to 40% impervious surface.

302

303 Mr. Matre was not concerned with the impervious surface issue, he felt dropping it 10% was a
304 good step forward. He pointed out that the Commission had the authority to approve up to 50%,
305 and he was ok with doing that. He did not feel there was any other land to add; one side of the
306 site was the interstate, so that would not really bother anybody on that side. He did not feel the
307 traffic could be helped, especially with the school. Mr. Matre was in favor of this application,
308 and thought the applicant did the best they could.

309

310 Mr. Stull stated that the applicant had done a good job and had a good plan. He had concerns
311 with traffic, but noted that even Montgomery Road, past the grade school, had issues with back-
312 up at certain times of the day. He felt that we would just have to work through the traffic issues,
313 as we move through the construction timeframe.

314

315 Ms. Steinebrey stated that they had done a wonderful job, particularly with the landscaping.
316 She noted that right now, the school was close to the road, but when you move the school back
317 further on the site and add extra landscaping in front, it will really help this site from looking like
318 an open area with just parking. She thought that the plan to direct the traffic back will be a great
319 situation.

320

321 Mr. Hirotsu agreed with his colleagues and was in favor of this application.

322

323 Chairman Harbison felt that, as you go through the list of conditions, the District and the
324 Development Team had done a great job. Even though they did not have 40% impervious

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325 surface, they were certainly moving in the right direction. He liked that all the of the setbacks
326 were brought into compliance, except for the one in the front parking. He felt that we could
327 make it a condition for them to do that. His main concern was that we have only reduced the
328 four access points by one. He would like to see that east access point go away, so that they could
329 be in total compliance with the traffic codes, but he understood that it could present an issue with
330 the queuing in going back out. He was concerned that people would still make left turns in that
331 right turn only lane, especially if there were no officers present. He did agree that overall, the
332 traffic on Cooper would be improved. He was in favor of this.

333

334 *Mr. Matre made a motion to approve the application from SHP, on behalf of Sycamore*
335 *Community Schools for an expansion of a conditional use and the Final Development Site*
336 *Plan (as submitted), for construction of a new Junior High School at 5757 Cooper Road, to*
337 *include the conditions set forth by Staff, as stated in the Staff Report dated December 18,*
338 *2020. In addition, the impervious surface is approved to be 46.4% as shown on the stie plan.*

339

340 *Mr. Matre made a motion to recommend to City Council that they approve the associated*
341 *equivalency for this same application, as submitted by SHP.*

342

343 *Mr. Dong seconded the motion.*

344

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

346

347 *AYE: Mr. Stull, Mr. Hirotsu, Ms. Steinebrey, Mr. Matre, Mr. Dong,*
348 *Chairman Harbison*

(6)

349 *NAY:*

(0)

350 *ABSENT: Mr. Leibson*

(1)

351 *ABSTAINED:*

(0)

352

353 *This motion is approved.*

354

355 **New Business – b**

356 *An application from Elevar Design Group on behalf of R3G2 Properties, LLC for an*
357 *expansion of a conditional use, Columbia Chevrolet, at 9750 Montgomery Road, and a*
358 *General Development Site Plan approval, with an equivalency.*

359

360 **Staff Report**

361 Staff reviewed the Staff Report dated December 18, 2020 “Columbia Chevrolet - Expansion of a
362 Conditional Use and a General Development Site Plan Approval, with an Equivalency, at 9750
363 Montgomery Road”. Ms. Henao asked if there were any questions form the Commission. She
364 noted that the 9770 Montgomery Road address listed on the Meeting Agenda, was incorrect, and
365 should be 9750 Montgomery Road.

366

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367 Chairman Harbison referred to the last page of the Staff Report, Condition #10: Installation of
368 sidewalk.” He asked if the sidewalk would need to be placed all the way across the entire front
369 of the property. Staff confirmed.

