

October 2, 2023
7:00 P.M.

1. Call to Order
2. Roll Call
3. Guests and Residents
4. Old Business
5. New Business

An application from The Church of the Saviour, 8005 Pfeiffer Road, for reconsideration of a conditional use approval conditions pertaining to the clarification of counseling services provided by the church at Ministry Center located at 8003 Pfeiffer Road.

6. Staff Report
Comprehensive Plan Status Update
7. Council Report
8. Approval of Minutes: September 11th, 2023
9. Adjournment

Planning Commission

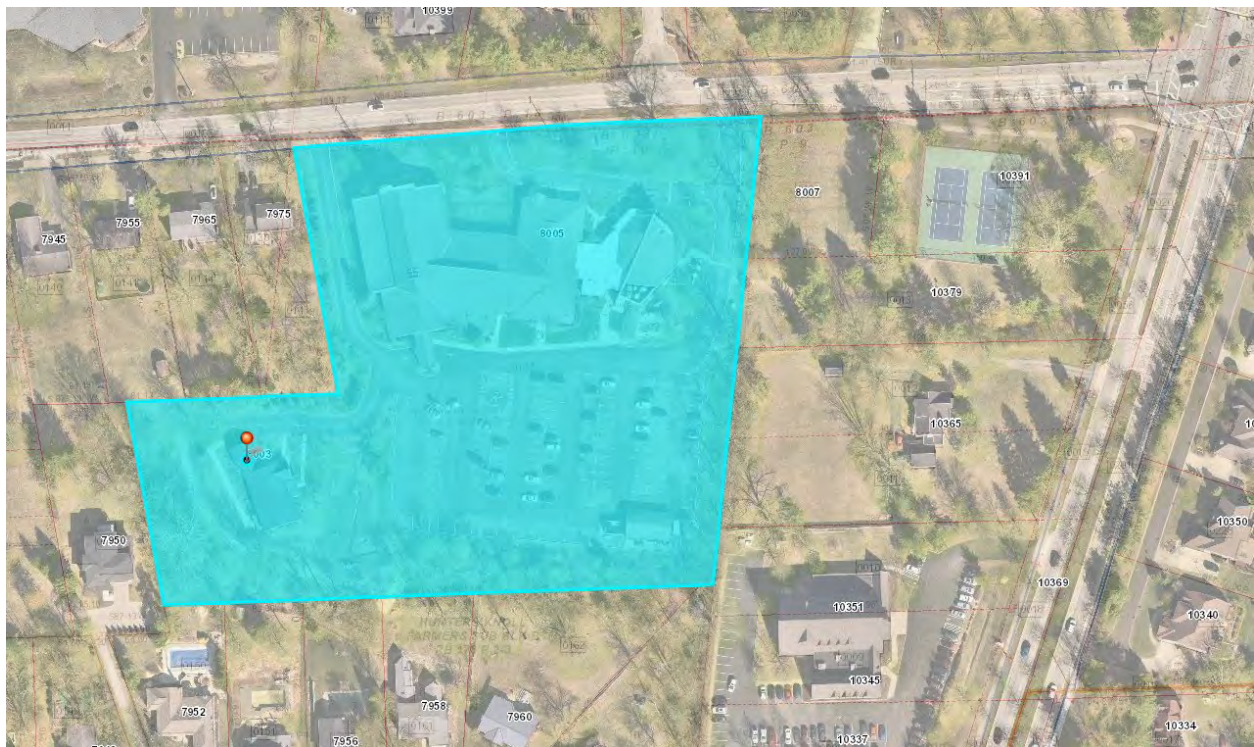
Application for Reconsideration of a Conditional Use Approval Condition Church of the Saviour 8005 (8003) Montgomery Road

October 2, 2023

Applicant: Church of the Saviour
8005 Pfeiffer Road
Montgomery, Ohio 45242

Property Owner: Same as above.

Vicinity Map:



Nature of request:

The Church of the Saviour, 8005 Pfeiffer Road, is requesting a reconsideration of an approved April 2019 conditional use condition pertaining to the clarification of counseling services provided by the church at Ministry Center located at 8003 Pfeiffer Road. The Planning Commission minutes, 2019 City Council Public Hearing minutes and the Approval/Decision Letter and are included in the packet for historical reference.

The Church utilizes the existing building as a Ministry Center for group meetings, private consultations, and storage.

Zoning:

The property is zoned 'A' Single Family Residential. Places of worship are conditionally permitted use in the 'A' District. All the surrounding properties are also zoned 'A' Single Family Residential. The properties directly to the north, south and west are used for single family residential dwelling units. The property to the east is owned by the City of Montgomery and used for Pfeiffer Park.

Findings

The property structures/uses are at 8003 and 8005 Pfeiffer Road on one lot, which is approximately 5.96 acres. 8005 Pfeiffer Road serves as the Church, and the Montgomery Nursery School operates out of the facility. 8003 Pfeiffer Road serves the ministry center, referred to as The Peace House.

The previous Ministry Center approval conditions specified:

- 1) Counseling services at the Ministry Center shall comply with the following conditions:
 - a. Services offered at the Ministry Center **will be limited to faith based counseling;**
 - b. Services will be contracted by the Church for church or community programs on behavior or mental health;
 - c. There will be no charges for use of the Ministry Center;
 - d. The Church will contract with the provider for client counseling;
 - e. Counseling space will be less than 25% of the total floor area; and,
 - f. There will be no signage for the provider of services.

- 2) Bassett Physiological Services shall not move their office to the site; and,
- 3) A continuous evergreen screen be planted between the existing driveway and the adjacent property to the west in compliance with the plan presented to City Council at the public hearing and approved by Staff and the City Arborist.

The applicant is requesting reconsideration of condition 1a, which states 'Services offered at the Ministry Center will be limited to faith based counseling'. The applicant is requesting that the words 'faith-based' be struck from the condition to allow for other types of counseling to be used in treatment at the facility.

CONDITIONAL USE SPECIFIC CONDITIONS:

Chapter 151.2007(q) lists the specific conditions for places of worship. Those conditions are listed below with a description of how the applicant is or proposes to address the condition.

1. *Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street to minimize impacts on local streets and residential neighborhoods.*

The church and ministry center are located on Pfeiffer Road, which is a collector street.

2. *All access drives shall be located as far as practical from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.*

The entrance to the church already exists along the west property line and no changes are proposed to the entrance.

3. *In any district, the Planning Commission and/or Council may require all outdoor children's activity areas to be enclosed by a fence at a height approved by the Commission and/or Council. An entry gate shall be securely fastened.*

No outdoor children's activity areas are proposed as part of this application.

4. *Outdoor activity areas shall not be located closer than 20 feet to any residential property. Play structures and other similar apparatus shall not be located closer than 40 feet to any residential property.*

No outdoor activity area is being proposed as part of this application.

5. *Night lighting of outdoor activity areas shall be determined upon a careful review and consideration of all site and adjacent residential property characteristics.*

No outdoor activity area is being proposed as part of this application.

6. *No building shall exceed 3 stories or 45 feet, including all construction mechanicals. Church and temple steeples/spires may be erected to a height not exceeding 75 feet; provided however, in both instances, that the building is set back from each required yard at least one foot for every foot of additional building height above the height limit otherwise provided in the district where the building is built.*

The existing building is one-story and there are no additions to the building as part of this application.

7. *When located in a residential district, the design of new structures or modifications to existing structures shall be visually compatible with the surrounding residential neighborhood character.*

The existing building is visually compatible with the surrounding residential character.

8. *All activities, programs and other events shall be directly related to the conditional use permit granted and shall be properly supervised.*

The activities, programs and events proposed at the building are directly related to the approved conditional use permit and are properly supervised.

9. *Associated uses such as a convent, faculty residence, cafeteria, fieldhouse or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this chapter.*

All uses meet setback requirements.

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 ministry center meets all the conditions.

Staff Comments

The Church of the Saviour has been operating the ministry center successfully without any known concerns since the 2019 approval. Staff's understanding is the original conditional use intent was to ensure that an independent business would not operate out of the facility and that all counseling services, while professionally offered, would be related to the Church and their mission.

This past summer City staff met at the Ministry Center to discuss with church representatives the concerns and challenges that the specified "faith-based"

counseling has presented as the church works to assist anyone in need of services. Church officials indicated that faith based is a specific form of intervention which directly limits other forms of intervention that may be required, i.e. Cognitive Behavioral Therapy, Mindfulness Therapy, etc. From that perspective church leaders have emphasized the desire to offer the most appropriate form of mental health counseling services to anyone in need, not only limited to faith-based counseling, as part of their mission.

Overall, per section 150.1607, Planning Commission shall make specific findings of fact regarding the reconsideration of a conditional use to approve or deny the application. Section 150.168 then requires City Council to hold a public hearing to review and confirm the conditionally permitted use accepted by Planning Commission.

Should Planning Commission make a recommendation for approval of the Reconsideration of Conditional Use, all other conditions would be in effect except for item 1.a. which modified would state:

- 1. a. Services offered at the Ministry Center will be limited to counseling.



8005 Pfeiffer Road
Cincinnati, Ohio 45242
513-791-3142

City of Montgomery Planning Commission and Staff
City Hall
10101 Montgomery Road
Montgomery, OH 45242

Subject: Reconsideration of the Approval Conditions for 8003 Pfeiffer Rd

Dear Members and Staff,

As owners of the property located at 8003 Pfeiffer Rd, we are requesting reconsideration of the approval conditions related to the April 3, 2019 Expansion of a Conditional Use and Final Development Plan for the Ministry Center at 8003 Pfeiffer Road. The approval letter is attached for your convenience.

1. Name, Address and phone number of applicant:
Church of the Saviour United Methodist Church, 8005 Pfeiffer Rd, Montgomery, OH 45242. Phone number 513-781-3142
2. Name, Address and phone number of property owner: Same as above.
3. Proof of ownership: Not required.
4. A development plan: Not required.
5. A statement of need for proposed use:
The Expansion of Condition of Use approved in April 2019 included several conditions. We request removal of condition 1a "Services offered at the Ministry Center will be limited to faith based counseling", due to the reasons explained below. All the other conditions are workable and not the subject of this letter.

Condition 1a is proving to be unworkable due to how the professional mental health community interprets the wording "limited to faith based". According to the experts we are trying to contract, faith-based intervention is a specific form of intervention, one that directly incorporates specific components of the client's faith. Though nearly all therapeutic relationships allow for the incorporation of the client's faith at their direction, the statement of "limited to faith based" is taken as the Ministry Center dictating the form of counseling and eliminating their ability to provide quality, empirically-supported interventions. This was never our intention, and we (church leadership) are certainly not qualified to determine intervention methods.

Our purpose for the Ministry Center is to offer counseling services to the local community, not just to our congregation. This includes community members who are not of the same faith. Our goal is to help people struggling with mental health by providing real help - counseling by licensed professionals. Similar to how faith-originated hospitals provide medical care, or Matthew 25 provides disaster relief. We do not want to limit the professional's ability to use whatever interventions they deem helpful to the client. We do not want to place a barrier to accessing treatment for families who practice a different faith or who do not want faith incorporated into their treatment.

6. A summary report identifying and evaluating the consequences and effects of the proposed use on the surrounding properties and the neighborhood at large:

There should be no impact on surrounding properties or neighborhood.

7. A statement indicating how the negative effects of the proposed use will be mitigated and how all the specific conditions ... will be met: Not applicable.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nermine Banke" followed by the date "8/22/23".

Nermine Banke
Church of the Saviour
Servant Leadership Board, Chairperson



APPLICATION FORM

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

Project Address (Location): 8003 Pfeiffer Rd.

Project Name (if applicable): Reconsideration of the Approval Conditions

Auditors Parcel Number: _____

Gross Acres: _____ Lots/Units _____ Commercial Square Footage _____

Additional Information: _____

PROPERTY OWNER(S) Church of the Saviour Contact Nermine Banke 513.833.7305

Address 8005 Pfeiffer Rd Phone: 513.791.5042

City Montgomery State Ohio Zip 45242

E-mail address nb.banke@gmail.com

APPLICANT Church of the Saviour Contact Nermine Banke 513.833.7305

Address 8005 Pfeiffer Rd Phone: 8005 Pfeiffer Rd

City Montgomery State Ohio Zip 45242

E-mail address nb.banke@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 Nermine Banke

FOR DEPARTMENT USE

ONLY

Print Name Nermine Banke

Date 8/22/23

Meeting Date:
Total Fee:
Date Received:
Received By:

April 5, 2019

Russ Naber
Church of the Saviour
8005 Pfeiffer Road
Montgomery, Ohio 45242

Re: Expansion of a Conditional Use & Final Development Plan Approval for 8003 Pfeiffer Road

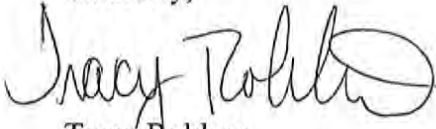
Dear Mr. Naber,

On Wednesday, April 3, 2019 Montgomery City Council voted to accept the recommendation from the Planning Commission to approve the Expansion of a Conditional Use and the Final Development Plan for the Ministry Center at 8003 Pfeiffer Road with the following conditions:

- 1) Counseling services at the Ministry Center shall comply with the following conditions:
 - a. Services offered at the Ministry Center will be limited to faith based counseling;
 - b. Services will be contracted by the Church for church or community programs on behavior or mental health;
 - c. There will be no charges for use of the Ministry Center;
 - d. The Church will contract with the provider for client counseling;
 - e. Counseling space will be less than 25% of the total floor area; and,
 - f. There will be no signage for the provider of services.
- 2) Bassett Physiological Services shall not move their office to the site; and,
- 3) A continuous evergreen screen be planted between the existing driveway and the adjacent property to the west in compliance with the plan presented to City Council at the public hearing and approved by Staff and the City Arborist.

Should you have any questions regarding the meeting, feel free to contact me at 792-8312 between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Sincerely,


Tracy Roblero
Community Development Director

Cc: File

**CITY OF MONTGOMERY
PLANNING COMMISSION REGULAR MEETING
November 19, 2018**

PRESENT

GUESTS & RESIDENTS

**Greg Abbott
Abbott Solutions
185 Park Drive
Wilmington, OH 45177**

**Stephen Boord
9595 Ross Avenue, 45242**

**Kyle Campbell
Champlin Architecture
720 E. Pete Rose Way
Cincinnati, OH 45202**

**Mark Combs
9295 Shallow Creek
Loveland, OH 45140**

**Brian Duvall
10746 Dallasburg Road
Loveland, OH 45140**

**Lanz Emerra
7501 Golf Green, 45242**

**Tim Greiwe
5875 Timber Rail Lane
Mason, OH 45040**

**Gerri Harbison
7975 Pfeiffer Rd, 45242**

**Jon Homer
Director of Business
Development
Life Enriching Communities
6279 Tri-Ridge Blvd., Ste 320
Loveland, OH 45140**

**Gina Mahoney
7955 Pfeiffer Road, 45242**

**Craig Margolis
City Council Member
8270 Mellon Drive, 45242**

**Russ Naber
Trustee Committee
Chairperson
Church of the Saviour
8005 Pfeiffer Road, 45242**

**Hugh Pacey
7502 Gold Green, 45242**

**Chris Philpott
10091 Humphrey Manor, 45242**

**Tom Rocklin
1675 Gray Fox Trail
Milford, OH 45150**

**Jeff Schroeder
12770 Bristol Lane
Fishers, IN 46037**

**Dave Seagram
St. Barnabus Church
10345 Montgomery Rd, 45242**

**Steve Silverman
7504 Golf Green Drive 45242**

STAFF

**Brian Riblet, City Manager
Tracy Roblero, Community
Development Director
Karen Bouldin, Secretary**

BOARD MEMBERS

**Chairman Mike Harbison
Vince Dong
Dennis Hirotsu
Darrell Leibson
Jim Matre, Vice Chairman
Barbara Steinebrey
Pat Stull**

ALL MEMBERS PRESENT

Planning Commission Meeting

November 19, 2018

GUESTS & RESIDENTS

Delores Jacobson
9260 Village Green Drive
45242

Erin Sprang
10698 Deershadown Lane, 45242

Joe Leever
7602 Carriage Lane, 45242

Barb & Samantha Stanford
11712 Laurelview Drive 45249

Melanie Lobsinger
524 Maple Avenue
Newport, KY 41071

Chris Thorner
6551 Cooper Road, 45242

Rev. Jennifer Lucas
Church of the Saviour
8005 Pfeiffer Rd, 45242

Joel Urshan
Senior Pastor
Tree of Life Church
6477 Cooper Rd, 45242

Mark Walker
531 Lang Road
Cincinnati, OH 45244

Call to Order

Chairman Harbison called the meeting to order at 7:30 p.m. He reminded all guests and residents to sign in and turn off their cell phones.

Roll Call

The roll was called and showed the following vote:

- AYE: Mr. Stull, Mr. Hirotsu, Ms. Steinebrey, Mr. Matre, Mr. Leibson, Mr. Dong,**
Chairman Harbison (7)
- NAY:** (0)
- ABSENT:** (0)
- ABSTAINED:** (0)

All Board members were present.

