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2 City of Montgomery
3 City Council Public Hearing Minutes
4 March 3, 2021

5 Present

6 Brian Riblet, City Manager
7 Terry Donnellon, Law Director
8 John Crowell, Police Chief
9 Gary Heitkamp, Public Works Director
10 Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.
11 Katie Smiddy, Finance Director
12 Matthew Vanderhorst, Community and Information Services Dir.
13 Paul Wright, Fire Chief
14 Connie Gaylor, Clerk of Council

City Council Members Present

Chris Dobrozsi, Mayor
Craig Margolis, Vice Mayor
Lee Ann Bissmeyer - teleconference
Mike Cappel - teleconference
Ron Messer
Lynda Roesch - teleconference
Ken Suer

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17 City Council convened its Public Hearing for March 3, 2021 at 6:45 p.m. in a hybrid meeting at City Hall and by
18 telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency
19 legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation
20 added language to RC Section 121.22 allowing public meetings by telephone conference during the current
21 pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was
22 publicized more than 24 hours in advance to allow public access through the same conference call in service. The
23 public was also given a backup number to call in the event there were technical difficulties. This Notice was
24 posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

25
26 Mayor Dobrozsi asked for a roll call.

27
28 The roll was called and showed the following:

29
30 PRESENT: Cappel, Bissmeyer, Roesch, Suer, Dobrozsi, Messer, Margolis (7)

31 ABSENT: (0)

32
33 Mayor Dobrozsi explained that as this was a Public Hearing he would allow for public comment after the
34 presentation of the new business and Council questions and discussion. He asked that any guests on the phone line
35 hold their comments until after the presentation and Council discussion as well. He stated that all comments will
36 be limited to three minutes in total.

37
38 Mayor Dobrozsi explained the process for the Public Hearing to those in attendance and on the phone line. He
39 explained that in a public hearing Council has the following options when considering an application:

- 40
41
- 42 • Approve the Recommendation
 - 43 • Deny the Recommendation
 - 44 • Remand the matter to Staff for more specific information or
 - 45 • Take the matter under advisement and vote at another public meeting within thirty days.

46 Mayor Dobrozsi explained that if City Council chooses the final option, it is suggested that they announce the date
47 and time of the subsequent hearing when the matter will be discussed and considered for vote.

48
49 Mayor Dobrozsi stated that as a reminder, the Code does not allow additional new evidence to be submitted for
50 review during the public hearing. City Council is to limit its consideration to the information presented from the
51 City, and any comments, pro or con, from the public.

52
53 Vice Mayor Margolis stated that he would recuse himself from the discussion of the agenda item due to
54 geographical proximity.

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58 **NEW BUSINESS**

59
60 **A request by the Planning Commission to review an application for the expansion of a conditional use and**
61 **equivalency for the Audi Connection at 9722 Montgomery Road.**

62
63 Mayor Dobrozsi asked Ms. Henao to present the background of the agenda item.

64
65 Ms. Henao explained that this Public Hearing was requested to consider an application from Elevar Design Group
66 on behalf of 9722 Montgomery Road, LLC, for an expansion of a conditional use and an equivalency for the
67 expansion of the Audi Connection on the property formerly used for Star One/Rudino's at 9722 Montgomery
68 Road.

69
70 Ms. Henao explained that the Audi Connection is a conditionally permitted use in the 'GB' – General Business
71 District and has been in operation in this location since 2005. The applicant is requesting expansion of the
72 dealership onto the property at 9722 Montgomery Road. The proposed expansion would include additional
73 display and inventory space for the dealership. As part of the project, the existing curb cut on the property at 9722
74 Montgomery Road will be eliminated. The 9722 Montgomery Road LLC property is owned by members of the
75 Joseph family. It is not the same ownership as the group who own the existing Audi and cannot be consolidated.
76 Generally, the City would ask that lots be consolidated prior to development and in this situation, it would allow
77 the Audi dealership to be conforming to the Zoning Code in terms of lot size. The applicant believes that the
78 Zoning Code allows for development on multiple lots of record without consolidation and that setbacks should be
79 from the project boundary versus the property lines when under common control. There are also some issues that
80 arise from a zoning perspective due to the need to keep the parcels separate, but under common control, that
81 require an equivalency to allow for setbacks to be measured from the project boundary versus the property line.