370
371 Regarding the first paragraph of page 3 of the Staff Report, Mr. Dong asked about the
372 consolidation of properties, and how we measure “under common control”. Mr. Donnellon
373 stated that R3G2 will continue to own the Steak ‘N Shake site, and it can only be used as part of
374 the operations of Columbia Chevrolet / Montgomery Chevrolet. If the Commission were to
375 approve this, the applicant could not sell that property off to become a separate used car lot with
376 separate used car entrances. Down the road, if they want to transfer the entire entity, our Code
377 provides for the transfer of the conditional use permit with approval by the Planning
378 Commission.

379
380 Mr. Dong asked if there would be one Profit and Loss Statement for this entity of Columbia
381 Chevrolet. Mr. Donnellon thought probably so because they were operating across the entire
382 site, but how they structure it between them and R3G2, would be up to them.

383
384 Mr. Dong asked if Mr. Donnellon felt confident that this would be kept “under common control”
385 and we would know if it was not. Mr. Donnellon stated that he was not concerned with this now,
386 it would come in to play, down the road, perhaps years from now, to make sure that it could not
387 be purchased as a separate lot, unless they got permission from Planning Commission.

388
389 Mr. Dong asked if they could separate it, and someone bought it, could they use the lot for a
390 restaurant, for example. Mr. Donnellon stated that it could if it met all the zoning requirements.

391
392 Mr. Hirotsu asked if something happened down the road, and these two parties did not want to be
393 together anymore, would one lot be in compliance and the other one not in regard to setbacks.
394 Ms. Henao stated that if the former Steak ‘N Shake property would no longer be part of
395 Chevrolet, the only issue there would be the setback for the pre-own sales / office sales. She
396 showed members the dotted line which showed where the property line was. She noted these
397 issues would then have to be brought into compliance.

398
399 Mr. Donnellon noted that if they were unbundled in the future, you would likely see a new use, a
400 new site plan, a new development plan – and this requires that the setbacks would need to be
401 brought into compliance.

402
403 Referring to page 3 of the Staff Report, Mr. Dong asked for clarity about safety issues around the
404 curb cuts. Mr. Dong felt that just because it was safe, it did not mean that we must allow it.
405 He wanted to know why the owners felt that they needed it to maintain two curb cuts on
406 Montgomery Road. He believed that fewer curb cuts on Montgomery Road were better.
407 Chairman Harbison agreed with Mr. Dong, and wanted to hear from the applicant. He felt that
408 even though it was “safe”, if the number of curb cuts could be reduced, it would improve the
409 overall safety on Montgomery Road. He thought that was made clear during the Concept Plan
410 Discussion at the Planning Commission Meeting of November 2, 2020.

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411 Ms. Steinebrey would like to hear how the traffic flow will work throughout the entire site.

412

413 There were no more questions or comments from the Commission.

414

415 **Greg Joseph, The Joseph Group**, thanked the Commission and everyone for their help.

416

417 **C. Francis Barrett, Esq., Barrett & Weber LPA, 1201 Mercantile Center, 120 E. 4th Street,**
418 **Suite 1201, Cincinnati, OH 45202** stated that he was representing Montgomery Chevrolet
419 Company, doing business as Columbia Chevrolet. He introduced their team: Mr. Greg Joseph,
420 Mr. Ron Joseph, Jr., Bob Zielasko, Design Architect, with Elevar Design Group, and Tom Tepe,
421 Jr., a partner with Keating Muething & Klekamp.

422

423 Mr. Barrett explained that Keating Muething & Klekamp has represented four generations of the
424 Joseph family and has asked if we could structure a way to combine these two parcels which are
425 under separate ownerships of different generations of different members of the Joseph family,
426 with varying percentages of ownership – a very complex, complicated situation. Mr. Tepe
427 examined the code and came up with a concept called a “combined lot” that had to have
428 “common control”, which is explained on page 3 of the Staff Report. Mr. Tepe has structured
429 this, drafted the language, as part of a submission that was previously provided as part of their
430 application. Mr. Barrett noted that this was reviewed during the Concept Plan Discussion at the
431 November 2, 2020 Planning Commission meeting. Mr. Barrett stated that Mr. Tepe was here to
432 answer any questions.

433

434 Mr. Barrett explained that the Joseph’s goal was to have common control, with the combined
435 lots, with restrictions in the covenants that ran with the land to make sure that the conditional use
436 approval applied to the entire site; and if it is changed, then the Joseph’s would lose conditional
437 use approval. He stated that they were fine with this because they intend to operate this as a
438 unified site.