Guests and Residents

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

Steve Silverman, 7504 Golf Green Drive, Cincinnati, OH 45242, stated that this issue strongly concerned him. At the Planning Commission meeting of October 1, there was a resident who made inflammatory remarks against Bethesda North Hospital, current residents, and current and future patients of the Cancer Center. Either way, many of the patients at Bethesda North Hospital, particularly of the Cancer Center, are protected under the American Disabilities Act, as

Planning Commission Meeting

November 19, 2018

disabled. Mr. Silverman quoted line number 82 of the draft minutes, "Mr. Beresford mentioned that Bethesda North / Tri-Health was an industry." Mr. Silverman stated that Mr. Beresford was against industry in Montgomery. He read a definition of industry and stated that there are four types of industry: 1) primary, 2) secondary, 3) tertiary, and 4) quaternary. Primary involves getting raw materials: mining, farming and fishing. Secondary industry involves manufacturing (making cars) and steel. Tertiary provides a service, such as teaching and nursing. Quaternary involves research and development industries, such as IT.

On line 118, Mr. Silverman referred to the statement that Chairman Harbison also did not want to industrialize the City. This means, and Mr. Silverman stated that he heard this from the recording, and that the Law Director, Terry Donnellon had also reviewed this, what Chairman Harbison actually said, "As long as I am on here, this is not going to be an industrial town." Mr. Silverman asked Chairman Harbison if he did not want farmers markets here, or nurses and doctors. There are many IT programmers that work from their homes now. He asked Chairman Harbison if he owned all of the votes on this Commission and if so, who they were. He asked if he owned votes on City Council. He asked if Mr. Harbison discussed matters that haven't been voted on, at this Commission, with members of Council. If any of this is the case, he asked that Chairman Harbison bring it forward now. He also asked that Chairman Harbison alter his statement regarding industry in Montgomery.

There were no other residents who wished to speak about anything else that was not on the agenda.

Old Business

Presentation and Discussion on Housing Strategy.

Ms. Roblero stated that this issue had been discussed and tabled at the October 1 meeting. She recommended that this item remain tabled in light of the number of applications to be heard this evening, and be placed on the Planning Commission agenda for December 3. There were no comments and all members agreed.

New Business (1)

An application from Twin Lakes Life Enriching Communities for approval of a ground sign for the retail building at 9856 Montgomery Road.

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

"The Chairman announces the application. Ms. Roblero reviews her Staff Report, and the Commission discusses the report and ask any questions they might have. It is then opened to the public, the applicant presents their application, and the Commission then asks any questions. The floor is opened to all residents for comments. If a resident agrees with a comment that was previously stated, they could simply concur, instead of restating the entire comment to save time. The Commission then discusses the application and residents are not permitted to comment or question during this discussion. The Commission will then decide to table, approve or deny the application. Chairman Harbison asked all attending to turn off all cell phones.

Planning Commission Meeting

November 19, 2018

Staff Update

Ms. Roblero reviewed the Staff Report dated November 16, 2018, "Application for Approval of Sign Package for 9856 Montgomery Road" (Twin Lakes Life Enriching Communities). She stated that there have been some concerns raised by adjacent property owners with regard to site lines and traffic safety. She noted that, as a result, Jon Homer, representing Life Enriching Communities, has requested that this matter be tabled until December 3, to allow for the City Traffic Engineer to review the proposal for the ground sign. Staff recommended that this application be tabled.

Mr. Matre moved to table this application until December 3, 2018.

Mr. Leibson seconded the motion.

All members unanimously approved.

The roll was called and showed the following vote:

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

This motion is approved to be tabled.

New Business (2)

An application from Life Enriching Communities for approval of a sign package for Athletico Physical Therapy in the new retail building located at 9856 Montgomery Road.

Staff Update

Ms. Roblero reviewed the Staff Report dated November 16, 2018, "Application for Approval of Sign Package for 9856 Montgomery Road for Athletico Physical Therapy".

Mr. Leibson asked why this application was before the Commission, if all requirements were met. Ms. Roblero stated that in Section 150, a new sign package for new buildings must get approval from the Planning Commission, even if they were in compliance with the Zoning Code. Mr. Leibson felt this was an unnecessary use of the Commission's time.

Mr. Jon Homer, Director of Business Development, Life Enriching Communities, Twin Lakes, 6279 North Ridge Blvd, Suite 320, Loveland, OH 45140 stated that the sign company representative was not able to attend this meeting, but Mr. Homer was open for questions. He stated that Athletico has been open for business since October 29, 2018.

There were no questions from the Commission or from the guests or residents.

Planning Commission Meeting

November 19, 2018

Mr. Leibson moved that the application from Life Enriching Communities for a sign package for Athletico Physical Therapy in the new retail building located at 9856 Montgomery Road, be approved, as per Staff's recommendation.

Mr. Matre seconded the motion.

The roll was called and showed the following vote:

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

This motion is approved.

New Business (3)

An application from Life Enriching Communities for approval of a sign package for Toast & Berry, in the new retail building located at 9856 Montgomery Road.

Staff Update

Ms. Roblero reviewed the Staff Report dated November 16, 2018, "Application for Approval of Sign Package for 9856 Montgomery Road for Toast and Berry".

There were no questions or comments from the Commission.

Mr. Homer stated that Greg Abbott, representing the sign company, was present for questions.

Mr. Dong asked about the brightness of the lights on the sign – if it would affect traffic in that area.

Greg Abbott, Abbott Solutions, 185 Park Drive, Wilmington, OH 45177 stated that the gooseneck lights would be focused directly on the sign and have surrounds that direct the light.

Mr. Leibson asked if this application met all of the regulations. Ms. Roblero confirmed.

Mr. Leibson moved that the application from Life Enriching Communities for a sign package for Toast & Berry in the new retail building located at 9856 Montgomery Road, be approved, as per Staff's recommendation.

Mr. Matre seconded the motion.

The roll was called and showed the following vote:

<i>AYE: Mr. Hirotsu, Ms. Steinebrey, Mr. Matre, Mr. Leibson, Mr. Dong, Mr. Stull, Chairman Harbison</i>	<i>(7)</i>
---	------------

Planning Commission Meeting

November 19, 2018

NAY:

(0)

ABSENT:

(0)

ABSTAINED:

(0)

This motion is approved.

New Business (4)

An application from Church of the Saviour for an expansion of a conditional use and Final Development Site Plan Approval to allow for the building at 8003 Pfeiffer Road to be used for group meetings, one-on-one consultations and storage.

Chairman Harbison recused himself, stating that he is an adjacent property owner. He joined the audience as a citizen of Montgomery. Vice President Jim Matre assumed the seat of Acting Chairman, and continued the meeting.

Staff Update

Ms. Roblero reviewed the Staff Report dated November 16, 2018, "Application for Expansion of a Conditional Use Permit for the Church of the Saviour at 8005 Pfeiffer Road." She noted that she had received two pieces of correspondence from: Beth Hill in support of the application and Jeff Ferrell with concerns regarding the removal of trees, shrubs and landscaping, loss of privacy and increased lighting. He is an adjacent property owner at 7965 Pfeiffer Road. The items were given to each Commission member.

Mr. Hirotsu asked, if this application were approved, could Bassett Physiological Services do business with clients other than school/church members. Ms. Roblero confirmed.

Mr. Dong asked what percent of Bassett Psychological Services come from the Church and what percent was external. Ms. Roblero deferred to the applicant.

Mr. Leibson pointed out that the graphics for this application were not very detailed.

Mr. Stull asked if the issues with this application were for the setbacks and driveway. Ms. Roblero confirmed and stated that discussion would be required around the use of the building by Bassett Physiological Services. Mr. Stull noted that the impervious surface could not exceed 40%. Ms. Roblero confirmed; however, stated that the Planning Commission has the authority to approve up to 50% impervious surface coverage. He asked if the lighting was in compliance. Ms. Roblero explained that the regulations are not explicit when it comes to bollard lighting; however, she recommended requiring the lighting to meet the light trespass regulations. She explained that the applicant was proposing bollard lighting along the driveway and the access ramp, along the backside of the building.

Mr. Dong noted that if it was a single-family residence, it could meet home occupancy regulations. He asked Staff to explain this. Ms. Roblero stated that 25% is the maximum percentage of a single family home that can be used for a home occupancy. The amount of traffic should be typical to that of a single family residential use and the Code specified up to 10 trips/day. There is no signage permitted, and no more than 1 employee that does not reside in the

Planning Commission Meeting

November 19, 2018

primary residence can be employed by the business. The garage or a storage building cannot be used for home occupancies. She noted there were other regulations, but these were the primary ones. She also stated that she was not arguing that Bassett Physiological Services would be considered a home occupation, but pointing out that the home occupation regulations could be used as a starting point to craft conditions, if the Planning Commission felt it was an associated use.

Mr. Dong asked her if she felt that Bassett met these requirements. Ms. Roblero stated that this was not a single-family residence, so it did not meet the definition of a home occupancy. She was merely pointing out that if the Commission wanted to treat this as an associated use, she recommended that they try to limit the impact on surrounding residential properties by requiring the applicant comply with these regulations.

Mr. Dong asked, if it was a single-family residence, would they meet the requirements. Ms. Roblero stated that, technically, they would not, because they were enclosing the garage, and they were required to have 2 enclosed parking spaces for any residence within the City. In order to meet the regulations, a garage would need to be added or a detached.

Mr. Leibson asked if, in the future, the church was to leave, would the conditional use leave with them. Ms. Roblero confirmed, that it would revert to the zoning of single-family. Mr. Leibson asked, if this was granted, could the Commission make it a condition of the conditional-use – that it was only there as a corollary to the existing conditional use, and if that were to go away, they would also have to leave. Staff felt that the only way to approve Bassett Physiological Services to operate from the building would be if the Planning Commission found it to be an associated use with the Church and therefore, it would be required to leave, if the Church was no longer located on the property.

Mr. Hirotsu asked, if the Church kept this property, and allowed Bassett to come onto their property, rather than moving their business to this property, would they be compliant. Ms. Roblero confirmed that they would be.

Mr. Dong asked, if Bassett were viewed as an employee of the Church, would this still be an issue. Ms. Roblero stated that this question had been discussed with the applicant and the Law Director, Terry Donnellon stated that because Bassett would be seeing clients that were outside of the church /school membership, it would still qualify as a separate business. Acting Chairman Matre asked if the applicant wished to speak.

Russ Naber, Church of the Saviour, 8005 Pfeiffer Road, Montgomery, OH 45242 has been a member of this church for over 26 years and is a resident of Blue Ash. He is the Chairperson of the Trustee Committee, and together with Senior Pastor Reverend Jennifer Lucas, they were representing the Church for this hearing.

Mr. Naber provided background: Over the past decade, we have seen in our church, schools and community, families, young children and youth who are struggling through difficult times resulting in unhealthy behaviors that can disrupt their growth and development. Surveys have shown the growing need for mental health services and this is the number one concern for

Planning Commission Meeting

November 19, 2018

parents in the Cincinnati area. Our church mission is to serve the needs of our community and our church. Bassett Psychology Services currently works with our pre-school age children who attend our nursery school. Based on the growing community need for care and treatment, church leadership has developed an innovative approach to offer professional care in our community that could address these needs in a comfortable environment connected with the faith-oriented care and the support we currently offer.

Mr. Naber stated that the Sycamore school system also recognized this need and pointed out that they are currently piloting a program in their four elementary schools throughout 2018-19.

Mr. Naber highlighted the Church's history:

- The Church was founded in 1957 and started in the old Montgomery Elementary school before moving to the current Pfeiffer Rd property in 1960 with a new building. The main building has been expanded three times and two parsonages were built. One of these parsonages on the east side was torn down in 2017 to add green space, as our pastors no longer reside on campus. The other is a secluded building on our west side.
- Since founding, the Church has been home to many community organizations, including:
Community Orchestra (every Monday and special times), Boy Scouts and Cub scouts, Al Anon, Amputee Support group, LENS (mental health support group that is part of National Association of Mental Illness), music instruction and more.
- We host community oriented events, including the upcoming annual Drive Through Nativity, Pumpkin Patch, and Vacation Bible School.
- The Church is home to Montgomery Nursery School, has active Sunday school and weekly programs for children, youth and adults.
- We hold weekly worship and support-type ministries for all ages. These include care ministries such as Stephen Ministers, where lay caregivers are equipped and empowered to provide high-quality, confidential, Christ-centered care to people who are hurting.

Mr. Naber explained their proposed logistics: Over the past 10 years, Church of the Saviour has been short of space capacity needed for large group meetings, one-on-one private consultations and storage. We evaluated expanding the main building, but found it to be cost prohibitive and that it would reduce parking.

The current property is secluded on the west side of our campus. We propose to remodel the current residence, using the existing footprint. The major use is for a Ministry Center that will use 76% of the building -- adding 4 large meeting rooms, ADA restrooms on both levels and a storage area.

Planning Commission Meeting

November 19, 2018

The remaining 24% of space would be offices, a waiting area and 2 private counseling rooms for Bassett Psychological Services. The Church planned to also use this space for current church counseling groups, when Bassett was not using it.

Mr. Naber stated that they will add a second front entrance to access large meeting rooms on the main and lower levels, plus a handicap elevator. They will remove exterior decks, remove the garage door and add an exterior handicapped ramp to provide access to the lower level. The driveway will be widened to allow two-way traffic, plus turnaround. We will add 6 side parking spaces to provide parking for those needing close access. The exterior will be refreshed to improve appearance. Overall, this remodel will enhance the value of the building that has not been significantly renovated since being built in the mid-1980s. Hours of operation will be similar to current hours for the Church.

Mr. Naber stated that they would also landscape for privacy with adjoining properties to the north and west, in accordance with Montgomery Ordinances. For safe access and security, they plan to install bollard lighting on each side of the driveway and on one side of the ramp. These will be about 42 inches tall with LED lights to safely illuminate pathways and driveway with limited diameter illumination.

Mr. Naber did not expect this proposal to have an impact on the traffic. Currently the Psychological Services practice has 1 full time staff and 2 part time staff and they see, on average, about 1 client per hour, or between 6-8 clients per day. We expect at the start to be about the same. Even with growth over the years, we would expect no more than 2 clients per hour. This would be well within typical church building use. For typical church meeting events we have at least 8 -20 people per meeting entering the main facility, with larger groups such as the community orchestra, having closer to 50-60. So, foot traffic will be within current use for the campus. From an automobile traffic standpoint, the numbers will be well within current daily use, for entrances from the street and use of the parking lot.

Mr. Naber stated that they recognize that this requires an expansion of a conditional use permit to locate a psychology services office in a residential district. They are willing to work with the Commission to find a way that can move their proposal forward and they are open to considering ideas to make it happen. Mr. Naber believes that giving this service a home, as a limited part of the proposed Ministry center re-model, is an innovative and leading edge, whole-person approach to improve the emotional, behavioral and spiritual health of families in the City of Montgomery.

Mr. Stull understood that the services were provided now by Bassett, but pointed out that they were doing this by bringing their person on-site, when needed. He did not understand why there is a need to have their offices housed at this facility.

Mr. Naber stated that it will allow more people to receive their services, because they will be readily available and accessible, on-site. When the pastors are counseling or consulting people, instead of having to make an appointment and go at a later time, the person can actually go right then, on the property. It will also allow these much needed services to be accessed at a

Planning Commission Meeting

November 19, 2018

reasonable cost, if Bassett is part of their campus. Mr. Naber stated that this would greatly enhance this program for mental health

Mr. Stull asked if Bassett planned to close their office in Madeira. Mr. Naber confirmed they would. He noted that they would continue to serve their existing clients as well as the Church's.

Mr. Hirotsu asked if there was anything preventing Bassett from having one person on contract, at the Church facility, always available, without setting up their entire business on site. Mr. Naber stated that it was less financially attractive for Bassett.

Mr. Dong asked about the percentage of business that Bassett had with the parish and that of their own clientele. Mr. Naber stated that he would not know; he felt that the majority of Bassett's business was from their own clients. The Church's hope was to be able to build their own numbers, to shift that percentage. He noted that Bassett is now on their campus 2 out of the 5 weekdays, working with preschool children.

Ms. Steinebrey asked about the Sycamore Community Schools' programs, and if there was any discussion with them about sharing Bassett's services. Mr. Naber was unsure, stating that the school superintendent was a member of the Church's congregation. Mr. Naber had discussed with him, the mental health concerns in the community, and was told that Sycamore was looking to bring counselors in. Mr. Naber told the Commission that he would be willing to partner with them because Bassett's specialty is child psychology.

Mr. Hirotsu asked if there was anything in the Zoning Code that prevented psychological services at a church facility. Ms. Roblero stated there was not; that the issue was the operation of a private business.

Mr. Naber referred to the driveway comment in the Staff Report. He stated that they had moved the driveway to be setback 5 feet from the property line, but they were flexible in moving the driveway, if that was an issue.

Mr. Naber believed that in terms of impervious surface coverage, if 8003 was a separate lot, it only covers 17% of the lot; the main coverage is the old Church parcel, which was actually 50%, because it primarily consisted of the parking lot. By combining these parcels, we are actually bringing the numbers down substantially, in terms of coverage.

Mr. Dong asked about the neighbors' concern with additional lighting. He asked why they were adding lights on the site. Mr. Naber stated that it was a safety issue -they wanted to make sure there was sufficient lighting for older members so that they could see the foot paths. For the driveway, they choose bollard lighting because these lights tend to be low impact. He explained that they would work with the neighbors to be sure that illumination was not a nuisance to them.