82
83 Ms. Henao added that the property to the north is zoned 'GB' and used for parking Columbia Chevrolet. The
84 property to the east is zoned 'A' Single Family and used for single family residences. The property to the south of
85 the existing Audi is zoned 'GB' and used for a retail center. The properties to the east across Montgomery Road
86 are zoned 'GB' and used for an office building and a vacant retail building.

87
88 Ms. Henao explained that the Planning Commission considered the application for the expansion of a conditional
89 use and the General Development Site Plan with an equivalency on February 1, 2021. After hearing testimony
90 and discussing the application, the Planning Commission voted unanimously to recommend approval of the
91 expansion of the conditional use permit and approve the General Development Plan with a recommendation to
92 approve the equivalency request. The conditions recommended by the Planning Commission are shown below:

- 93
94 1. The applicant must comply with the specific conditions for a conditional use permit listed in Section
95 151.2007(B) and (W) for auto dealerships and vehicle repair facilities.
- 96
97 2. A Final Development Site Plan in compliance with the approved General Development Plan be reviewed
98 and approved by the Planning Commission prior to issuance of any permits.
- 99
100 3. Until such time as the parcels are either consolidated or under common ownership, this Application to
101 allow Parcel 1/9722 to be used as Automobile/Truck Sales Agency and Automobile/Truck Rental
102 Agency, Conditional Use, is hereby approved, subject to the following condition: Parcel 1/9722 may be
103 used for Automobile/Truck Sales Agency and Automobile/Truck Rental Agency, so long as both
104 Hamilton County Auditor's Parcel Number 603-0002-0023 (Parcel 1/9722) and Hamilton County
105 Auditor's Parcel Number 603-0002-0039 (Parcel 2/Audi Connection) are used generally as a single
106 Automobile/Truck Sales Agency and Automobile/Truck Rental Agency operating under the same
107 business entity. Parcel 1/ 9722 may not be separated from common control, nor used as a separately
108 approved Conditional Use as an Automobile/Truck Sales Agency and Automobile/Truck Rental Agency
109 without the common control of the Conditional Use by the permit holder of Parcel Hamilton County

- 110 Auditor's Parcel Number 603-0002-0039. Without common control, upon the separate transfer or sale of
111 Parcel 1/9722 from the common operations of the Conditional Use, this approved Conditional Use for
112 Parcel 1/9722 shall automatically terminate. Consistent with the Montgomery Zoning Code the Terms and
113 Duration of the Conditional Use Permit apply to the approved Conditional Use.
114
- 115 4. Drive aisles be free of parked vehicles in order to allow for safe access and circulation across to the site
116 for customers and safety services.
 - 117
 - 118 5. All vehicles for customers, employees and inventory shall be parked on-site with no additional parking on
119 surrounding properties.
 - 120
 - 121 6. No loading/unloading of vehicles on Montgomery Road shall be permitted.
 - 122
 - 123 7. Inventory and display vehicles shall be parked on identified paved pads or in identified parking stalls
124 only. Display pads shall be limited to nine motor vehicles as shown on the site plan.
 - 125
 - 126 8. No inventory shall be parked in spaces reserved for customer parking.
 - 127
 - 128 9. Installation of sidewalk along Montgomery Road in compliance with the Montgomery Road sidewalk
129 standards.

130
131 Ms. Henao explained the project is a significant development that will expand the inventory and display space for
132 Audi Connection. The proposed plan will add additional property to the dealership, which will bring the property
133 into compliance with the 3-acre requirement for car dealerships. The proposed expansion will also allow for the
134 elimination of a curb cut along Montgomery Road that should have a positive impact on traffic safety in the area.
135 It will be important to analyze the landscaping and lighting plans closely to ensure that the new building and
136 expanded parking areas comply with the Zoning Code during the Final Development Site Plan approval process.

137
138 Ms. Henao stated there are also some issues that arise from a zoning perspective due to the need to keep the
139 parcels separate but under common control, which require an equivalency to allow for setbacks to be measured
140 from the project boundary versus the property line. While this equivalency makes the zoning process more
141 complicated, Staff believes that it is rational, meets the intent of the Zoning Code and can be managed through a
142 condition upon approval. Therefore, Staff is in support of the recommendation of the Planning Commission with
143 the conditions imposed by the Planning Commission.