439

440 Mr. Barrett stated that at the November 2, 2020 Planning Commission meeting, they were
441 strongly encouraged by the Commission to look at the curb cut issues. Mr. Barrett stated that,
442 since that meeting, they did seriously consider them, and agreed to close the curb cut on Perin
443 Road, which is closest to Montgomery Road. They were also keeping open the main curb cut at
444 Columbia Chevrolet, which is 9750 Montgomery Road. They looked at the curb cut at 9770
445 Montgomery Road (former Steak ‘N Shake), and determined that they needed it for internal
446 circulation, to avoid internal conflicts, for safety, and for the site to work and flow. Mr. Barret
447 stated that they were not taking this lightly at all, they looked at the regulations, and at Section
448 94.18(2)(a) of the Montgomery Code of Ordinances and welcomed the review from the City
449 Engineer. Mr. Barrett stated that they concur with the City Engineer’s conclusion that this would
450 not be detrimental to public safety.

451

452 Mr. Barrett stated, that from the ownership’s perspective, it was very important and essential to
453 keep that curb cut, to allow the site to work safely and avoid internal conflict and allow the site
454 to flow properly for a very efficient operation. He felt it would improve the safety on the site.

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455 Mr. Barret asked Bob Zielasko to explain the general site plan.

456

457 **Bob Zielasko, Design Architect, Elevar Design Group, 555 Car Street, Cincinnati, OH**
458 **45203** stated they tried to meet Montgomery's Zoning Ordinances, when they developed their
459 plan. They preferred the open curb cut because it allowed good visibility for the new building,
460 which provides a slightly different product. He explained that this was not a new car operation;
461 they will be marketed to buyers of pre-certified or used cars. He noted that sometimes people
462 were a bit intimidated by an upper scale venue, and the second curb cut gives this product its
463 own access, going directly to that building. From a sales point of view, the tree line is already
464 fairly dense along this street the curb cut affords them better visibility which increases safety.

465

466 He understood that the current layout of the Chevrolet dealership was below the current
467 requirement of 10% interior parking lot landscaping and the proposed plan brings the entire lot
468 into compliance.

469

470 Mr. Barrett pointed out that they wanted the proposed pre-owned sales building to be accessible
471 and not conflict with people going to and from the service department from the existing building.
472 They didn't want new cars coming in for service to have a conflicting in terms of flow of traffic,
473 in and out of the site. Also, because of the location, where the curb cut exists today, the access
474 and circulation are far superior. Mr. Zielasko confirmed.

475

476 Mr. Barrett referred to Mr. Dong's question about the P&L statement. He stated that there were
477 several P&L statements from the Chevrolet operations and the two entities, basically, would
478 receive lease payments, from their respective ownerships. That is how it would be broken out,
479 he stated, noting that it was somewhat complex and complicated. But it was all under the control
480 of Montgomery Chevrolet Company, doing business as Columbia Chevrolet.

481

482 Chairman Harbison asked if there were any other questions about common control. Mr. Dong
483 asked if there would be just one General Manager, who would have control of both the new and
484 pre-owned dealership. Mr. Barrett confirmed that the General Manager would oversee the entire
485 site.

486

487 Mr. Hirotsu asked about the second curb cut if there would there be another sign there.

488 Mr. Barrett stated there is no sign plan yet; he did not know.

489

490 Chairman Harbison had no issue with the common control. Mr. Barrett stated that the applicant
491 accepted the condition, as drafted in the Staff Report.

492

493 Chairman Harbison wanted to emphasize that they needed to improve Montgomery Road's
494 public safety and believed that the Commission should only allow one curb cut to hold to the
495 Montgomery Code of Ordinances. He felt that if this site will be considered as a one under
496 common control, then you are only permitted one curb cut. He noted that the curb cut was offset
497 from the building, pointing out that the comment about the curb cut giving visibility / access to
498 the building did not stand.

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499 If that was the case, the curb cut would be further to the north, so that you could see the building
500 – similar to the layout when you go into the main entrance.