Mr. Dong asked if the lights would be on all night. Mr. Naber stated that they would not. They would be consistent with the current hours of operation and on programmed timers and would go

Planning Commission Meeting

November 19, 2018

off at 10 p.m. The applicant showed Commission members large board drawings of the proposed application.

Ms. Steinebrey stated that this may not pertain to their decision, but she asked what percentage of cost reduction this would allow for the clients of Bassett. Mr. Naber stated that he was not sure of a number at this point, but stated that, as a church, they do not believe that money should stand in the way of helping people. This proposal would give the Church the opportunity to work with Bassett for the client, so that they could receive the appropriate service they required.

Acting Chairman Matre asked if it was acceptable to Bassett that they would not have signage. Mr. Naber confirmed, noting that currently, they do not have much signage.

Acting Chairman Matre asked if any guests or residents would like to speak.

Steve Silverman, 7504 Golf Green Drive, Cincinnati, OH 45242, Mr. Silverman asked if Bassett was a faith-based counseling service or psychological service. Mr. Naber stated that it is psychological counseling run by very strong faith based personnel; they offered both.

Mr. Silverman commended the Church on their landscaping along Montgomery Road. He felt this was outstanding that an individual from the Church attended this meeting to present their proposal. He also felt this was a fantastic opportunity for the City of Montgomery to further incorporate mental health awareness and care into the goal of diversity and inclusion.

Mr. Silverman applauded the Church's commitment and concern.

Mrs. Gerry Harbison, 7975 Pfeiffer Road, Montgomery, OH 45242 stated that she was speaking strictly as a resident and a neighbor adjoining Church of the Saviour. Ms. Harbison stated that she had no problem with psychological counseling, but had concerns with the property maintenance. She explained that 33 years ago, she and her husband bought their home, overlooking a playground and a nursery school, with children playing and laughing. Now, with the Sanctuary addition looming over them, and the playground in the back, their enjoyment has dwindled. There is a loud air handler unit for the HVAC system directly across the driveway from her home that disturbs the enjoyment of their property in the summer. She stated that over the past 33 years, the history of maintaining the landscape buffer has not been good. There is supposed to be a continuous landscape buffer along the driveway between their property and ours, but it has dwindled down to a large honeysuckle bush and some scrubby bushes. They have repeatedly planted the bushes, but they are on a hill / slope, and are not attended to regularly and they die. She stated that they see the cars, the lights and the traffic. She did not feel that this proposal was acceptable for her or her neighbors. She noted that Jeff Ferrell lived next door to her; he had written one of the emails that Staff had spoken of earlier.

Mrs. Harbison asked the Commission to say no to the following issues:

- Finding #4 of the Staff Report: 2' off the shared property line would require a variance and it is too close to her property.

Planning Commission Meeting

November 19, 2018

- She stated that the brush and tree line between the back of her lot and the side of the parsonage driveway should not be removed. It is thick and provides an audio and visual buffer between the 2 properties. She repeated that the tending of this mandatory buffer was not good; and they have already begun cutting back a lot of this vegetation.
- The bollard lights on each side of the driveway is intrusive. At one time, there was a spot light on the side of their building that completely lit up her backyard. They finally took it down.
- She noted that while the lights may be on a timer, sometimes they are on all night long.
- She asked the Commission to say no to the extra parking spaces. Families who have lived there, have owned up to 5 cars and did not need extra parking. The parking lot is at the end of the building; they can walk down the driveway.
- Ms. Harbison stated that she loved the Church of the Saviour for the drive-through Nativity and the Pumpkin Patch, but enough is enough. Now, instead of families back there, we will have increased traffic and an office-style atmosphere, which concerns her with setting a precedent.
- Ms. Harbison felt that expanding the church driveway would create more impervious surface. She explained that there are already run-off issues along the property line, between her property and the Church's because the driveway slopes down and the water runs off.

Erin Sprang, 10698 Deersadow Lane, 45242 stated that she has attended Church of the Savior for about 8 years. She is part of the leadership team who brought this plan to fruition and has taken initial steps to develop the partnership with Bassett Psychological Services. She explained that she is the Director at Montgomery Nursery School. Each week, she and Dr. Andy (Bassett's psychologist), teach children social skills and help them understand their emotions, the emotions of others, and how to talk openly and productively about them. She felt that anxiety and depression were at an all-time high for our children. She wanted to address the concern about proximity of this service. She stated that having someone on the campus was very important, that it was not an attempt to commercialize the community. Their aim was to provide care, love and hope.

Dave Seagram, St. Barnabus Church, 10345 Montgomery Rd, 45242, was representing St. Barnabus Church, located around the corner. He was in support of this application and hoped that creative solutions could be found to address the issues of concern.

Mark Combs, 9295 Shallow Creek, Loveland, OH 45140 stated that he was a former resident of Montgomery, and he and his family were long-time members of Church of the Savior. He discussed the buffering along the side of the driveway, next to the property owner. He agreed that this has been an ongoing issue, but pointed out that there had been attempts, over the years, to correct it. He stated that there was a substantial landscaping budget in this plan. He pointed

Planning Commission Meeting

November 19, 2018

out that the Church and Bassett's services were open to all residents in Montgomery, not just the parish.

Steve Boord, 9595 Ross Avenue, Montgomery, OH 45242 is also a member of Church of the Saviour. He wanted to voice his support for the applicant. He addressed the question about the percentage of Bassett's clients versus the church's clientele. Mr. Boord stated that the church thought about how they could have an impact on the community. The congregation chose mental health, and they chose the Bassett partnership to help with that service. He pointed out that the nursery school consisted of a greater part of the community, not just members of the church.

Mr. Boord stated that they were very aware of the past struggles with the plantings and the landscaping, reiterating that they have allocated a large budget for landscaping. They will work with the Commission and the neighbors to come up with a plan that will be agreeable. He did not believe that this would become an office environment; he did not believe you would see any increased foot traffic, noting that the building could only be accessed by going through their driveway. They are only proposing one full-time and one part-time person from Bassett. It is a very small footprint. He believed this made perfect sense to have the counselors on-site. He did not want counselors to have to carry files, transporting them on and off the premises. He noted that there would be a secure place to keep these records.

Mr. Boord referred to an earlier comment about cost savings. He stated that this would make mental health services affordable and accessible to the community of Montgomery. He stated that The Church currently provides scholarships to children to be able to attend nursery school, and they also intend to provide mental health assistance to families that may not be able to afford them.

Mr. Hirotsu asked if they were planning to give Bassett free rent. Mr. Boord stated that they will pay rent, but it will be a modest amount, and there will be an incredible amount of cost savings by co-locating.

Mike Harbison, 7975 Pfeiffer Road, Montgomery, Ohio 45242, was speaking as a citizen in the room. He spoke of the home occupation at the church, and noted that Section 151.1010 says that "no more than one person other than the person residing." If there is no residence, that is one strike against having a home occupation in this particular building.

Mr. Harbison referred to the statement that they were not going to occupy more than 25% -- this is the second regulation. No signs. Traffic, employee parking should be located off the street with applicable front, side and rear yard requirements maintained. He referred to the site plan shown on the back page of the letter he received from the City in the mail, stating that it is not very viable and it is difficult to determine where the driveways and sidewalks are located from that particular document.

Mr. Harbison referred to the regulation, "traffic generated by home occupation shall not be more than 10 round trips per day." He noted that the applicant stated that they meet that requirement, but also hope to increase the usage -- which would not meet that requirement.

Planning Commission Meeting

November 19, 2018

When the Church put in the new driveway, they raised the driveway up, which made a very steep decline into his yard – and he now has continuous water issues that he did not have before.

Mr. Harbison cited Section 151.3407, Screening and Buffering - when lot abuts a residential district, for a residential use. Screening and buffering should be required for parking lots, and access drives when adjacent to a residential use. Each required buffer has a minimum width and the site plan that he received in the mail does not show this.

Regarding types of screening, the regulations state “a brick, stone or decorative masonry wall with an acceptable design along the common boundary”. Mr. Harbison stated that in 1996, when the Church was building the current western Sanctuary, this was discussed. In lieu of a wall, they asked for landscaping because they felt it would be more aesthetically pleasing, and better for the environment. Mr. Harbison voiced strong frustration because this is the 3rd or 4th time that the Church put in new trees and they simply die. There is a lack of maintenance and irrigation, which is especially necessary on that slope, to make it viable. He suggested putting in an irrigation system. He stated that the Church has already taken out some of the landscaping in the side yard. Mr. Harbison stated that anything that is put in new, needs to follow the requirements for the height of the screening, listed in Section 151.3407.

Mr. Harbison inquired about a lighting plan that shows what the trespass is. He would like to see a lighting plan that showed the foot candle.

Mr. Harbison discussed parking and felt that the access drive should be required to meet the 20’ parking setback. Mr. Harbison did not feel there was sufficient information supplied by the Church, in order to make a decision on this application. He asked that the Commission table this application tonight, and get better information.

As no other residents wished to speak, Acting Chairman Matre closed the public discussion, and asked for thoughts from the Commission.

Mr. Hirotsu was in favor of the onsite counseling and felt it was important. He didn't think that was a sticking point. He was concerned with the details of a plan that would resolve existing issues. He understands they have a big budget for landscaping, but would like to see the detail in how the Church would address all of these problems.

Mr. Hirotsu was concerned with the idea of maintaining a business on the property because he felt that this would set a precedent. He was not worried about 1 or 2 people from Bassett, but what about future companies who wanted more employees.

Mr. Dong agreed with Mr. Hirotsu about the precedent of allowing a business on a lot with a conditional use in the residential district, not for this applicant, but for future applicants wanting to do this same thing. He also agreed that the Commission needed more clarity on the Final Development Plan.

Mr. Dong wanted to better understand the logic and reasoning as to why our Code didn't allow office space inside a residential conditional-use space. He questioned if they should rezone it as

Planning Commission Meeting

November 19, 2018

office. Ms. Roblero explained that this was the first time since she has been working for the City, that we have had an associated use, with a conditional use proposal. She stated that there is language in the Code that specifies certain uses that are permitted as associated with a place of worship, "...such as an infirmary, a field house" ... and others; but offices are not specifically called out. The language gives permission to the Planning Commission to recommend to City Council. She believed that in the past, the Commission has been very conservative in protecting the residents in residential districts in regards to what associated uses were approved.

Mr. Stull agreed with Mr. Hirotsu and Mr. Dong on both counts: precedence and more detail.

Acting Chairman Matre agreed with the Church's goal; it was the office use that bothered him. He believed that the intent of home occupation was to have something that would not impact the neighborhood, i.e., a realtor working out of their home, or an IT person working from home; but it gets tricky when you have traffic coming in -- although a church has much traffic anyway. Acting Chairman Matre also wanted to see more detail on the plan.

Mr. Leibson agreed with the other members, but was more inclined to be in favor of this application. He felt that the Planning Commission (PC) could put on conditions that would resolve the problems. He felt that the difference for what the property is today, and what it may become, would be negligible. He believed the spirit of the conditional use would be unaffected. He believed that we could place the necessary conditions to approve this application, and it would not allow others in the future to do the same, so it would not set a precedent for future applicants. He was concerned about the business, and felt that we should confine it to what they were proposing, so that it couldn't grow into what can be a big business. He does not feel it would affect the neighbors any more than it does today -- and he would like to see those issues addressed. He would like to have better graphics.

Mr. Stull disagreed that this business needed to be onsite; he felt that this service could still be provided, without having an office onsite.

Ms. Steinebrey agreed that there is a great need and it would be wonderful to accommodate services for mental health. She would like to see more details on how it is laid out. She agreed with Mr. Leibson that this could be approved, if confined to this specific application.

Mr. Dong asked if Staff could provide more information regarding the zoning details, i.e., the home occupation regulations; and then see the church come back and respond, if they could meet those requirements.

Mr. Hirotsu would also like to hear the applicant's responses to the neighborhood's issues raised and the concerns of the Commission members, in a future Planning Commission meeting.

Ms. Roblero recapped, for the applicant that the Commission would like more details regarding:

- More detailed site plan
- what landscaping will be added and;
- resolve for concerns from neighbors, now and in the future

Planning Commission Meeting

November 19, 2018

Mr. Dong suggested a neighborhood gathering to discuss this with everyone and possibly come up with a joint proposal.

Mr. Naber stated that they were willing to address the questions and concerns raised and come back with much larger drawings to provide sufficient information to make a decision. He stated that the Church wanted to be a good neighbor.

Mr. Leibson moved to table the application from Church of the Saviour for an expansion of a conditional use and Final Development Site Plan Approval to allow for the building at 8003 Pfeiffer Road to be used for group meetings, one-on-one consultations and storage.

Mr. Stull seconded.

The roll was called and showed the following vote:

<i>AYE: Mr. Hirotsu, Ms. Steinebrey, Mr. Leibson, Mr. Dong, Mr. Stull,</i>	
<i>Acting Chairman Matre</i>	<i>(6)</i>
<i>NAY:</i>	<i>(0)</i>
<i>ABSENT:</i>	<i>(0)</i>
<i>ABSTAINED: Mike Harbison</i>	<i>(1)</i>

This motion is approved to be tabled.

At 9:10 p.m., Staff stated there would be a 5 minute recess. Mr. Margolis left the meeting.

Mike Harbison resumed his seat as Chairman, and Vice President Matre took his seat as a member of the Commission. The meeting recommenced at 9:17 p.m.

Chairman Harbison asked the newcomers to sign in.

New Business (5)

An application from Tree of Life Church for an expansion of a conditional use and General Development Sign Plan Approval to allow for construction of an addition and associated parking.

Staff Update

Ms. Roblero reviewed the Staff Report dated November 16, 2018, "Application for Expansion of a Conditional Use Permit and General Development Site Plan for Tree of Life Addition at 6477 Cooper Road."

Mr. Dong asked if the 50% for impervious surface was a hard number. Staff stated that the Planning Commission only had the authority to go up to 50%; 52% would require a variance.

Mr. Dong asked what the zoning was for the property in Sycamore. Staff stated that it was zoned for single-family residential within the Township. Mr. Dong felt that if the Church decided to sell the land, they would not have their 50%. Ms. Roblero pointed out that the deed restriction

Planning Commission Meeting

November 19, 2018

and condition upon approval would prevent that and this would run with the land. Chairman Harbison noted that they were permitted to have a deed restriction because it was owned by the Church, and not by Sycamore Township.

Mr. Hirotsu stated that they were over the 40%, and asked what the equivalency was.

Ms. Roblero stated that it was the utilization of the Sycamore Township property in the calculation. She noted that typically we would only utilize property within the City of Montgomery for that calculation, so the request is for PC to recommend to City Council to allow the applicant to utilize the property in Sycamore in the impervious surface calculation.

Mr. Stull recalled the September meeting about this property, noting issues regarding the building being too close to the property line, parking spaces, and water issues. He asked if this new plan met all zoning requirements.

Ms. Roblero stated that this new proposal met all of the setback and parking requirements, except for the impervious surface coverage. She also recommended a discussion about the landscaping along the property line abutting the homes in Village Green, during the Final Development Plan process, if this application is approved. She explained that in the Final Development Plan, they would look at the details for lighting, landscaping, traffic and architecture.

Joel Urshan, Senior Pastor, Tree of Life Church, 6477 Cooper Rd, 45242 stated that the Church has been in existence since 1925, serving the greater Cincinnati area. They were located in Kenwood from 1979 to 2014, arriving in Montgomery 4 years ago. He stated that it is called Tree of Life, because in the Scriptures, it says that the leaves of the tree of life are for the healing of the nations, which is their mission. The growth of the congregation makes it necessary for them to expand.

Kyle Campbell, Champlin Architecture, 720 E. Pete Rose Way, Cincinnati, OH 45202 stated that after the September PC meeting, they had culled down the size of the building to allow them to meet the code of the impervious surface.

He noted that the Church now has overflow every Sunday, with people standing in the lobby space, and they need to expand.

He explained that they placed the largest mass of the building, the sanctuary, closest to the I-71 side. It will be made from pre-cast concrete shell, for noise mitigation.

Mr. Campbell wanted to address some earlier questions from tonight.

Mr. Campbell stated that they do have a conceptual landscape plan designed to meet the requirements for increased parking on the site. He explained that their landscape architect is in the process of examining the existing vegetation that is currently along the side of the expressway right now because it is quite a dense buffer right now, but they will determine what is needed to add to meet the Code.

Planning Commission Meeting

November 19, 2018

In terms of storm water management, Mr. Campbell stated that his colleagues were present tonight, if there were questions. He noted that the existing site drainage goes down towards I-71. He stated that their designer proposes to create a detention basin to be sure that all of the water on their site is graded to drain away from all residential property. Mr. Campbell stated that the owner is already on board with the process of putting the deed restrictions in place and they have been working with their legal counsel.

Chairman Harbison told the applicant, that if they were to include the Sycamore Township property as an equivalency, they would need a recommendation from the Montgomery City Engineer to approve best management practice. Mr. Campbell stated that Champlin's civil engineer is present at this meeting, and has been working with the City of Montgomery engineer.

Chairman Harbison pointed out that best management practices would be over and above is required in the Code; then the Commission could make the finding for the equivalency, if this plan was approved.