144
145 Fran Barrett, Attorney for the applicant stated that Greg Joseph, Owner, Bob Zielasko of Elevar Design Group,
146 and Tom Tepe, Co-Counsel, were all present and thanked City Council for allowing him time to speak. He
147 explained that the Audi Connection has been extremely successful in Montgomery and has property with two
148 separate ownerships. He stated that his client has worked with the City Engineer and the Fire Department to
149 combine the parcels. He stated that the concept plan was reviewed at the November 2, 2020 Planning
150 Commission. He stated that his client comes to Council with complete agreement from the Planning Commission.

151
152 Mr. Donnellon stated that he would reinforce Mr. Barrett's comments adding that it has been a long process with
153 the applicant, and they were very receptive to resolving points of conflict which have arisen through the years,
154 these issues are addressed in the conditions. He stated that having the added display area would eliminate the
155 unloading of vehicles on Montgomery Road as well as add parking for the employees. He stated that the
156 discussion of the conditions resulted in, what he felt, was a good resolution for all parties.

157
158 Mr. Suer agreed that the project has been under review for some time. He stated that he felt a thorough job had
159 been done by the Planning Commission and staff. He stated he was glad to hear that there is mutual satisfaction
160 on the final outcome. He added that while there were residents that were opposed to car dealerships, the ones we
161 have are an important part of the economic base in our city and we cannot lose sight of that. He added that he

162 remembers when Audi was first proposed, and the end result of the main dealership tuned out very nice. He stated
163 that substantial modifications were made to the original building. He stated that it is important how things look on
164 our main corridor. He stated that he felt the future new property and its landscaping will also help to maintain the
165 image of the corridor.

166
167 Mr. Cappel stated that he agreed with approving how the two properties will be joined to work with each other.
168 He asked Ms. Henao if there will be periodic touch points through the design and construction.

169
170 Ms. Henao explained that the applicant was still required to come back to Planning Commission for final plan
171 approval.

172
173 Ms. Roesch stated that she concurred with the previous comments by her fellow Council members. She stated that
174 she appreciated all the work conducted by all parties. She stated that she was concerned with the issues of curb
175 cuts and the sidewalk but that the conditions address those issues.

176
177 Mrs. Bissmeyer stated that she also appreciates the time and thought that staff and the Planning Commission gave
178 as a greater portion of the city is car dealerships. She stated that she felt the big issues were addressed in the
179 conditions set by the Planning Commission.

180
181 Mr. Messer stated that he liked to see the work and progress being made.

182
183 Mayor Dobrozsi thanked staff and the Planning Commission as well as Mr. Joseph. He stated that he appreciated
184 their team working with the City staff. He stated that he felt the sidewalks and landscaping will help. He stated
185 that it was a true team effort with give and take on both sides. He asked Ms. Henao if staff would continue to
186 monitor the landscaping and the condition of the buildings and maintenance.

187
188 Ms. Henao stated that once the final landscaping plan was approved that the applicant would be held to following
189 the plan.

190
191 Mike Harbison, Planning Commission Chair, stated that he felt their team worked very well with the Planning
192 Commission.

193
194 Mayor Dobrozsi asked if there were any guests on the phone line that wished to speak. There being no response,
195 Mayor Dobrozsi closed the floor for public comments.

196
197 Mayor Dobrozsi restated that the options available to City Council related to this request were:

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- Approve the Recommendation
 - Deny the Recommendation
 - Remand the matter to Staff for more specific information or
 - Take the matter under advisement and vote at another public meeting within thirty days.
- 200
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203 Mr. Suer moved to approve the Planning Commission's recommendation to review an application for the
204 expansion of a conditional use and equivalency for the Audi Connection at 9722 Montgomery Road. Mr. Cappel
205 seconded.

206
207 Mayor Dobrozsi asked for a roll call and the vote was as follows:

208
209 AYE: Suer, Margolis, Cappel, Bissmeyer, Roesch, Dobrozsi, Messer (7)

210 NAY: (0)

211

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212 Mayor Dobrozsi asked if there was any further business to be heard in the Public Hearing. There being none, he
213 asked for a motion to adjourn from the Public Hearing.

214
215 Mc. Cappel made a motion to adjourn. Mr. Messer seconded. City Council unanimously agreed.

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217 The meeting was adjourned at 7:13 p.m.

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Connie Gaylor, Clerk of Council