501

502 **Tom Tepe, Keating Muething & Klekamp, One East Fourth Street, Suite 3400, Cincinnati,**
503 **OH 45202** stated that the City Traffic Engineer looked at this, and the question was asked, if it
504 would be better, if that existing curb cut be shifted one way or the other to the north or the south,
505 but the City’s Engineer determined that the current location was the best.

506

507 Mr. Tepe also pointed out that there isn’t any hard and fast rule that all curb cuts must be
508 eliminated. He read the Code: “Generally, only one private access point shall be provided to an
509 individual parcel unless it can be shown that additional access points would not be detrimental to
510 the safety and operation of the roadway and are necessary for the approved use of the property”.
511 Mr. Tepe emphasized that the City Engineer determined that it was not detrimental to the safety
512 and operation; in fact, he stated that it would not be detrimental to the roadway. Mr. Tepe stated
513 that it is of vital importance to the operation of the business.

514

515 Greg Joseph stated that the site was formerly run as a restaurant for years, and they also had
516 access to Perin Road – which the Josephs agreed to close. He believed the restaurant brought in
517 a lot more traffic than the pre-owned department to Columbia Chevrolet would. Columbia
518 Chevrolet is still the main entrance for service and parts and new cars, and the entire customer
519 experience. He stated that they needed that additional curb cut, which is supported by General
520 Motors and Chevrolet, whom they must answer to, as franchisees.

521

522 Mr. Joseph stated that the access point has not caused accidents in the past. He reiterated that
523 they specifically asked that question of the City Engineer and it was not a concern. They offered
524 to explore shifting the access point on Montgomery Road and it was determined that it was
525 already in the best location for it. He stated that they would be happy to move the building a bit,
526 to make it more central to that drive. He stated that the internal flow of this operation requires
527 another access point. Mr. Joseph stated that they did not need a lot of traffic right at the point of
528 the service entrance and exit. He noted that they run a very good, clean operation, and he did not
529 feel the curb cut was detrimental to Montgomery Road, adding that they were going to add a big
530 sidewalk all up and down there.

531

532 Mr. Donnellon stated that he understands that the Planning Commission was willing to move
533 forward on the issue of common control; but we keep coming back to this curb cut. He is
534 hearing that there will be a less volume of traffic overall because the use of the former Steak ‘n
535 Shake property is being changed from automobile sales, versus a restaurant. He stated that we
536 don’t have any of that traffic data that would support that opinion. We now hear that you are
537 requiring this curb cut for this franchise. He stated that there was no information about that
538 before them tonight, either. Mr. Donnellon has heard that “internal circulation requires this
539 access point”, and that it is desirable because of where the building will be located, but the
540 applicant is willing to move the building.

541

542 Mr. Donnellon questions if we should step back and get all this information on record and allow

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543 the Commission to re-assess this, versus pushing forward tonight, with a chance of this
544 application being denied because of the curb cut concern.

545

546 Mr. Barrett stated that, on the recommendation of Mr. Donnellon, they would like to prepare that
547 data and submit it.

548

549 Chairman Harbison asked for comments on this from the Commission.

550

551 Mr. Stull stated he was fine with 2 curb cuts unless the Code did not permit it.

552

553 Mr. Hirotsu was fine with it, if there was no safety issue, as determined by City Staff.

554 He was concerned with the traffic data, and unless they had it for the old Steak 'N Shake, he
555 wondered how they might go about it.

556

557 Ms. Steinebrey would like to see more detail on what the internal circulation pattern would be on
558 this site, so she could make a better decision.

559

560 Mr. Matre agreed with Mr. Hirotsu. He felt that traffic on Montgomery Road was always bad,
561 and not much we could do about it. He was not sure how much this would help or hinder traffic.
562 He believed that more information was better for both sides, and he would support continuing
563 this matter to gather more information. He asked if there were any other issues with this plan
564 that should be discussed at this point. He did not have any more, except for the traffic issue.

565

566 Mr. Dong did have a concern with the number of curb cuts on Montgomery Road, and felt that
567 less was better. What he heard tonight did not help him understand why the applicant needed the
568 second curb cut. He would be inclined to not have the curb cut.