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

Hugh Pacey, 7502 Golf Green Drive, 45242 suggested that the Commission be very concerned with the lighting in the parking lot, with regard to the neighbors, noting that the Carriage Lane cul-de-sac residents have very shallow backyards. They were right next to the parking lot.

Chairman Harbison stated that it is in the Code that there can't be any spill-over from the parking lot; also they must have flat lenses. Mr. Leibson stated that we would look closely at this.

Joe Leever, 7602 Carriage Lane, 45242 was very unhappy, stating that this was the first time he had been notified, as a Montgomery resident, that this was going on -- through the mail a couple of weeks ago. He was not prepared for this, as he thought this was an initial public hearing, but it now sounded to him like this has been in the works and they were ready to approve things.

He stated that there is some foliage on the east side, but there was nothing that would stop him from seeing this parking lot. He stated that this had been a beautifully landscaped area, open and green, with their facility setback more than 300 yards away from Carriage Lane and Village Green. Mr. Leever was concerned with serious property value depreciation, when there is a parking lot in his backyard. He felt this was unfair. He was concerned with the nightly meetings - more lights, people, cars and theft. He was concerned with losing his privacy in his backyard, and the visual impact.

He was irritated that so little communication and information from the City / church came to him as a resident. He also cited the paper received from the City, saying that it showed nothing about a 30 foot setback, with no plan to scale. Chairman Harbison stated that he should have received a notification via the mail, saying that this information was available. Mr. Leever felt that the information provided was weak.

Planning Commission Meeting

November 19, 2018

Mr. Leever stated that residents have been trying to get a turn-signal traffic light at Montgomery and Kenwood forever, and they have never gotten one, due to the fact that Sycamore Township owned half of it. But now, it was different, by allowing the impervious surface calculation to use property in Sycamore Township. Chairman Harbison stated that jurisdiction does not allow them to consolidate. Mr. Leever did not agree with this, and felt that the Church should stick with the land in Montgomery and reduce their proposal.

Mr. Leever referred to mitigating the negative impacts – he felt this will affect his entire subdivision - more traffic, less green space, more lighting – this will be an extreme issue. He would like to see what it will be like, or have some idea how it will impact his backyard on a nightly basis, before the Commission gets to the final approval. Mr. Leever asked for something to be done on the east side - some landscaping or buffer. And even though there is some buffer of honeysuckle, at this time of the year, it is barren.

Chairman Harbison stated that this plan gives the big picture view and the applicant will have to come back with details. If they don't meet the requirements, they will have to apply for a variance. He pointed out that on the Montgomery website, in the Zoning Code, Sections 150 and 151 provide all of the regulations that they need to meet. He suggested that Mr. Leever meet with Staff and look at the larger drawing.

Steve Silverman, 7504 Golf Green Drive, Cincinnati, OH 45242, stated that he brought up an issue with the Commission a couple of months ago; he asked how many of the members had driven through the Village Green subdivision. Mr. Hirotsu, Mr. Leibson and Ms. Steinebrey stated that they had.

Mr. Silverman agreed with many of the points that Mr. Leever stated, but he felt that Mr. Leever was not well received by the Commission's response. Mr. Silverman did not feel that Mr. Leever was aware of the process. Mr. Silverman stated that he could send an email to Tracy Roblero, Community Development Director, and request what was submitted in the application. This is what he did and he picked it up today. According to City ordinance, if it is under 100 pages, it is free. Mr. Silverman felt that Mr. Leever brought up a good point, noting that it did not say anywhere on the mailer that was sent to residents about this application, that more detailed information was available, if you picked it up from the City. He suggested the City add this note.

Mr. Silverman stated that he had spoken with the Pastor of this Church, who told him that before any decisions were made, he would like the community to get together and discuss this. Mr. Silverman asked if the Commission would table this application until the meeting was held, so they could start with the community first, come up with a joint effort, so this was a smooth process.

Mr. Silverman agreed with the concern about property value, and the landscaping details, lighting, and privacy. People have pools in their backyard and will have no privacy.

He did not agree with the architect, who stated that concrete was the best barrier for noise. He reminded members of an application where neighbors farther away from concrete walls were

Planning Commission Meeting

November 19, 2018

getting all of the noise, because the sound bounced off of the concrete walls. A study was done, and they were told to put trees and vegetation in front of the concrete walls.

Mr. Silverman was also concerned with the flow of water in their subdivision, especially in their backyards.

Delores Jacobson, 9260 Village Green Drive, 45242 stated that if she stood at the corner of her property, she could see the sign for the church. Her major concern was with the traffic. She felt that the lighting will affect some of her neighbors on Cooper Road, who paid large amounts for their homes. She believed this sounded like it would be a mega-church, and suggested tabling this until the first of the year, so that the community could have a meeting with the church.

As there were no more guests or residents wishing to speak, Chairman Harbison closed the public session, and asked for comments from the Commission.

Mr. Dong felt that most of the major concerns from the property owners were with lighting, traffic and landscaping buffering. He wanted to explain the process of how this works and the approvals. He stated that the first step was to understand the concept of what the applicant wanted to develop. Then the engineers and architects get together, with our Zoning Code in mind, and come back to show it to the Planning Commission – the lighting, the traffic pattern, the landscape plan, and more.

Mr. Dong stated that in September they met with the applicant to simply get the Commission's thoughts. This was not an actual application, it was a working session, and so no notice was required to be sent to residents.

Mr. Leibson was in favor of this project, but he did have a problem with a parking lot up against the residents' properties. He would like to see more space between the residents and the parking lot and asked if the applicant could redesign the parking lot.

Mr. Matre felt this was only about the General Development Plan and the impervious surface issues. He believed that these issues raised tonight could be dealt with at the Final Development Plan, when they will discuss the other details.

Ms. Steinebrey agreed with Mr. Matre. She felt there was basically no landscaping there now, but that the drawing she had, showed a lot.

Mr. Stull felt that the parking lot could be moved around to the expressway side. He noted that they had already talked about the water issues. He was happy that they had scaled the building size down to meet zoning requirements.

Mr. Hirotsu stated that at the discussion they had in September, the issue was exceeding the impervious surface coverage and aesthetics. Now that he saw the actual plan and how those cars would be facing into the neighborhood, with headlights streaming right into them --he senses that another form of equivalency may be needed to moderate that effect. He was not sure whether the

Planning Commission Meeting

November 19, 2018

solution was to be landscaping, or waiting for the Final Development plan or asking for a different plan. Mr. Leibson agreed with this - rework it, give a little more space.

Chairman Harbison stated that, based on the drawing in hand and the residents being affected by the expansion of the church, he agreed with Mr. Leibson that the landscape plan does not show a lot of buffering, even though he knew the detailed plan would come later in the process.

Chairman Harbison felt that we needed to protect the residents, possibly by moving the entire row on the eastern side, and moving it to the south of the parking lot. He felt that the architects and the engineers could redesign the parking lot to mitigate any impact to the residents.

Mr. Dong wasn't even sure if that was the answer – moving a row, because headlights shine far. He was also interested in seeing a redesign of the parking lot.

There was discussion and all members were comfortable with the deed restriction, as well as the storm water resolution provided by the applicant; but they had concerns with the impact of the parking on the residents.

Mr. Campbell asked permission to respond. He stated that they can address these issues with the landscape plan and the buffer, once they got the General Development Plan approved. He noted that that these discussions were traditionally part of the Final Development Plan process.

Mr. Dong felt that this would provide confidence to the residents that there will not be impact to their backyards. Mr. Leibson stated that the parking location is specific to the General Development Plan. Ms. Roblero confirmed, stating that there were requirements about certain buffers in terms of setback and right-of-way. She believed the fact that this is a conditional use and the equivalency request gives PC a little more leeway to look at some specific items of concern.

There was more discussion about how to move this process forward, and members decided to table this application and also provide some clear direction to the applicant.

Mr. Dong recommended that the Church have a meeting with the neighbors to mitigate any concerns.

Mr. Leibson would like to see more detail and attention to the project in protecting the residents to the east.

Ms. Roblero agreed to meet with the applicant to provide any further direction.

Mr. Matre moved to table the application from Tree of Life Church for an expansion of a conditional use and General Development Sign Plan Approval to allow for construction of an addition and associated parking.

Mr. Leibson seconded the motion.

The roll was called and showed the following vote:

Planning Commission Meeting

November 19, 2018

AYE: Mr. Stull, Mr. Hirotsu, Ms. Steinebrey, Mr. Matre, Mr. Leibson, Mr. Dong,
Chairman Harbison

(7)

NAY:

(0)

ABSENT:

(0)

ABSTAINED:

(0)

This motion is approved to be tabled.

Staff Report

Staff asked about attendance at the December Commission meetings.
Messrs. Stull and Leibson were not sure about December 3, but all would be available on
December 17.

Council Report

There was no report given, as Mr. Margolis was not present at this time.

Other

There was no other information to report.
Chairman Harbison

Minutes

Mr. Leibson moved to approve the minutes of October 1, 2018, as submitted.
Mr. Hirotsu seconded the motion. The Commission unanimously approved the minutes.


Mr. Leibson moved to approve the minutes of October 15, 2018, as submitted.
Mr. Hirotsu seconded the motion. The Commission unanimously approved the minutes.

Adjournment

Mr. Dong moved to adjourn. Ms. Steinebrey seconded the motion.
The meeting adjourned at 10:30 p.m.



Karen Bouldin, Clerk

 75 Nov 19

Michael Harbison, Chairman Date

/ksb

1 City of Montgomery
2 City Council Public Hearing Minutes
3 January 23, 2019
4

5 Present

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

City Council Members Present

Chris Dobrozsi, Mayor
Lee Ann Bissmeyer
Mike Cappel
Gerri Harbison
Craig Margolis
Ken Suer

City Council Members Absent

Lynda Roesch, Vice Mayor

18
19
20 City Council convened in Council Chambers at 6:25 p.m. with Mayor Dobrozsi presiding, to consider a request
21 from Church of the Saviour at 8005 Pfeiffer Road for an expansion of their conditional use permit to allow for the
22 former parsonage at 8003 Pfeiffer Road to be used as a Ministry Center for group meetings, private consultations
23 and storage.

24
25 **Proposed Expansion of a Conditional Use Permit and Final Development Site Plan Approval for the**
26 **Church of the Saviour**

27
28 Mrs. Harbison recused herself from the discussion and consideration of this matter as she is a neighboring
29 homeowner.

30
31 Mr. Donnellon explained to those in the audience that in a Public Hearing it is City Council's role to consider the
32 recommendation made by the Planning Commission. He explained that this matter was discussed at prior
33 Planning Commission meetings and is now in front of Council to consider only the current recommendation. He
34 stated that based on the evidence supplied in the Public Hearing packet, Council has four choices. They may
35 approve the recommendation, deny the recommendation, remand the matter to Planning Commission for more
36 specific information, or take the matter under advisement and vote at another public meeting within thirty days. If
37 City Council chooses this final option, it is suggested that City Council announce the date and time of the
38 subsequent hearing when the matter will be discussed and considered for vote.

39
40 Mr. Donnellon reminded the audience that the Code does not allow additional new evidence to be submitted for
41 review during the Public Hearing. City Council is to limit its consideration to the record from the Planning
42 Commission, the arguments from the City and the applicant, and any comments, pro or con, from the public.

43
44 Mr. Donnellon also stated that according to the Rules of Council, those wishing to speak at the podium have a
45 limit of 3 minutes in their comments. He encouraged those who only want to echo the sentiments of a prior
46 speaker can simply say that they agree with previous statements.

47
48 Ms. Roblero provided background to City Council and the audience explaining that the Church of the Saviour
49 owns the building at 8003 Pfeiffer Road, which has been used as a parsonage in the past. The Church no longer
50 uses this building as a parsonage and is requesting to utilize the existing building as a Ministry Center for group
51 meetings, private consultations and storage. The property properties at 8003 and 8005 Pfeiffer Road have been
52 consolidated into one lot, which is approximately 5.96 acres. The church is an approved conditional use in the
53 district and the Montgomery Nursery School also operates out of the church facility. The applicant is proposing
54 to renovate the existing building with some minor exterior modifications, including an additional entrance to the
55 front of the building and enclosing the existing garage; however, the footprint of the building would remain the
56 same. The applicant is also proposing some minor modifications to the site including an expansion of the existing
57 driveway to allow for two-way traffic, additional parking spaces along the drive, new bollard lighting and a

58 handicap ramp on the rear of the building to provide exterior access to the lower level of the building. In the
59 original application, the Church was requesting that a private company, Basset Psychological Services be
60 permitted to have offices in the Ministry Center as an associated use to the Church. Basset Psychological Services
61 currently partners with the Church as well as The Montgomery Nursery School to provide services; however, the
62 physical location for the business is in the City of Madeira. The request to allow for Bassett Psychological
63 Service to operate from the Ministry Center has since been withdrawn by the applicant.

64
65 Ms. Roblero stated that the Planning Commission met on November 19, 2018, to consider this application.
66 Notices were sent to neighbors within a 300' radius of the church. Several guests and residents attended the
67 meeting both in opposition and support of the project. There was much discussion regarding the proposed use of
68 the building as well as the proposed changes to the site. After hearing testimony and discussing the proposal, the
69 Planning Commission tabled the application to give the applicant time to provide additional information and to
70 take into consideration concerns from adjacent property owners regarding lighting, landscaping, storm water, loss
71 of privacy and the proposal to allow Basset Physiological Services to operate from the building.

72
73 The applicant submitted a revised plan, which was considered by the Planning Commission on December 17,
74 2018. The changes to the application are outlined below:

- 75
76 • The driveway to the proposed Ministry Center was altered to provide for an increased setback
77 from the adjacent property. The original submission showed the curve of the driveway to be
78 approximately 2' off the shared property line, which was a concern. The curve of the driveway is
79 now shown at approximately 24.37' from the shared property line with the straight portion of the
80 driveway being approximately 19' from the property line;
- 81
82 • In the original submission, the applicant proposed allowing a private company (Basset
83 Psychological Services) be permitted to have offices in the Ministry Center as an associated use to
84 the Church. Moving the permanent location of Bassett Physiological Services to the building was
85 cause for concern since it could set a precedent for allowing a business to operate from a
86 conditionally permitted use in a residential district. In response to concerns raised by staff,
87 Planning Commission members and adjacent property owners, the Church withdrew the request
88 to allow for Basset Psychological Services to operate from the Ministry Center. Instead, Basset
89 Psychological Services would partner with the Church of the Saviour as well as The Montgomery
90 Nursery School on-site to provide services; however, the physical location for the business would
91 in Madeira. The Ministry Center would be used for group meetings, counseling and storage,
92 which are uses directly related to the conditionally permitted use;
- 93
94 • The applicant submitted a revised landscape plan to provide for a visual screen between the
95 Ministry Center and the adjacent properties and stated that the Church will commit to maintaining
96 the plantings; and,
- 97
98 • The applicant provided some additional information regarding the proposed bollard lighting for
99 the driveway. The bollard lights will be approximately 42" in height with louvers to distribute
100 light downward. The applicant has stated that the light distributes 1 foot-candle of light in a 4'
101 radius with 0 foot-candles at a 6' radius. The bollard lights would be installed approximately 1' –
102 2' from the driveway and therefore, will be in compliance with the light trespass regulations. The
103 applicant has stated that they estimate there will be a need for 7 bollard lights on the north side of
104 the driveway and 6 bollard lights on the south side. The Church is still evaluating the need for
105 bollard lighting along the proposed handicap ramp along the back of the building.

106
107 After hearing testimony and discussing the application, the Planning Commission voted 5-1 to recommend
108 approval of the expansion of the conditional use permit to allow for the building at 8003 Pfeiffer Road to be used
109 as a Ministry Center and approved the Final Development Plan with the following conditions:

- 111 1. The final design of the landscaping be reviewed and approved by Staff and the City Arborist.
112 Landscaping shall be properly maintained as required by the Zoning Code and the Property
113 Maintenance Code.
- 114
- 115 2. Post-construction storm water best management practices shall be utilized as reviewed and
116 approved by the City Engineer and the final storm water management construction drawings shall
117 be approved by the City Engineer.
- 118
- 119 3. The final location of the bollard lighting shall be reviewed and approved by Staff.
- 120
- 121 4. Any parallel parking spaces shall meet the dimensions as established in Schedule 151.3210(A).
- 122
- 123 5. The width of the drive shall be in compliance with the Zoning Code pending a legal opinion on
124 whether the drive shall be considered a 'driveway' or an 'access drive'.
- 125
- 126 6. Any additional impervious surface due to modifications to the site plan based on conditions 4 and
127 5 shall be accounted for and the additional storm water shall be accommodated appropriately.
- 128

129 Ms. Roblero summarized by stating that since the Planning Commission meeting on December 17, 2018, the Law
130 Director has issued a legal opinion regarding the drive for the proposed Ministry Center. In short, the Law
131 Director found that if parking is provided on the drive, it shall be considered an access drive based on the
132 definition of an access drive in the Zoning Code and shall meet the setback and width standards as established in
133 Section 151.32; however, if no parking is provided along the drive, it shall be considered a driveway and meet the
134 setback and width standards for residential driveways. Further, since the existing parking lot can accommodate
135 the required parking spaces for the Ministry Center, it is the Law Director's opinion that restricting the Church to
136 providing a maximum of two handicap parking spaces along the access drive would meet the overall philosophy
137 for conditional uses of mitigating impervious surface coverage and mitigating its impact on surrounding
138 properties. After receiving the legal opinion, the applicant has revised the plan to show two parking spaces along
139 the access drive, has revised the width of the drive to be in compliance with Schedule 151.3201(A) and revised
140 the dimensions of the parking stalls to be in compliance with the regulations in Section 151.32. The applicant has
141 also provided a revised calculation of the total impervious surface coverage, which shows that 46.8% of the site is
142 in impervious surface coverage. Due to the fact that the applicant has revised the site plan to be in compliance
143 with the appropriate sections of the Zoning Code and the opinion of the Law Director and due to the fact that the
144 impervious surface coverage remains below 50%, Staff is in support the recommendation of the Planning
145 Commission to allow for the expansion of the conditional use permit to allow for the building at 8003 Pfeiffer
146 Road to be utilized as a Ministry Center with the conditions as established by the Planning Commission.