569

570 Chairman Harbison suspected they may want to table this, until more information was provided.
571 He did not have any additional issues to bring to light.

572

573 Mr. Dong asked about landscaping but understood that may come later - in the Final
574 Development Plan. Chairman Harbison confirmed. He also spoke of the equivalency.

575

576 Mr. Dong asked for clarity on the equivalency. Mr. Donnellon explained that if we approve the
577 common control issue, the Code allows more than one lot to be considered for the minimum lot
578 requirement. Under lot requirement, our Code says to consider the setbacks from the project
579 boundary line as opposed to the property lines. So, what we are doing, is making sure that the
580 record is quite clear that when we measure these different setbacks, we are measuring from the
581 boundaries of the site, instead of measuring from the individual lot lines. This equivalency
582 makes the lot cleaner, and simply implies that the code definition would allow it to be measured
583 that way.

584

585 Ms. Steinebrey wanted to suggest better screening, perhaps some trees or evergreens. She
586 realized this would be for a future meeting.

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587 Mr. Stull asked if the Commission had the authority to require only one curb cut or not.

588 Mr. Donnellon stated that there is no black and white in the Code. He noted that our ultimate
589 goal was to make Montgomery Road traffic safe.

590

591 Tom Tepe reiterated that this curb cut was vital to the operation of the dealership. He stated that
592 the standard set for the Code doesn't address whether it is necessary for the operation of the
593 property. The standard is whether it is detrimental to the safety of the operation of the roadway;
594 that is the standard that the City adopted. He pointed out that Montgomery's city expert, the City
595 Engineer, has concluded that it is not. Mr. Tepe wanted to clarify that point.

596

597 Chairman Harbison agreed with Mr. Tepe; however, he felt that it was better if they were
598 improving safety by reducing curb cuts. Mr. Tepe stated that Chairman Harbison presumed that
599 there is a safety issue, to start with. Chairman Harbison stated that Montgomery Road was a
600 congested federal highway, and that was a safety issue.

601 He felt that we needed to improve things if we could.

602

603 There were no other questions from the Commission.

604

605 Chairman Harbison asked if any guests or residents wished to speak.

606

607 Ms. Henao stated that, within the last 20 minutes, she had received an email from Michelle
608 Breen (an attendee at this meeting), regarding this application. Ms. Henao stated that since this
609 application will most likely be tabled, she will be able to provide this email to the Commission
610 via hardcopy, for their future deliberation. She asked Ms. Breen if she would like to address the
611 Commission at this time.

612

613 **Michelle Breen, 9860 Tollgate Lane, Montgomery, OH 45242** wanted to point out her
614 concerns. She felt there was also a curb cut safety issue, regarding the safety of pedestrians.
615 She noted that the concern from the City Engineer's point of view, was for the safety of
616 motorists. She asked for consideration on behalf of the pedestrians. Anyone who has walked
617 down Montgomery Road, knows this is a safety issue. She stated that on the west side of
618 Montgomery Road, from Mitchell Farm to Montgomery Elementary, there were 13 curb cuts.
619 So, walking her children to school was treacherous. She was happy to hear of the opportunity to
620 add a sidewalk on the other side of Montgomery Road, and the possibility to eliminate a curb
621 cut. She felt that once the curb cuts were there, they were hard to get rid of. She felt that side of
622 the road will be used by many seniors and residents of Twin Lakes, which could prove an even
623 higher risk. She stated that when you have accidents involving pedestrians and motorists, the
624 pedestrians always lose. She also had concerns with the loading and unloading of vehicles on
625 Montgomery Road; even though the requirements are that they are not supposed to do this on a
626 federal highway, yet she repeatedly sees car carriers parked on the highway, in the middle turn
627 lane, off-loading vehicles. And the driver who is unloading the vehicles is also risking his life.
628 She would be interested to know where this would be happening off-street and wondered if that
629 would even happen this time.

630

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631 As there were no other guests or residents who wished to speak, Chairman Harbison closed the
632 meeting to the public comment. He asked for discussion from the Commission.

633

634 Ron Joseph wanted to provide some detail as to the internal flow of Columbia Chevrolet, even if
635 this application will be tabled, he wanted everyone to understand this. He explained that when a
636 service customer entered Columbia Chevrolet from the main drive, they go to the right, and into
637 the "Existing" service driveway. They get out of their car, and the car is taken over by the
638 service department. When the customer is ready to pick up the car, they come back to where it
639 says "Existing", which is a large, indoor drive-through. When they leave, they generally go to
640 the left. If we do not have a curb cut, for the new used-car operation, all the used car customers
641 will come in from Montgomery Road and go to the left. That is the narrowest part of their flow
642 – you can see that, to the right, it is wider, to the left is narrower. If that is the only way to get in,
643 all cars are going to be going left, and the service customers will be coming down, head-on
644 towards that. This will create a bottleneck that will consistently happen throughout the day.

645

646 Mr. Joseph also wanted to point out that Columbia Chevrolet does not and has never unloaded
647 vehicles on Montgomery Road. The car carriers go up Perin Road and pull into the back
648 driveway and unload cars on the lot.

649

650 Mr. Dong asked if it was possible for the traffic pattern to go to the right, instead of to the left,
651 when they come out "Existing". He felt there were other solutions to this problem.

652

653 Chairman Harbison asked for comments from the Commission regarding a motion to move
654 forward with this application, or to table it.

655

656 Mr. Matre was in favor of this plan, but he suggested that we table it.

657

658 *Mr. Matre made a motion to table the application from Elevar Design Group on behalf of*
659 *R3G2 Properties, LLC for an expansion of a conditional use, Columbia Chevrolet at 9770*
660 *Montgomery Road, and a General Development Site Plan approval, with an equivalency.*

661

662 *Mr. Dong seconded the motion.*

663

664 Mr. Dong felt we needed to be clear on what would be helpful, for the Commission to make an
665 informed decision on this application. He asked for traffic information, and the internal traffic
666 pattern. He understood the one provided by Mr. Joseph this evening, but he would like to see
667 alternate options, and how many car pick-ups per hour / per day.

668

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

670

671 *AYE: Mr. Matre, Mr. Dong, Ms. Steinebrey, Chairman Harbison (4)*

672 *NAY: Mr. Hirotsu, Mr. Stull (2)*

673 *ABSENT: Mr. Leibson (1)*

674 *ABSTAINED: (0)*

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675

676 *This motion is approved to be tabled.*

677

678 Mr. Donnellon stated, down the road, the recommendation will go to a public hearing before City
679 Council, and City Council will take the recommendation and vote on it. Regarding the next case
680 on the agenda, Audi Connection, although they are two separate dealerships, they are common to
681 Joseph Auto Group. He asked the applicant if it made sense to table the next motion, so that we
682 were hearing both cases at the same time, so that they were tracking together, through the
683 system.

684

685 Mr. Barrett stated that from his perspective, the Audi site was not controversial and had all issues
686 resolved. Mr. Donnellon felt it made sense that they go in tandem, because otherwise you will
687 be sequentially doing two conditionally different uses on two different nights, two different
688 hearings, two different Council reviews; however, if you want to come back multiple nights for
689 this, you are welcome. He felt that it made sense to keep these two on track together. Mr.
690 Donnellon understood that Audi may not be as controversial because they have agreed to close
691 that curb cut, but do you lose anything by coupling them together, to go through the process,
692 timewise. They would still be voted on separately, but timewise you lose anything by keeping
693 them on the same track.

694

695 Greg Joseph questioned if we should discuss Audi now. He was conflicted on how to move
696 forward. He was very disappointed, noting that he thought they had met many of the discussion
697 points from November 2, in anticipation of this meeting. He had a large investment on both sites.
698 He did not want to see this continue on and on.

699

700 Mr. Donnellon stated that if the applicant wished to push forward on Audi this evening, it is up
701 to the Commission. He just wanted to bring this point to the applicant's attention.

702

703 Mr. Barrett asked if they could have a discussion on the Audi site now, so that when they come
704 back, they do not have to address any further issues.