147
148 Mr. Margolis asked Ms. Roblero if the City Arborist has reviewed the plans.

149
150 Ms. Roblero stated that he did and has accepted the proposed landscaping with no conditions.

151
152 Russ Naber, 10523 Sundance Court, Blue Ash-Mr. Naber introduced himself as the Chairperson for the Board of
153 Trustees for the Church of the Saviour. Mr. Naber explained to City Council that the Church of the Saviour was
154 established in 1957, meeting at the old Montgomery Elementary School before building the current facility in
155 1960. He stated that the church has two parsonages, one that was included is the request for the expansion at 8003
156 Pfeiffer Road and one on the westside of the property. He stated that the Church has been a good steward to the
157 community by opening their building to the Blue Ash Montgomery Symphony Orchestra, the Boy Scouts, Al-
158 Anon support meetings, and for Mental Illness support groups, as well as their weekly worship services. He stated
159 that for over 10 years the church has been short of capacity for holding small meetings and storage space and had
160 to delay the operations of programs.

161
162 Mr. Naber stated that, if approved, the renovation of the parsonage would provide them with larger meeting

163 rooms, a handicap elevator, handicap restrooms, removal of the exterior decking and garage door and would add a
164 handicap accessible ramp for entry into the building. He stated the widening of the driveway would provide for a
165 turn around drive that allows close access to the building and a handicap parking. He stated that the house has not
166 been renovated since the 1980s and will still fit in with the aesthetics of the neighborhood.

167
168 Mr. Naber explained that in response to the Planning Commission's concerns about the operation of Basset
169 Psychological Services, the church and Basset have decided not to house Basset's offices on location but will
170 house them in an office in Madeira. He stated that the driveway was moved well beyond what was required and
171 the landscaping plan resubmitted to provide additional privacy between neighboring properties. He stated that the
172 church will maintain all landscaping by entering into a maintenance contract with the landscaping company. Mr.
173 Naber explained the installation of bollard lighting that complies with the Planning Commission's comments and
174 that a final plan had been submitted for final review. He stated that they have made a third modification, based on
175 the recent opinion of the Law Director, to reduce the number of parking spaces for elderly/handicap from six to
176 two and designed the dimensions to meet the Code. They have expanded the driveway width from 20 to 24 feet to
177 comply with the access drive directive given by the Law Director. In terms of the consolidation of the property at
178 8003 and 8005 into one parcel, this lowered the percent of impervious surface required from 52% to 45%. The
179 modified plan is at 46.8%. The Planning Commission approved this under the condition that they verify with the
180 City the best practices to manage storm water for the property. The most recent change will have very little impact
181 on surface water. They have reviewed a drainage plan with the Public Works Director and he has agreed that they
182 are using the best practice to manage storm water. They are modifying the concrete retention pond by modifying
183 the concrete basin in the retention pond that is in front of the church. They are adding a drain box that will have
184 staggered orifices that will control waterflow that can be retained in the pond. The pond will also use natural
185 drainage with mostly grass that will allow some water to absorb into the ground. On the 8003 property they will
186 add a bioretention garden, which is a swale that has plantings on it that will help to absorb water and at the base
187 will have underdrains that will bring excess water into the retention ponds. This will be the second bioretention
188 garden, there will be one installed along the pipe that runs under the northside drive to take up water that will not
189 be handled by the storm sewer that doesn't handle the water as quickly as it should.

190
191 Mr. Naber stated that per conditions by the Planning Commission, they will submit final construction plans to the
192 Public Works Director and the Engineer for approval before any construction or paving is done. He stated that
193 paving probably wouldn't be done before spring or late June, but they would like to begin on the building
194 renovation upon approval. They did consider the impact on traffic and the numbers are well within current daily
195 use and the counseling will add another family per hour on a typical day. He stated it maybe another six to eight
196 people per day. He stated that they are asking Council to approve their application with conditions and consider
197 the changes that have been made. He state that the Planning Commission has approved the application with
198 conditions that will increase meeting and storage space that are critical to the operation of the Church and meet the
199 needs of the community.

200
201 Mayor Dobrozsi asked Ms. Roblero about an existing tree stand and brush. He asked Ms. Roblero if they could
202 get clarification on the landscaping plans and what is staying in the existing plan and what is new.

203 Mr. Naber replied that the plan is to remove honeysuckle and trees that are diseased or damaged, but it is their
204 intent to preserve all the mature trees. He stated that they will remove overgrowth areas to make it look better but
205 will also retain as much privacy between the neighboring properties as possible.

206
207 Mayor Dobrozsi asked for details on where the drainage goes currently and where it will be going after
208 development.

209
210 Mr. Heitkamp stated that he met with the applicant to review all drainage. He stated that he has not received final
211 plans yet, but according to their discussions the applicant is taking the drive and sloping it to the south and
212 installing a bioretention swale to directly receive the runoff to direct the drainage into the ground. He stated that
213 bioretention swales are an excellent tool to be used for that purpose and directly addresses the impervious surface
214 that is being added in that area.

215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266

Mr. Margolis thanked the congregation for their willingness to expand in our community and to continue to meet the spiritual needs of the community. He stated that he did attend the Planning Commission meetings that address the application, in which 151.251 of the Land Use Code was discussed. He wanted to emphasize that this is a conditional use in a residential neighborhood. He said we are known as a community of neighbors and residents and that the City does want to preserve the boundary of the Code. He said that we are concerned with safeguarding the property rights of the institution and the neighbors. He stated that his concern is the maintenance of the landscaping. What can be done to ensure the landscaping can be maintained.

Mr. Suer stated that he felt the Church is attempting to do good work, which he expects from a church. He stated that they are also making a very good attempt to work with the City and listen to residents which is evidenced by the modifications of the plan. He stated that he has seen over the years with different applications that often an applicant presents a nice landscape plan but does not always maintain it. He asked Mr. Naber about a letter he had drafted on December 12, 2018, in which it is stated that the church plans to enter into a maintenance agreement. He asked Mr. Naber if a contract has in fact been entered into for this maintenance.

Mr. Naber responded that they have not yet as they were waiting on approval. He stated that they are committed to create and maintain the landscaping in a quality way.

Mr. Suer stated that there have been problems with the landscaping at the church over the years and what assurances can he give that this will not be the case this time.

Mr. Naber replied that although he has only been serving in his current role for about a year, the Church has changed landscaping companies and has installed more suitable plantings. He stated that he would invite the City Arborist to check the plantings yearly.

Mayor Dobrozsi asked if they have or are installing, an irrigation system.

Mr. Naber replied that they have not and that they will make sure it is watered. He stated that Don Druffel will be the landscaping company.

Mr. Cappel asked about the issue of flooding on one of the streets. Is this water going to contribute to flooding issues.

Mr. Heitkamp replied that the existing site drains to Huntersknoll Court. He stated that while we do not want to make the runoff worse, the goal is to look for opportunities to improve it. He stated that he has worked with the church over the last four to five years to address those issues and have been eager to make improvements. He stated that the big improvement will be the detention basin. He stated that impervious areas with bioretention will provide value to capture runoff, both current and additional.

Mr. Cappel asked how many gallons of detention will be added.

Mr. Mark Walker, Civil Engineer for the project, replied that he estimated the existing volume is twelve to fifteen thousand cubic feet.

Mr. Cappel stated that bioswales require a lot of maintenance and are very difficult to maintain. Would this be included in the landscaping contract.

Mr. Naber explained that regarding the groundwater concerns, they are looking at the total site. He stated that they are looking at additional improvements across the property to include the replacement of downspouts that were crushed or clogged to now drain to the detention pond. He stated that total water management improvements are a focus of this plan as well.

267

268 Mrs. Bissmeyer stated that she is concerned with protecting the quality of life for neighbors especially in a
269 conditional use area. She asked for clarification of the operation of the Basset Psychological Services piece. She
270 stated that in the application the housing of their operations at the church was withdrawn. She asked for
271 clarification as to if they were still going to be there from the original application.

272

273 Mr. Naber replied that they will still be there offering services. He stated that he doesn't know the demand for
274 their services but that there will be other counseling groups and support groups that will utilize the building as
275 well.

276

277 Mrs. Bissmeyer asked if these groups are for-profit or are volunteers.

278

279 Mr. Naber stated that church members are volunteers. He stated that there is only so much that trained volunteers
280 can treat. He stated that Basset can offer onsite services to cover the many needs that church volunteers are not
281 qualified to offer.

282

283 Mr. Donnellon asked for clarification on the withdrawn application regarding Basset's headquarters. He stated the
284 distinction is that they will not have someone answering phones there but will still see clients that are not church
285 members and will be offering services to the community. How is this distinguished from what they applied for
286 before.

287

288 Mr. Naber stated that all business operations will be conducted at their other operation offsite, which was their
289 understanding from the Planning Commission conditions.

290

291 Mr. Donnellon stated that they are still using it for business operations, not just providing services to the church
292 members or support groups.

293

294 Mr. Naber said that a lot of that will be people who will be referred by the Church.

295

296 Mr. Donnellon asked if those clients couldn't go to the Madeira location.

297

298 Mr. Naber stated that if that was convenient to them.

299

300 Mayor Dobrozsi opened questions and comments to guests and residents.

301

302 Erin Sprang, 10698 Deersadow Lane- Ms. Sprang stated to City Council that she has attended the church for
303 eight years now and is also the Director of Montgomery Nursery School, the preschool ministry of the church.
304 She is invested very deeply in the works of the church. She took the initial steps to develop the relationship
305 between Dr. Sweeney and the church. She works with Dr. Andrew Sweeney each week in teaching the children
306 social skills. She stated that the impact on the children and their families is very significant as they are more
307 comfortable speaking with a doctor they are familiar with. She stated that having Basset at the church is not an
308 attempt to bring a service but is about shaping the Church's identity in Christ. She stated that "Peace House" as
309 they are referring to the house being renovated, will be a space to develop health, hope and healing to the
310 community. The partnership is not an attempt to commercialize the community. She said this will offer services
311 for mental illness needs.

312

313 Dr. Andrew Sweeney, 7596 Trailwind Drive- Dr. Sweeney introduced himself as the owner of Basset
314 Psychological Services. He stated that he works with children and families that suffer from anxiety and
315 depression. He stated that intervention teaches parents how to handle anxiety and depression. He explained that
316 the expansion of the conditional use permit offers a unique opportunity to the church, as since it is a house it
317 removes the stigma the people feel when they enter into a traditional "institutional" looking building. He stated
318 that the partnership with the Church also allows them the opportunity to invite speakers and trainers to use the

319 facility. He stated that they can provide workshops with Sycamore Schools and local medical professionals. He
320 stated that through the working relationship he has with Montgomery Nursery School he has realized there is a
321 tremendous need for this kind of service. He stated that he graduated from Sycamore Schools and has seen a
322 tremendous increase in overdoses or deaths. He stated it may have been different if this type of service has been
323 available.
324

325 Ben Vore, 8679 Arcturus Drive- Mr. Vore stated that he is an English teacher at Sycamore High School and a
326 neighbor to the church and has benefitted greatly often attending bible studies and vacation bible school with his
327 children. He said that in the past he has benefitted from mental health counseling for depression and feels the
328 community will benefit from the services Basset will provide. He stated that as a teacher, he feels his students
329 would benefit from the services. He felt that any service that would benefit the students would benefit the city.
330

331 Laura Nocito, 7413 Baywind Drive-Ms. Nocito stated that she is a graduate of Sycamore Schools and has children
332 there now. She stated that she felt led to speak because it is important that as a community, we hold onto our
333 identity of offering access to help when needed. She stated that Basset was able to treat her daughter and feels the
334 service is vital in providing support to families. She stated that she has unique perspective in that her property
335 backs up to a church. She stated that she understands the concerns that Council and others may have and that
336 although there are no guarantees, when you live next to a church it is in your best interest to support the project.
337

338 Garey Mahoney, 7955 Pfeiffer Road- Mr. Mahoney stated that he feels the atmosphere between the church and its
339 neighbors is toxic due to the changes that have been seen in the past. He stated that his concern is about the
340 commercialization of the residence and property, not about the children. He explained that his concerns were also
341 with the added lighting, landscaping and the widening of the driveway.
342

343 Mike Harbison, 7975 Pfeiffer Road- Mr. Harbison addressed City Council as a homeowner who will be affected
344 by the application. He stated that he had a legal question to ask. He asked if he could pass out an outline of his
345 comments.
346

347 Mr. Donnellon stated that he could submit it, but if it was new evidence they would have to throw it out.
348

349 Mr. Harbison stated that he would hold off on passing it out. He cited sections of the zoning code in relation to
350 conditional uses and parking lots, access drives, minimum lot size, and impervious surface ratio. He stated that
351 with the three revisions that have been submitted, that 53% of the church and parking lot was reported, however,
352 when they combined 8003 and 8005, they reported it was 45%. In revision three, they stated it was 47%. They
353 have not provided what the current impervious surface is. He stated that we should do what is best for the
354 community as whole. He stated he has always aspired to do this while serving on the Planning Commission. He
355 encouraged the Church to step up and turn 8007 into an environmental conservation area. He said that 43%
356 impervious surface is better for the residents as a whole than the 47%. With 8007 as a green space it absorbs
357 water when you build on it, it will exacerbate the percentage. He stated that one of the general criteria that would
358 be met is that it would not adversely affect the neighboring properties. He asked that the church be held to provide
359 the impervious surface numbers and encouraged them to make 8007 an environmental conservation area.
360

361 Lowell Bowie, 7958 Huntersknoll Court-Mr. Bowie stated that he has lived here for 42 years and is immediately
362 to the south of the parsonage and retention pond. He stated that the message tonight is to do the right thing in the
363 right way. He stated that the Huntersknoll Court drainage basin is a disaster. He stated the City has been out to
364 look at it. He stated that if we continue to direct more water to an already stressed system, the water issues will
365 only increase. He asked City Council to remand this request back to Planning Commission based on distortions in
366 their plan, omission of impervious surface, and drainage issues. He stated that there are not site plans that deal
367 with both 8003 and 8007. He stated that we should be addressing the drainage for all the property. He stated he
368 sent a letter to the church and received a response, but there has been no contact with them since that time. He
369 stated that the church hasn't dealt with residents in good faith. He feels they are piece-mealing the issues and will
370 continue to come back to the City with additional requests. He stated he had no new evidence to hand out, but he

371 does have a graphic to hand out and asked to submit it to City Council. The Law Director advised him to submit it
372 to the Clerk. The Law Director asked if he had previously submitted the graphic to the Planning Commission. Mr.
373 Bowie responded that he had not. Mr. Bowie asked City Council to take this opportunity to address something that
374 the Code hasn't been able to control, which is that the Planning Commission can only address the specific request
375 and ignores the whole issue.
376

377 Carol Hoffman, 7962 Huntersknoll Court-Ms. Hoffman stated to City Council that she is both a member of the
378 church and a neighbor. She stated that she very much supports the project. She explained that whether the project
379 will work out with the counseling she doesn't know, but she feels counseling occurs when it is available and is
380 worth a try. She stated that a notorious low salary church cannot support the salary of a psychologist, so this
381 seems like a reasonable request. She feels that it is a good idea to remodel the parsonage as it is an eyesore. She
382 feels that the church is addressing broader issues, but feels the City needs to step up to address the drainage issues
383 that are accumulating on Huntersknoll. She doesn't know where the problems originated from or how to fix it, but
384 they need the assistance of the City to solve the problems.
385

386 Gerri Harbison, 7975 Pfeiffer Road- She asked that the record reflects that she is speaking as a resident and only a
387 resident. She stated that they bought their house 33 years ago and at the time they looked out at a playground for
388 the nursery school. They heard laughter and watched the kids play including their own daughter. Then the church
389 expanded and now they look at the building. She stated that she has supported the activities of the church over the
390 years and their daughter even went to nursery school there, but sometimes enough is enough. She thoroughly
391 supports counseling believes that will be of benefit to everyone, however when they put in the addition the storm
392 water runoff has increased from the expansion of the driveway and the parking lot. She stated she has a lot of
393 runoff from that now. There is a continual stream or a creek between her house and the church's property. She
394 said it is a continuous struggle to keep landscaping there and the maintenance history has been poor on the
395 church's part. She stated she does have a concern regarding Mr. Donnellon's questions about Basset counseling
396 people as well as Council Member Bissmeyer's concerns about Basset being a for-profit counseling center. She is
397 also concerned about the precedence for the garage going away and what that can set down the road for other
398 residential properties. She asked that Council take that under advisement when they make their decision. She also
399 has concerns about the enlarged driveway. She explained that previous neighbors had five cars that fit nicely, so
400 she doesn't see where they need the extra room but that is a decision that City Council needs to make.
401

402 Dave Seagram, 10345 Montgomery Road, St. Barnabas Church-Mr. Seagram stated that he supports the church in
403 their project. He has attended both of the Planning Commission meetings and believes the Code approves up to
404 50% of impervious surface, which their plan does. He stated that those in attendance at this meeting have heard
405 that the water drainage plan does meet best practices. He thinks that is a good thing. He stated that he has empathy
406 for the people on Huntersknoll Drive as there are similar drainage problems where he lives. He stated he has a
407 swale that runs through his backyard and with the current snowmelt, he now has a river in his backyard. He stated
408 that there are two separate issues. The Church of the Saviour project and the drainage on Huntersknoll. He asked
409 that this issue be addressed as a separate project. He stated if the Church meets the Code and all the conditions,
410 that it should be addressed on those merits.
411

412 Cindy Coggins, 10359 Deerfield Road-Ms. Coggins explained that she has been a member of the church since
413 1958 and in fact her father is still a member. She stated that the nursery there was ran by her mother, so she has
414 deep ties to this church. She stated that she feels there is a great need for mental health services and in her mind, it
415 is not even a question. She stated that the renovation of the parsonage is over 75% for groups to meet in. She
416 stated that with the expansion the church could invite professional speakers in to continue their ministry to the
417 community. She stated that drainage and driveway issues are details that were discussed at the Planning
418 Commission meetings and that this discussion is not about Huntersknoll drainage specifically. She stated that the
419 issues with drainage on Huntersknoll needs to be dealt with separately.
420

421 Reverend Jennifer Lucas, Church of the Saviour, 8005 Pfeiffer Road- Reverend Lucas expressed that she is
422 disheartened to hear the word "toxic" used to describe the relationship between the Church and neighbors. She

423 stated that it is their intentions to ensure that standards will be followed, and they do not wish to commercialize
424 the residence or the church in anyway.