705

706 Mr. Hirotsu asked if there were no issues, it should be discussed tonight. Chairman Harbison
707 stated the Commission could go through the process of this application, and then choose to table
708 it or not, at that time. Mr. Barrett stated that it made sense to hear it, and then choose to table it
709 or not.

710

711 Mr. Stull did not see any roadblocks, after reading the Staff Report. He felt they should review
712 the case, discuss and vote on it. Greg Joseph agreed.

713

714 Chairman Harbison restated Mr. Donnellon's earlier point, stating that it was the applicant's
715 decision on how to move forward. Greg Joseph wanted to proceed.

716

717

718

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719

New Business – c

721 *An application from Elevar Design Group, on behalf of 9722 Montgomery Road, LLC for an*
722 *expansion of a conditional use, Performance Audi, at 9678 Montgomery Road, and a General*
723 *Development Site Plan approval, with an equivalency.*

724

Staff Report

726 Staff reviewed the Staff Report dated December 18, 2020 “Audi Connection – Expansion of a
727 Conditional use and General Development Plan Approval, with an Equivalency, at
728 9678 Montgomery Road.” She stated that if the Commission was accepting of “common
729 control”, then there were no setback issues. The site plan meets all requirements.

730

731 Mr. Donnellon had nothing further to add.

732

733 Chairman Harbison noted that they have already covered the “common control” issue in the
734 above, Chevrolet application; he did not feel that was an issue.

735

736 There were no questions from the Commission for Staff.

737

738 Mr. Barrett stated that the same team was in attendance, as presented in tonight’s previous case.
739 He stated that there was the Concept Discussion on November 2, 2020, and he believed they
740 have resolved every issue brought to their attention. He reviewed all the issues that they have
741 addressed.

742

743 For clarification, Mr. Barrett explained that The Audi Connection site is operated by Joseph
744 Northland Motors, Inc., doing business as The Audi Connection. The existing site at 9678
745 Montgomery Road is owned by Columbia Oldsmobile Company. The former Star One Realtor
746 site at 9772 Montgomery and 9730 Montgomery Road (the former Rudino’s Restaurant) site,
747 which are jointly the same building, are owned by an entity called 9772 Montgomery Road LLC.

748

749 There were no questions from the Commissioners. Chairman Harbison asked if any guests or
750 residents wished to speak.

751

752 Ms. Henao addressed an upcoming issue, stating that she had not been aware of this situation,
753 but according to this resident, there seems to be pedestrian access from the homes on Croton
754 Drive, out to Montgomery Road.

755

756 **Rick Wolf, 9530 Croton Drive, Montgomery, OH 45242** stated that for over 40 years, all the
757 residents from that subdivision had walking access from the back of his property to Montgomery
758 Road. He wanted to make sure that they would still have that access. He explained that it was
759 an access to buses on Montgomery Road, and it was very convenient.

760

761 Ms. Henao showed all attendees, via the computer where the path was located.

762

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763 Mr. Donnellon stated that the City does not have a dedicated public access for pedestrians to
764 cross that private property and the City cannot require the property owner to dedicate a public
765 access walkway across private property. He believed that what Mr. Woolf has experienced
766 through the years, is that people have tolerated that as it was a fairly open and under-utilized lot.
767 Now, there may be more traffic on there, and may not be the safest thing for the Josephs to allow
768 people to cut across the property. This is beyond the purview of Planning Commission to require
769 that. It would be strictly up to the property owner, after they develop the site.

770

771 Mr. Woolf stated that he approved of the people in the subdivision crossing his property to
772 access this. As far as putting up a sidewalk on Montgomery Road, he felt it would be safer than
773 it was before. He reiterated that nobody had a problem with this for over 40 years.
774 He asked if they could just leave a gap there, so people could walk through it. He believed that
775 the Joseph family agreed to this in past years. He stated that when his father owned his property,
776 the Josephs talked with him and told him they would allow it.

777

778 Greg Joseph was not familiar with this situation and did not feel they were able in a position to
779 address pedestrian access to their property. From a liability standpoint, he could not comment
780 one way or the other. He deferred to Mr. Tepe and Mr. Barrett.