425
426 Jeff Ferrell, 7965 Pfeiffer Road-Mr. Ferrell stated that he thinks that Church of the Saviour is a great church with
427 a great ministry but questions why the things they are discussing can't be done with the space they have. He
428 stated if they have the money and the resources, why can't they minister to the children to the east and not the
429 west. He stated that they would have to tear the house down. He lives in a place where if the greenery isn't
430 maintained he would be looking at that out of his kitchen window. He stated that when the Church came to speak
431 to him they stated it would take three years for the landscaping to mature. His concern is if they will maintain it
432 and although they have best intentions, all he has to go on is their past track record. He discussed unintended
433 consequences. He stated that when he purchased his home, while he knew the church was there, what he didn't
434 know was that the green space would be a parking lot for Bethesda North Hospital during their construction. He
435 stated his point is that we don't know what will happen in the future and by changing the use of the parsonage we
436 now open it up to a use other than residential.

437
438 Mayor Dobrozsi commented that we do live in a wonderful community and he feels that is because all of those in
439 attendance. He stated that no matter which side you are on he wished those in Washington could take a cue from
440 our community and have the civility to have passionate conversations face to face with one another to reach
441 solutions together.

442
443 Mayor Dobrozsi stated that obviously we have the Huntersknoll Court water issue which must be dealt with by the
444 City and studied. He asked Mr. Donnellon that as long as we weren't dumping more water from this project into
445 that area, is it part of this issue.

446
447 Mr. Donnellon replied that according to 151.2005, it states that when we go above 40% of impervious surface,
448 one of the conditions is that we apply best management practices. It doesn't say best management practices to just
449 that expansion. He stated we could step back and consider is the best management practices of storm water on the
450 entire site and not just on the project. If we were dealing with a commercial site, if we were dealing with an
451 expansion of a business of a development plan, we would look at the entire site to make sure there was no
452 additional water runoff. He stated that he was not aware if the Church's engineer's calculation looked at the entire
453 site and determined to bring it into best management practices. He stated that it may be an issue that comes into
454 play when the parking lot is addressed but it's on the forefront tonight. He questioned if it was something City
455 Council wants to investigate further as it is a concern that everyone has expressed.

456
457 Mayor Dobrozsi asked Mr. Heitkamp if he could provide examples of best management practices, specifically
458 what things are being done to meet that definition.

459
460 Mr. Heitkamp explained the following regarding best management practices. He stated that post construction best
461 management practices deal primarily with water quality. He explained that historically, there have been storm
462 water detention requirements with the goal to store water, however, with the increase in impervious area by
463 development you're going to have more runoff with the goal of storing some of that runoff and releasing it slowly
464 downstream. Mr. Heitkamp stated that is essentially what detention is trying to accomplish. The best management
465 practices are more geared towards water quality, but it also has water runoff benefits as well. So, examples like a
466 bio retention is a common practice. He explained that the nice thing about retention is like detention, you get
467 runoff, you store the water, but the water still ends up downstream and just throttle it back, so it doesn't go down
468 as fast. The nice thing about something like bio retention is it actually takes up that water, puts it into the ground,
469 puts it into plants so it doesn't introduce that water to the downstream whatsoever. It doesn't mean that some won't
470 be introduced but it will remove some of the water. A common practice a lot of sites will do is what's called an
471 extended detention basin, where they basically take a detention basin and make it even larger and throttle it even
472 more so that way the whole goal is to remove sedimentation from storm water before it goes downstream and
473 provides some detention benefits from that. In the past, Planning Commission has approved things like
474 impervious pavers or impervious pavement, like impervious concrete asphalt, to try to reduce the amount of

475 runoff and to get water to soak into the ground. So that's the whole goal of post construction.

476
477 Mayor Dobrozi asked Mr. Heitkamp what the best practice would be for dealing with the driveway expansion.
478 He stated he assumed it would be the addition of the bio retention pond right off of the driveway and that would
479 only address the added runoff from the expansion and not the pavement.

480
481 Mr. Heitkamp responded that the Mayor was correct in his assumption. He explained that maybe the applicant
482 could speak to it as well, but the bio retention would be to serve that driveway because it would be receiving that
483 runoff directly. He stated it would be a best management practice for that addition and should make it even better
484 than what it is today. In terms of the overall site, he felt that the church's goal was to try to address that through
485 the outlet structure of the of the existing detention basins. He stated that Mr. Naber mentioned replacing it with a
486 stage structure with the goal of releasing water. One of the issues with detention sometimes in terms of design is it
487 helps you with some of the bigger rains, like the big storms of a 50 year or 100 year, but they don't do much for
488 you for the smaller storms. The whole goal would be to put in a stage structure that provides benefits for a two-
489 year, five-year, or 10-year type storm that we receive on a more frequent basis. He stated that he feels the church's
490 goal was to try to incorporate a modified outlet structure to address the entire site.

491
492 Mayor Dobrozi asked if the plans were fully complete.

493
494 Ms. Roblero stated they were not and that that would be a condition upon approval.

495
496 Mayor Dobrozi asked Mr. Donnellon regarding the comments about Bassett operating on the site of the church
497 property and clarifying if that is considered an accepted conditional use.

498
499 Mr. Donnellon explained that in relation to a church, in our code, it talks about associated uses and it gives
500 examples of common facilities such as: residence, cafeteria, Fieldhouse, and infirmary. He stated the code goes to
501 great lengths to separate the business community from our residential community. He explained that no one is
502 saying that Basset is not a wonderful service or that the Urology Clinic is not a wonderful service, but we require
503 the Urology Clinic and their operations to be conducted at Bethesda, in an area that is zoned business. He stated
504 that we go to great lengths to separate the two uses. The question here becomes are we bringing to use the term
505 commercialization into a residential area or is it an associated use relative to a church. He stated to Reverend
506 Lucas that there is no doubt that she counsels people day in day out but that it is an associate use of a church. The
507 issued is where we are moving that continuum to go to having Basset come in to provide that service. He stated by
508 offering Bassett the opportunity to service clients in this building is it becoming a business. This is what we try to
509 separate. He explained as an example that when we have businesses in a residential area which are home
510 occupations, we have a number of regulations relative to when a home occupation can be there, what they can do,
511 how they can do it, and so forth. Mr. Donnellon stated that it is a question of whether it's associated use or
512 whether you can contain it or is it an associated use, they do have another location in Madeira.

513
514 Mr. Donnellon stated that we are allowed to put conditions on at Planning Commission to address the use of the
515 building. He stated he looked at the fact that the church withdrew having Basset on the application on December
516 12, in a letter and then at the December 18 Planning Commission meeting, none of that was addressed. He stated
517 that what is concerning is that the first three speakers here tonight addressed how wonderful it's going to be to put
518 Bassett in there. He stated that he didn't feel that Planning Commission had the full array of information to be
519 able to question the status of operating a business at the site.

520
521 Mayor Dobrozi stated that before he covered all the items that have been questioned, he wanted to make sure that
522 there weren't additional changes after the Planning Commission meetings. His concern is, did Planning
523 Commission have a rightful view of the plan and details or should this be remanded back to the Planning
524 Commission for further review.

525
526 Mr. Donnellon stated that he felt there needs to be clarification given on the access drive, Basset's operations, best

527 management practices for the entire site of the project and to obtain the total calculations of the impervious
528 surface. Mr. Donnellon stated that it is up to City Council, however it is worth the Planning Commission
529 reviewing the questions that will be provided to them by City Council as determined this evening.

530
531 Mayor Dobrozsi thanked Mr. Donnellon for his comments and opened the discussion for the Council Members to
532 provide input.

533
534 Mr. Margolis stated that the issue of flooding at Huntersknoll was discussed at a past Public Works Committee
535 meeting and that Mr. Heitkamp has done studies on this issue. He stated that he feels those are separate issues as
536 long as the site is not contributing to the issue. Separate from the flooding issue, he stated that there were two
537 issues he was concerned with. He first applauded the passion and the interest of Reverend Lucas in fulfilling the
538 mission of the church. He is concerned, however, with the tenure of Reverend Lucas. He questions if she was to
539 move on from the church would things degrade and who will ensure the long-term maintenance of the
540 landscaping. He is not sure how we resolve that. His second concern is the continued fee for services as a
541 business by Basset. He stated he would like further explanation on these things.

542
543 Mr. Donnellon stated on the landscape maintenance, when we issue this condition for the zoning permit its part of
544 the zoning permit and when you violate the zoning permit you can be cited. There have been many times where
545 we've had businesses in the community that have let their landscaping deteriorate and we have issued first notices
546 to get it corrected and then eventually citations can and will be issued. A condition on the landscape maintenance
547 can be adopted as part of a conditionally permitted use and if it deteriorates they can be cited.

548
549 Mr. Suer stated that he feels there are questions that need further exploration. He stated that he agrees with the
550 overall mission of this project. He feels that it's a worthy cause and that the church has made some really good
551 efforts to address a number of things. However, he stated, there are still issues. He feels that the issues, already
552 mentioned, need to be resolved before any kind of a final verdict is rendered on this project. He stated that
553 concerning the commercial use by Bassett, that one concern is if Bassett's services grow outside of Montgomery,
554 that what might start out as a small counseling operation, could gradually get bigger and bring about additional
555 problems such as cars and parking, and any number of things. His next concern was the issue of a private business
556 operating out of the church. There are also questions about drainage as we've heard about. He stated that he feels
557 additional evaluation needs to be done on the entire site, not just this this particular part of the site.

558
559 Mr. Suer stated that there is a question that has been raised about the driveway setback and the issue of a
560 conservation area. He stated this is of interest because, again it would affect drainage if something's built on that
561 parcel and it is paved over in the future. He stated that more that needs to be explored for that. He stated that the
562 definition of an access drive needs to be clarified. In summary, he feels that there is much more exploration that
563 needs to be conducted before he would feel comfortable voting on this issue.

564
565 Mr. Cappel stated that his was concerned with a for-profit business operating out of a non-profit business, the
566 commercialization as we've noted before. He questioned how a for-profit business operating out of a church
567 would affect their non-profit status. He stated that we have heard about multiple accounts of water problems, but
568 the fact of the matter is that adding more water, more volume to it, will likely make the problem worse. He stated
569 he would like more information on that.

570
571 Mrs. Bissmeyer stated that she would reiterate what everybody else just said, that we want this community to be
572 great. She stated she feels like a vote tonight is premature given all that new data that came out tonight to make
573 any decisions. She stated she also has a concern with a for-profit business running out of a non-profit, umbrella
574 organization and that this could be setting that precedent going forward in a residential area. She stated she would
575 like the application to match what services are going to be offered by Basset. She stated additional information is
576 needed to address the water issues, the driveway issues, and the counseling issues. She is hoping that the Planning
577 Commission could do some research that will provide us with more information addressing these concerns.

578

579 Mayor Dobrozsi stated that he would try to summarize the concerns that will be submitted back to the Planning
580 Commission for further review. He listed the following items for review:

- 581
- 582 1. Review of impervious percentage for the entire site,
 - 583 2. Verifications of best management practices for storm water,
 - 584 3. Final landscaping review; what will remain and what is new,
 - 585 4. Review of final layout of expanded driveway with clarification of setbacks,
 - 586 5. Clarification of Basset Psychological services and associated use.
- 587

588 Mr. Cappel asked about the real estate tax issue for a non-profit.

589

590 Mr. Donnellon replied that it wouldn't change for real estate taxes. The issue with the church would be whether it's
591 unrelated business income and whether they are generating any income from operation or that use. He stated that
592 what he was hearing with Basset, is do you want Planning Commission to look at the now proposed use of this
593 and whether it's considered an associated use. If it has an associated use, is there any negative impact the Planning
594 Commission needs to control conditions to permit it to go forward, or if they believe it's not associated use as it's
595 proposed that they can't approve it as a part of a conditional use for a church. In weighing that out they could look
596 at what we do with home occupations, they could look at the terms determining of what is the volume of parking,
597 frequency. A lot of those issues has an impact.

598

599 Mrs. Bissmeyer asked if this would be a different situation than Twin Lakes where their parcel is divided with
600 some of it being tax free and some of it being taxed. Would this be a different scenario where that building is on a
601 different plot, would it be a different tax area and because it is for profit.

602

603 Mr. Donnellon replied that he wouldn't think that would be the case because a substantial portion of it as you are
604 outlining, would still be used for outreach services. He stated that that is something that would have to be weighed
605 and considered. He stated that the City wouldn't weigh in on the tax bill on non-taxable or taxability issue.

606

607 Mrs. Bissmeyer also asked about the issue Mike Harbison discussed regarding his point about the conservation
608 plot of land and questioned if that was already part of the previous percentage.

609

610 Mayor Dobrozsi stated that he felt that is of outside of that piece. He asked how Mr. Donnellon felt about the
611 conservation piece.

612

613 Mr. Donnellon stated it would come down to changes relative to best management practices on the entire site.

614

615 Mayor Dobrozsi stated that it appears that it might be best if we remand this back to Planning Commission with
616 the five items that he covered and bring those back to Planning Commission for review.

617

618 Mr. Naber asked to address City Council again for final comments. He explained that there are several items that
619 he would like to comment or get clarification on. He would like to request of the City to receive definitive
620 guidance on the setbacks. He stated that they have asked several times and were informed that the setbacks are
621 within five feet and that they would be fine, however he is hearing contrasting information tonight.

622

623 Mr. Naber stated that his second issue is regarding the conservancy piece. He stated it is the church's intent to not
624 build or do anything more than keep that lot green space. The reason for that, is it is a very confining lot and
625 there's very little you can do. He stated that the only thing they want to maintain as a church is flexibility for the
626 future of the property. He stated it might make sense for them to sell that property and they would hate to have
627 that diminished in terms of value. He reaffirmed that they intend to keep it as green space at this time.

628

629 Mr. Naber stated that lastly regarding the water issues, they have a master site plan that has been developed and
630 designed. He stated they were waiting for the final piece around the driveway. He stated that it was their

631 understanding that it was not part of the decision making on 8003, but it would be something that the City
632 engineer would review when it got to resurfacing the current parking lot and entrances. He stated that they do
633 have that and some of the best practices that were referred to tonight come from that plan. He stated that it was
634 their understanding that was not necessarily part of the consideration that they are undergoing tonight. He closed
635 by stating that he wanted to offer to their neighbors, much like Reverend Lucas, that if they felt like things were
636 not cordial and didn't feel that they have a good relationship with the church, that he wanted to apologize. He
637 stated that the church values their neighbors as part of the community.

638
639 Mayor Dobrozsi thanked Mr. Naber for his comments. He stated that next would be to remand back to Planning
640 Commission.

641 Mr. Donnellon stated that regarding the timing of the Planning Commission, that it must undertake that review in
642 30 days and return it back to Council. If it becomes a logistics issue, Council could agree to expand it 30 days, but
643 this is not a 120-day or 180-day process. He stated that the City will not be going through the process of another
644 30-day notice period. Council will then hear, and Council would decide to make that decision based on what is
645 coming back from a recommendation for Planning Commission, so hopefully it gets expedited and comes back
646 quickly.

647
648 Mr. Cappel made the motion to remand the request for the proposed expansion of a Conditional Use Permit and
649 Final Development Site Plan approval for the Church of the Saviour back to the Planning Commission for
650 additional review and fact finding.

651
652 Mrs. Bissmeyer seconded. City Council unanimously agreed.

653
654 Mayor Dobrozsi thanked all in attendance for coming to the meeting to share their questions, comments and
655 concerns. He stated that he appreciates their willingness to come in person to a meeting and feels that is what
656 makes Montgomery the truly special community that it is.

657
658 Mayor Dobrozsi asked if there was any further business to be heard in the Public Hearing. There being none he
659 asked for a motion to adjourn from the Public Hearing.

660
661 Mr. Margolis moved to adjourn the Public Hearing. Mr. Cappel seconded. City Council unanimously agreed.

662
663 The meeting was adjourned at 8:38 p.m.

664
665
666
667
668



Connie Gaylor, Clerk of Council

These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission. Formal adoption is noted by signature of the Chair, within the Minutes.

**CITY OF MONTGOMERY
PLANNING COMMISSION REGULAR MEETING**

CITY HALL · 10101 MONTGOMERY ROAD · MONTGOMERY, OH 45242

September 11, 2023

Evan Andrews 28 Vintage Walk, 45249	Brad & Jill Dillard Jones 118 Village Gate Lane 45249	Brian Riblet, City Manager
		Tracy Henao Assistant City Manager
Gérard Baillely 211 Legacy Lane, 45249	Thomas Jordan Archdiocese of Cincinnati / Gate of Heaven Cemetery 11000 Montgomery Road 45249	Kevin Chesar Community Development Director
		Karen Bouldin, Secretary
Kevin Bleichner Elevar Design Group, LLC 555 Carr Street Cincinnati, OH 45203	Doug Kieninger 211 Legacy Lane, 45249	<u>COMMISSION MEMBERS PRESENT</u> Dennis Hirotsu, Chairman Barbara Steinebrey, Vice Chairman Vince Dong Andy Juengling Alex Schneider Pat Stull
Richard Brown 131 Village Gate Lane, 45249	Bob & Anne Knodle 9 Vintage Walk, 45249	
Virginia & Don Buehner 220 Village Club Drive #302 Montgomery, OH 45249	Laura Kroeger 125 E. Cameo Court, 45249	<u>MEMBERS NOT PRESENT</u> Peter Fossett
Catherine Busso 101 Courtyard Crossing, 45249	Joan Kunkel 119 Candlewood Circle 45249	
Bill & Celia Carrol 142 Village Gate Lane, 45249	Tom & Kathy Lonneman 127 Village Gate Lane, 45249	
Robert Ceitel 220 Vintage Club Drive Unit 220, 45249	Ron Messer Montgomery City Council	
David & Kay Clark 220 Vintage Club Way, 45249	Karen & Pat O'Callaghan 210 Legacy Lane, 45249	
July Cline 101 Courtyard Crossing, 45249	Gerald & Linda Peter 208 Legacy Lane, 45249	

These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission. Formal adoption is noted by signature of the Chair, within the Minutes.

Planning Commission Meeting
September 11, 2023

GUESTS & RESIDENTS	
Robert Clour Archdiocese of Cincinnati / Gate of Heaven Cemetery 11000 Montgomery Road, 45249	Cori & Nick Rothenbach 135 Village Gate Lane
Jackie Crowley 207 Legacy Lane, 45249	Joe Schlosser 45 Traditions Turn, 45249
Ellen Essig 129 Village Gate Lane, 45249	John & Pat Schumacher 146 Village Gate Lane, 45249
John Hattersley 611 Lunken Park Drive Cincinnati, OH 45226	Tom Schutte Archdiocese of Cincinnati / Gate of Heaven Cemetery 11000 Montgomery Road, 45249
David Hirshberg 220 Vintage Club Drive, Unit 205 45249	Martin Simon & Barbara Schwartz 230 Vintage Club Drive Unit 104, 45249
Cathy & Mark Hogan 117 Village Gate Lane, 45249	Todd & Carla Steinbrink 209 Legacy Lane, 45249
Scott Humes Vice President of Development Traditions VC Developer LLC 4000 Executive Park Drive, Suite 250 Cincinnati, OH 45241	Michael Steinbuch 136 Village Gate Lane, 45249 Paul & Jane Trenz 109 Candlewood Circle 45249
Tom Humes President & Founder Traditions VC Developer LLC 4000 Executive Park Drive, Ste 250 Cincinnati, OH 45241	Les Stretch Chief Operating Officer Managing Principal McNair Living 824 Bull Lea Run Suite 215 Lexington, KY 40511
	David Wilson 123 E. Cameo Court, 45249
	Peggy Yang 220 Vintage Club Drive #204, 45249

These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission. Formal adoption is noted by signature of the Chair, within the Minutes.

Planning Commission Meeting

September 11, 2023

Call to Order

Chairman Hirotsu called the meeting to order at 7:00 p.m. He reminded all guests and residents to sign in, and to please turn off all cell phones.

Roll Call

The roll was called and showed the following response/attendance:

PRESENT: Mr. Stull, Mr. Juengling, Ms. Steinebrey, Mr. Schneider, Mr. Dong, (6)
Chairman Hirotsu

ABSENT: Mr. Fossett (1)

Guests and Residents

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

Chairman Hirotsu explained the next step in the process for this evening's meeting to all guests and residents: Mr. Chesar will review his Staff Report and the Commission asks any questions they might have. At this time, the floor is not open to residents for comments.

Old Business

An application from McNair Living, LLC for a Planned Unit Development Overlay Modification and General Development Plan approval regarding a proposed 144-unit independent living community facility on approximately 4.5 acres within the Vintage Club Planned Unit Development, located south of Vintage Club Boulevard, directly east of the Christ Hospital Outpatient Center.

Ms. Steinebrey moved to take this application off of the table.

Mr. Stull seconded the motion.

All members unanimously approved.

Staff Report

Mr. Chesar reviewed the Staff Report dated September 11, 2023, "Application for General Development Plan and Modification of the Vintage Club Planned Unit Development (PUD) List of Conditions and Exceptions". He showed drawings on the wide screen for all to see, to provide more understanding of the Staff Report. He noted that the applicant would be giving a presentation after his report.

He indicated that members had copies of all of the public comments/questions that were received, via letters and phone calls. He further indicated that today he had a call from a resident asking if the parking spaces had been increased. Earlier today (again, in all members packets),

Planning Commission Meeting

September 11, 2023

53 Mr. Chesar stated that he had received a letter of support from Christ Hospital, regarding the
54 proposed project.
55

56 Mr. Chesar wanted to be clear that it was not necessary to rezone this area in order for this
57 project to move forward. The rezoning was purely a best practice, so that there would not be a
58 zoning line splitting a building, which would then require different building setbacks for one
59 structure, and allow other uses to be permitted in the front versus the back.
60

61 Chairman Hirotsu wanted to clarify this, as it was a separate issue, versus all of the others.
62 He pointed out on the wide screen, Christ Hospital, which is on the block that is closer to
63 Montgomery Road. The rendering showed how the building sat in two different zoning districts.
64 Chairman Hirotsu stated that Christ Hospital was not in the original design of this property, and
65 it sits in the middle of two different zoning districts. So, it is appropriate to square up the lots, to
66 clean it up – you don't want two districts crossing over on one building.
67

68 Chairman Hirotsu stated that the current zoning on the map of 11140 is the Hospital and 11150 is
69 part hospital and multi-family. This is the current implemented design. Mr. Chesar confirmed.
70 And the small piece of D3 zoning overlapping the lots was from a previous plan. He noted the
71 key difference in the zone change from D3 to LB, is multi-family residential to mixed use. This
72 zoning change does not designate a change from condos to apartments. It has nothing to do with
73 that. Condos and apartments are permitted in either of those two zoning districts. Multi-family
74 includes condos and/or apartments. Mr. Chesar explained that we are not permitted to regulate
75 condos or apartments; we are not changing the zoning to allow apartments instead of condos.
76

77 What this zoning change does allow for, are restaurants on the first floor of this facility. The LB
78 section of that building would allow a restaurant, but it would have to be in that specific spot that
79 is zoned LB. This change will then be identical to the zoning across the street, with mixed use,
80 first floor office or restaurant.
81

82 Mr. Dong believed that the PUD overlay overrides whatever the existing zoning is underneath it.
83 Mr. Chesar noted that it was part of what the General Development Plan that locks in
84 requirements, and it alters the General Development Plan as well as take a look at the zoning in
85 the PUD.
86

87 Mr. Stull understood that the City's Law Director is recommending that we change this to LB, to
88 make it consistent - the developer doesn't care, it is the City who is requesting this. Mr. Chesar
89 confirmed that this is the City's recommendation because it is more simplistic and cleaner
90 process. Chesar noted that if this is approved, the developer could do what they preferred - which
91 is to place the restaurant in the LB section.
92

93 Mr. Chesar introduced Ms. Henao, Assistant City Manager, as she was present when approvals
94 originally came into place, and when they actually changed the original plan that was approved
95 in 2005/2006.
96

Planning Commission Meeting

September 11, 2023

97 Ms. Henao wanted to add that if we did not change the underlying zoning, all the restaurants
98 would have to be in this one small section that is now LB. She showed all guests on the wide
99 screen. She pointed out that in the original General Development Plan, and even the revised
100 ones, she showed all that they had planned for first floor retail and second floor for multi-family.
101 Changing to LB also allows the development team some flexibility in order to put those uses
102 anywhere on the first floor of their building, so that they could have something that is open to the
103 public, that was placed a bit deeper in the building, and not close to the outside.

104
105 Primarily, the decision was made for the zoning change because it gets very complicated when
106 you have underlying zoning split between buildings.

107
108 Mr. Chesar continued with his Staff report. He explained that there is no maximum density for a
109 retirement village or a mixed use development in our Code. However, the City added language
110 in the PUD to limit this project to 144 units. He asked if there were any questions from the
111 Commission.

112
113 Mr. Dong asked how this density compared to the condos that were recently built in the Vintage
114 Club – was it the same or different? Mr. Chesar stated that there were 12 to 13 per unit; he
115 believed it was a lower density. Mr. Chesar stated that this proposed development is a bit higher
116 than the condos that were already built. Mr. Dong asked what the rationality was for that, why
117 would you allow it to be more dense?

118
119 Ms. Henao stated that because the current plan of LB has no density cap, we are suggesting to
120 put the 144 units in as a cap, so the developer cannot come back later and request more units.

121
122 Mr. Stull stated that the PUD covers that area anyway, so there was a restriction on how many
123 units were permitted. Ms. Henao stated that in the underlying LB current regulations, there is no
124 max. The PUD currently does not have a cap either, and we are suggesting a change to the PUD
125 to place a cap on it.

126
127 Mr. Chesar continued and finished the review of his report.

128
129 He asked for any questions from the Commission.

130
131 Mr. Stull asked how tall it was to the top of the proposed building – if it was 57 feet, to match the
132 top of Christ Hospital. Ms. Henao stated that the 57 feet was to the top of the building of Christ
133 Hospital. Our zoning code would allow an extension of up to 15 feet, for things like fire towers,
134 HVAC covers, and a steeple. Mr. Stull stated that what is now proposed for this building was 55
135 feet, versus the allowed 45 feet; he asked if that was correct. Ms. Henao stated that under LB,
136 the Planned Unit Development allows 52 feet – we have already changed it to 52; this is what it
137 says now. What this would do is to take it to 57 feet, to match Christ Hospital. However, she
138 believed that the Development Team was thinking that 55 feet was doable. To clarify, Ms. Henao
139 stated that instead of trying to determine where we measure from, we just have a cap.

140

Planning Commission Meeting

September 11, 2023

141 Mr. Dong noted that at the last meeting, many guests had concerns about the parking on the main
142 street that goes into the roundabout at Three Chimneys. He asked if that was a City street or
143 owned by the developer. Mr. Chesar stated that it was a city-owned street. Mr. Dong asked if
144 the City would consider, or would the developer be able to modify that or create a roundabout as
145 part of this development.

146
147 Mr. Chesar stated that the City would look into how that use works within the development.
148

149 Ms. Henao introduced Mr. Riblet, City Manager, who happened to be the Public Works Director
150 at the time that roundabout was constructed. She noted that the reason it was a public roadway
151 was because the City had to have it so that people could get to all of the public uses – GE Credit
152 Union, and the restaurants. We needed a mechanism to be able to turn around on a public street
153 without entering private property – hence the development of the roundabout. This is what we
154 call a mini-roundabout, which is tighter than a typical roundabout. The City worked with the
155 developer to be sure it was aesthetically pleasing in its overall look-and-feel of the Vintage Club.
156 However, she noted that the City would look at this in the future, to determine any need for
157 signage or signage changes, or any other need, as the development continues to build out. This is
158 not something we would ask the developer to do, because the traffic impact study does not
159 indicate that that is a problem at all.

160
161 Ms. Henao explained that the rest of the streets in the Vintage Club were private streets.
162

163 Mr. Dong was concerned that we might need more area; not that the developer would do the
164 work, but that we would need more area to make it safer. Ms. Henao said that was something we
165 could work with the City Engineer during the Final Development Plan. She asked Mr. Riblet if
166 he had anything to add.

167
168 Mr. Riblet stated that when they designed the roundabout, the aesthetics were very important.
169 He explained that it has a very soft roll on the perimeter - on the inside of the roundabout.
170 This was very intentional, so that larger trucks/vehicles could actually roll right up over that.
171 We can actually use that center space, if we need it. It is not such a hard curve, but more of a
172 directional type of a concrete pour. Mr. Dong agreed, as when he drove around it, he saw many
173 people driving up over it.

174
175 Chairman Hirotsu commented that people stop to make deliveries there, also. He felt this was a
176 separate topic, aside from this application, and agreed that many people felt the City needed to
177 look into that situation.

178
179 There were no more questions from the Commission.
180

181 Chairman Hirotsu explained the process for the next part of the meeting: The applicant will
182 present their application and the Commission then asks any questions. The floor is opened to all
183 residents for comments. If a resident agrees with a comment that was previously stated, they
184 could simply concur, instead of restating the entire comment to save time. The Commission

Planning Commission Meeting

September 11, 2023

185 discusses the application and residents are not permitted to comment or question during this
186 discussion. The Commission will then take a vote to decide to table, approve or deny the
187 application.

188
189 Chairman Hirotsu asked if the developer would like to speak.

190
191 **Tom Humes, President, Traditions VC Developer LLC, 4000 Executive Park Drive, Ste**
192 **250, Cincinnati, OH 45241** thanked everyone for their input at the July 17, 2023 Planning
193 Commission Meeting. Since then, they have worked hard to make modifications to the plan that
194 will answer many of the requests and questions from that meeting.

195
196 Mr. Humes provided history on this project that has been around for 16 years, and actually
197 started 4 years prior to that. He stated that there have been many renditions, and he believed that
198 this project will finally bring closure to the Vintage Club, within a fairly short period of time, to
199 create a complete and spectacular mixed-use community.

200
201 He showed a large board rendering which was the original design for Vintage Club Boulevard,
202 showing the Clubhouse and 3-story buildings on both sides of that street, with retail or office
203 retail on the first floor, and residences on the second and third floors. These buildings are 53 feet
204 high and will give you an indication of the original design and massing of the project.

205 He wanted to show that what they were proposing then, is still very close to what is currently
206 being presented, in terms of scale, scope and height and mass.

207
208 He pointed out, that when this project was originally approved, there was no limit on the number
209 of residential units, it was only based on parking. It was also signed so that multi-family units
210 could be condos or apartments. He noted that they have been consistently proposing
211 condominiums as part of the plan; in the beginning, it was the total plan. Since then, there have
212 been many modifications. Several years ago, there were discussions with the residents about
213 putting in a high-end multi-family rental housing project, and the feedback was extremely
214 negative from most of the residents, so they backed away from it, even though he felt it was a
215 positive resolution. Mr. Humes stated that at no time did he ever ask for rental house; and he
216 does not view the McNair project as rental housing in any way.

217
218 Mr. Humes stated that they believe this to be a great project. He introduced Les Stretch, CEO of
219 McNair Living.

220
221 **Les Stretch, Chief Operating Officer Managing Principal, McNair Living, 824 Bull Lea**
222 **Run, Suite 215, Lexington, KY 40511** stated that he also appreciated all of the feedback from
223 the previous Planning Commission meeting, noting that they have made significant changes to
224 the building.

225
226 He showed the presentation on the wide screen, focusing on scale and parking, as they were the
227 two main points of concern, from the July meeting. He wanted to stress the importance of the
228 Bespoke vision - it is not a clinical environment; this is meant to be living where you are able to

Planning Commission Meeting

September 11, 2023

229 age in place, and as you need clinical services, you can receive them, upon request. This
230 presentation was included as a packet in the Commission's packets.

231
232 He explained that this was not a CCRC
233 Where you spend \$250,000 to \$1 million in buy-in, and then eventually work your way through a
234 care-spectrum.

235
236 The target age for this development is 74-75 years old, and active. They are proposing 144 units.
237 Some of the restaurants can provide interactions with different ages and people from the
238 community, including Christ Hospital. One of the changes made was that they pulled the front
239 of the building back – they are 44 feet away from the edge of the street, which encourages
240 significant walkability, and outside dining.