781

782 Mr. Hirotsu felt this was between the resident and the property owner to discuss this between
783 themselves and not in this meeting. Chairman Harbison agreed; he suggested that
784 Mr. Woolf contact the Josephs to discuss this further. He asked if Mr. Woolf had any other
785 questions about the site plan. Mr. Woolf did not.

786

787 As there were no other guests or residents who wished to speak, Chairman Harbison closed the
788 meeting to the public comment. He asked for discussion from the Commission.

789

790 Mr. Hirotsu was in favor of this application, as was Mr. Stull.

791

792 Ms. Steinebrey was in favor of this application, but at some point, down the line, she would like
793 to discuss more landscaping. Mr. Dong agreed with Ms. Steinebrey on both points.

794

795 Mr. Matre would like to approve this application and go back and take the previous application
796 for Chevrolet off the table and approve it, as well. He felt that if you looked at these all together,
797 basically you were losing a curb cut on Montgomery Road. As Mr. Donnellon stated, it is
798 probably better to let these two applications go side-by-side. He would vote to approve this
799 application.

800

801 Chairman Harbison appreciated and commended the applicant's Development Team for listening
802 to the Commission completely on this application and working hard to achieve it – by taking the
803 curb cut out, putting in the display pads, and work on cleaning up the landscaping.

804

805 ***Mr. Hirotsu made a motion to approve an application from Elevar Design Group, on behalf of***
806 ***9722 Montgomery Road, LLC for an expansion of a conditional use, Performance Audi, at***

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Planning Commission Meeting

December 21, 2020

807 *9678 Montgomery Road, with the conditions noted in the Staff Report dated December 18,*
808 *2020.*

809
810 *Mr. Hirotsu also made a motion to recommend to City Council that they approve the General*
811 *Development Site Plan, with an equivalency.*

812
813 *Ms. Steinebrey seconded the motion.*

814
815 *The roll was called and showed the following vote:*

816
817 *AYE: Mr. Matre, Mr. Stull, Ms. Steinebrey, Mr. Dong, Mr. Hirotsu,*
818 *Chairman Harbison (6)*

819 *NAY: (0)*

820 *ABSENT: Mr. Leibson (1)*

821 *ABSTAINED: (0)*

822
823 *This motion is approved.*

824
825 **Staff Update**

826 Ms. Henao wanted to address the next meeting date, reminding all of Martin Luther King Day on
827 January 18. She suggested January 11, as the only meeting of the month. Chairman Harbison
828 and Mr. Stull were not available on January 11. She asked about January 25th. Mr. Dong was
829 not sure. Mr. Stull, and Mr. Matre were available.

830
831 *Mr. Matre made a motion to change the next Planning Commission meetings from January 4*
832 *and 18 to January 25.*

833
834 *Mr. Dong seconded the motion.*
835 *The Commission unanimously approved, by voice vote.*
836 *This motion is approved.*

837
838 Regarding Bethesda Hospital, Staff noted that she has met with them concerning several issues
839 brought up at the last meeting. She met with the City arborist and Bethesda's landscaper, and
840 Steve Mombach, to walk the greenbelt property. Overall, they felt it was in good condition. It
841 appears that they may need to clean it up a bit, as it is a wooded area. Bethesda is working on
842 that and getting additional information on the lights and the shrouds, which they hope to have by
843 the first of the year. She noted that there are also continued conversations regarding the helipad
844 and all things are moving forward.

845
846 She stated that next week, they will start their first round of interviews for the Community
847 Development Director.

848
849 She thanked the Commission and wished them Happy Holidays.

850

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Planning Commission Meeting

December 21, 2020

851 **Council Report**

852 There was no report this evening.

853

854 **Other**

855 There was no other business to report.

856

857 **Minutes**

858 It was determined that the minutes of December 7, 2020 will be reviewed at the January 25, 2021
859 meeting.

860

861 **Adjournment**

862 Mr. Hirotsu moved to adjourn. Mr. Stull seconded the motion.

863 The Commission unanimously approved. The meeting adjourned at 10:35 p.m.

864

865

866

867

868

869

870

871 _____
Karen Bouldin, Clerk

872

873 /ksb