241
242 Mr. Stretch addressed the parking, stating that they have reduced the size of the building by 12
243 feet, pulled the building back, created a double-loaded parking corridor down the entire drive,
244 removed units throughout the frontside facing of the building, and stacked them in an appropriate
245 way to get greenspace views in the back of the building, to bury the majority of the bulk of the
246 building. The parking ratio was 1.5; with the 29 additional spaces, it is now at 1.24 (181 spaces
247 divided by 144 units). The study showed that the parking ratio of 1.1 included residents,
248 employees and visitors, as they represent the peak parking ratio on a typical weekday.

249
250 Mr. Stretch noted that there would be 74 spaces of covered parking beneath the building.
251 He showed 21 other spaces, and then 12 additional spaces designated for team members.

252
253 Mr. Stretch talked about the mass and scale of the building. From the previous comments at the
254 last meeting they heard concerns that the building might be too big, overshadow the Clubhouse,
255 the development would cut down trees, and impact some of the current houses, and they made
256 changes to the proposed building. He showed several renderings of what the building would
257 look like, from different angles, noting that they pulled the building back from the street another
258 13 feet. He pointed out that the edge that presents the street is sub-30 feet. It is only 2 stories
259 that will present to the street now; at the last meeting it was 3. He wanted to show that it would
260 not be an overbearing building, or a blight from the road. He summarized the changes they
261 made, which would provide solutions to the concerns from residents and the Commission:

- 262
- 263 • They repositioned the building to the south end of the site.
 - 264 • Removed 12 feet of width from the front of the building along Vintage Club Boulevard.
 - 265 • Repositioned the building so that it is now 44 feet from Vintage Club Boulevard
 - 266 • Removed 4 units from the third floor on Vintage Club Boulevard, bringing down most of
the street facade to 2 stories
 - 267 • Removed all of the third and fourth floor units from the facade facing Vintage Club Drive
268 and the roundabout to create more variation in the building massing.
 - 269 • Removed fourth floor units from the portion of the building closest to the residents of
270 Legacy Lane.

271
272 Mr. Stretch asked if there were any questions.

Planning Commission Meeting

September 11, 2023

273

274 Mr. Dong asked about the restaurant on the first floor, how it operates, and will the public be
275 invited. Mr. Stretch stated that it was originally intended for this to be a neighborhood feel, and
276 a walkable environment at the Vintage Club. There is no restricted use for outside people to
277 come in and out and any times. There is no plan for marketing these amenities to the general
278 public; and anyone may come. He showed another restaurant that is located deeper in the
279 building, and he noted that from experience, that restaurant doesn't get traversed as much as the
280 front-facing ones. However, anyone can come in, see the concierge, and then go to the inner
281 restaurant.

282

283 Mr. Dong asked for clarity about the in-house home health agency. Mr. Stretch stated that the
284 majority of America that is of the age to use some sort of senior housing would hire a home
285 health agency to come to their home and help with activities of daily living – changing clothes,
286 cleaning, etc. He stated that their concierge will assist / bring in whatever your request –
287 whether it is a home health agency, pickleball lessons, or whatever you wish. It is an available
288 amenity. It is not a home health agency owned by McNair, the concierge would refer to an
289 outside agency that they partner with, and the agency would come in to help them.

290

291 Mr. Dong asked about allocating parking. He understood the 74 beneath the building were
292 reserved for residents. He asked about the additional 76 reserved for residents on the surface
293 parking lot. He asked why those would be reserved for residents versus open to the public.
294 Mr. Stretch stated that these things will need to be worked out, as we progress with the
295 development. He gave some possible scenarios, in the cases of high demand for parking spaces
296 – perhaps a lease. Most of the parking spaces would be available with signs (first come, first
297 serve to residents). So, if it says 30 minute parking or door dash parking or a sign that says
298 designated for residents. They would not be open for public, only for residents.

299

300 Mr. Dong asked about their back-up plan if this development didn't work, for whatever reason,
301 what would you do? If it was only half-filled, it didn't finance the pay-out. Would you sell it?
302 Have you ever had other developments run into this? Mr. Stretch stated that there would usually
303 be a buyer that comes in, and continue to build it; there were several options. He stated that their
304 capital partners were very well capitalized. To date, they have never walked away from a
305 development that didn't work.

306

307 Mr. Schneider asked about the changes they made to the penthouse units on the front of the
308 facade. He asked if those were changes they made since the last meeting, or had they been made
309 earlier than that. Mr. Stretch stated that the changes that were presented today have all been
310 made since the last meeting.

311

312 Ms. Steinebrey felt it was good that they increased the parking spots, but she was still concerned
313 with the parking. She read that their typical resident would probably be 65 and in good health
314 and very active. Mr. Stretch stated that they target that market for residents, but the average age
315 inside these communities are age 77. She was also concerned with the density, and how it

Planning Commission Meeting

September 11, 2023

316 compared to the density of the neighborhood – the earlier question that Mr. Dong brought up.
317 Mr. Stretch deferred to Tom Humes.

318
319 Tom Humes stated that you could only compare with the density of what was going to be on this
320 project. What is next to it is two buildings with 13 units, and the final third building on that side
321 will be an 18 unit building with parking beneath it. That will complete the north side of the
322 project.

323
324 McNair's project will cover the entire south side of the project. Mr. Humes had originally
325 projected that they would have built anywhere from 58 to 72 condominiums. And they would
326 also have had to provide parking for the street level retail on the boulevard. When you put that
327 together, they estimated that the total number of cars that would have used that would have been
328 anywhere from 180 to 208, on a daily basis. That compares to the 181 units on this property. He
329 felt the numbers were very close in terms of the total number of units and cars.

330 Mr. Humes pointed out the drive coming up Vintage Club Drive – he showed the roundabout.
331 Before McNair's project, this was the only entrance to serve all of the condominiums in this
332 project. It was also the entry to serve the garages underneath the buildings that would be built
333 there. You would have had 180 to 208 cars going down, everybody coming through that circle.

334
335 A huge improvement with this proposed project was the new entry drive coming in. This will
336 supply access for about 75% of the project, in terms of residents and visitors, with only about
337 25% using the back access. He felt that this would improve traffic, and the reduction of the
338 traffic coming in, and even coming close to the larger residential portion of the community.
339 This would take them away from the roundabout.

340
341 Mr. Stull asked, in terms of the changes, what did they give up – did they make the apartments
342 smaller? Mr. Stretch stated that they repositioned the units – they are the same amount of square
343 footage, same # of units; they just stacked them in different ways, and added a new appendage
344 on the back side.

345
346 Mr. Stull asked about the number of parking places that a person would be permitted to have /
347 pay for, that would be permitted. Mr. Stretch gave the background first, based on experience
348 from other developments. They know there are 18,000 to 20,000 people that are of the age and
349 income bracket in their market demographic. For this to be successful, they just need 144 of
350 them to move in and say they'd be fine with 1 car or no cars. They are focused on that. But to
351 specifically answer Mr. Stull's question, he stated that you would get 1 parking space per unit,
352 leased space. He stated that much of this is still to be worked out, as they are structured
353 differently based on the locations. Based on the data they know, Mr. Stretch stated that they
354 were significantly above the needed parking spaces.

355
356 Mr. Juengling asked for the breakdown of the types of units, and Mr. Stretch provided them:

- 357
- 358 • 3 studios
 - 359 • 82 1 bedrooms
 - 54 2 bedrooms

Planning Commission Meeting

September 11, 2023

- 360 • 5 penthouses

361

362 Mr. Juengling asked for the number of people that tended to live in the different units.

363 Obviously, a studio would be 1. He felt this might help to frame density, and understanding
364 these numbers would be helpful, as well.

365

366 Mr. Stretch, stated that the 2 bedrooms are typically occupied by 1 person, 85% to 90% of the
367 time. The second bedroom is usually used as an office. This is laid out as an open concept
368 bedroom – and it functions very well if you want to leave it open, in a barn-door setting, to
369 expand your general living space. He referred to the Frequently Asked Questions section of the
370 presentation / packet.

371

372 Mr. Stretch stated that only 5 to 10% of the units are dual occupied.

373

374 Mr. Juengling referred to the modification on the site plan showing the pedestrian access to
375 Christ Hospital, and the letter of support received from Christ Hospital today. He asked if there
376 have been conversations about the ability for shared parking that was previously discussed.

377

378 Mr. Stretch stated that nothing has been confirmed or affirmed. He stated that all of their
379 conversations have been positive. He noted that they will do their best to make an artscaped
380 environment that will make it easy to walk across – pedestrian friendly.

381

382 Mr. Tom Humes stated that the hospital was wide open to interconnection and improving the
383 connection. There is currently a walkway; it will just be enhanced and directed in the right way
384 to provide that connection from the garage to this building. He noted that the hospital were as
385 cooperative as they could possibly be and were excited and enthusiastic about it. In terms of
386 having the garage be used for this project, the City will remind you that this is a city-owned
387 garage.

388

389 Chairman Hirotsu had no questions. He thanked Mr. Stretch and Mr. Humes.

390 He opened the public session of the meeting. He explained that the role of this Commission and
391 their power was to review and act on all applications, according to the procedures, standards and
392 criteria listed in the Zoning Code. It is their jot to interpret and use some license as to how to
393 judge the application. Their role is not based on how many people like something, or dislike
394 something. It is not to decide if they like apartments or condos – that is illegal for us to decide –
395 only the developer can determine that.

396

397 He asked that all keep their comments limited to 3 minutes; and if you agree with something
398 someone else has said, please say that, in lieu of repeating the entire statement.

399

400 **Peggy Yang, 220 Vintage Club Drive #204, Montgomery, OH 45249** was here for herself, as
401 well as her neighbor, Bob Settle, who was unable to attend. They crafted these comments
402 together:

Planning Commission Meeting

September 11, 2023

403 Parking remains a concern for us, it is a problem, in spite of the increase of 29 spaces
404 from the original plan, which presented a ratio of 1.1 space per unit. As a general rule,
405 the number of minimum parking spaces in a suburban apartment complex is between 1.25
406 spaces per unit to 1.51 spaces per unit. The 29 additional spaces only increased from 1.1
407 to 1.3, per unit. It is far below the 1.51 minimum ratio. However, this is a mixed used
408 development, in addition to an existing mixed-use development. The restaurant generally
409 requires 1 space for every 2.25 persons of minimum occupancy. Retail commercial
410 buildings require 1 space for every 3 persons, a minimum occupancy. The people who
411 propose this and agree with this project claim that the Christ Hospital complex will
412 accommodate the overflow. (now she understands that it is city-owned). She visited the
413 hospital spaces today, and they are potentially occupied. It shouldn't take long for
414 anyone to know that this will become a parking problem. Any agreement with the
415 hospital should be made in writing and assure additional spaces, if this application get
416 approved. They need an additional 27 hospital spaces in addition to McNair's 29.

417
418 **Bob Knodle, 9 Vintage Walk, Montgomery, OH 45249** asked two questions for clarification.
419 Regarding the rezoning from D3 to LB – on the photo of D3, he asked if that entire space would
420 be zoned LB? Ms. Henao confirmed. With that change, does it open up flexibility for the
421 developer regarding density? Does D3 have a different density and building height restriction
422 than LB? He believed that D3 height restrictions were 45 feet and LB was 52.

423
424 Mr. Chesar stated that the small section that is now LB, the height restriction is 52 feet. And
425 with the way the Exceptions and Conditions are written, Mr. Chesar confirmed that it would
426 allow the building height to be currently 52 feet. McNair is proposing 55 feet, but as currently
427 proposed they would be permitted up to 57 feet in the LB which is based on what was
428 previously approved for Christ Hospital.

429
430 Mr. Knodle asked if that rezoning also allows the availability of more than what is being
431 presented. If this did not move forward, the LB zoning would open us up to allow other uses.
432 Mr. Chesar confirmed that there were different uses that were permitted within the LB versus the
433 multi-family district.

434
435 Mr. Knodle asked if the developer was responsible for bringing in / leasing the coffee shop/ice
436 cream shop / commercial uses on the first floor of the building. Mr. Chesar stated that he
437 understood that McNair would provide those restaurants and amenities.

438
439 Mr. Knodle asked if there were any occupancy thresholds that had to be met before they would
440 bring in any type of retail, for example, if they would need to have a 50% threshold before they
441 would start filling any of those spots.

442
443 Mr. Stretch stated that they will be open from Day 1, regardless of occupancy.

444
445 Mr. Knodle asked if there were any restrictions on the type of vehicles that could come into the
446 parking area, meaning, if someone owned a camper that was in storage, could they put it there.

Planning Commission Meeting

September 11, 2023

447 Mr. Chesar felt that they would keep tight reigns on what their clientele would bring onto that
448 lot. Ms. Henao added that these parking spaces will be on privately owned property, so, per our
449 Zoning Code, as long as the vehicle is license-tagged, and on paved surfaces, they are permitted
450 to be there. However, it would be regulated by the developer, not by the City. It is a little
451 different in the public facility – there is a restriction that things can't be parked more than 72
452 hours in the same space, and the police department will enforce that. She noted that they
453 probably would not be driving through the area to check on this, but if they ever received a
454 complaint, they would act on it.

455
456 Mr. Knodle stated that he appreciated the changes that have been made to the project, although
457 he still had concerns about the economics of this project, in terms of the space and the money
458 that a consumer would be asked to outlet to get 800 or 1200 square feet. When the question was
459 asked about what would happen if they didn't meet thresholds, in terms of occupancy, the
460 answer didn't give him a lot of confidence. Chairman Hirotsu noted that one of the Board's
461 purviews was not to assess the financial viability.

462
463 **Laura Kroeger, 125 E. Cameo Court, Montgomery, OH 45249** stated that she has just
464 celebrated 15 years at the Vintage Club, among the original buyers. She was concerned with
465 accessibility for those with disabilities. She asked if this entire project was flat, and able to
466 accommodate wheelchairs, and if it had handicapped parking. She described her experience at
467 the Montgomery Quarter, where she could not find any handicap parking close to the restaurants.
468 Ms. Henao stated that they are located in the garage. She felt that it was not ADA compliant.
469 She pointed out that there were four parking spaces at the side door of The Livery that could be
470 marked as handicapped.

471
472 She asked if there was handicapped parking in the garage, and if it was by an elevator.

473
474 **Kathy Lonneman, 127 Village Gate Lane, Montgomery, OH 45249** assumed that if anyone is
475 spending a minimum of \$10,000 just for a condo, they probably were coming from an area where
476 they would have had an attached garage, providing secure parking in their home, out of the
477 elements (rain, snow, etc.). She asked if the garage offered secure parking, like it is for the
478 condominiums in their development. What about the surface parking, which is not secure? She
479 asked why they didn't have less surface parking and a 2 level garage for residents and surface
480 parking for guests and service people.

481
482 Ms. Lonneman asked if the doors were ADA compliant, so you could fit a wheelchair in the bath
483 or bedroom? Are there grab bars in the bathrooms?

484
485 Ms. Lonneman felt that this proposed restaurant would be competing with Mr. Humes, as he was
486 currently trying to fill another space with a restaurant.

487
488 **Todd Steinbrink, 209 Legacy Lane, Montgomery, OH 45249** stated that he had previously
489 held a seat on the Planning Commission. From their neighborhood's perspective, he felt there

Planning Commission Meeting

September 11, 2023

490 was much concern about what this would be like. He understood that change is hard. He
491 believed that the developer has listened and tried to improve things.
492 From the financial perspective, he understood that the Vintage Club would be losing some
493 revenue, but he also knew that they would lose some expenses that they won't need to take care
494 of because it will be McNair's responsibility. He noted that there is a commitment by McNair to
495 add to the HOA reserve fund. They haven't negotiated the level yet, but they have talked about
496 it, and Tom Humes has promised that they will continue that conversation.

497
498 From a residential perspective, this has been a long time coming, and they would like to wrap
499 things up.

500
501 Chairman Hirotsu closed the meeting to public comment. He asked if the development team
502 wished to respond to the resident's questions.

503
504 Regarding accessibility, Mr. Stretch stated that last year, a community in New Jersey, Thrive at
505 Montvale, won second place in the country out of 70 communities that were built for senior
506 loving/assisted living/memory care. He noted that he led the design for that community, for
507 accessibility. He is also leading the design with that same group, that is the architect on this
508 project. They are very thoughtful in consideration of folks as they age in place, to allow them to
509 stay in the community. As for grab bars, they are not in rooms, however the support structure is
510 added into all of the walls of every unit, so that if you want to add them to your own apartment,
511 the blocking is already built into the backs of the walls.

512
513 Mr. Stretch talked about overall development in America has been very tough the last three years
514 because of capital markets and construction pricing. An example was that price of nails has gone
515 up 5 times. Luckily, it has started to level off, but is still significantly higher. He would love to
516 have structured parking throughout, but they would have to wait for several years until prices
517 started to subside. They do know that there are environments – one of them Twin Lakes – where
518 there is surface parking and the residents were ok with it. Many residents may not be, and they
519 won't move in; they are targeting those who will be interested in what they have to offer at this
520 time.

521
522 Mr. Stretch stated that the amenities they have built inside this building will all operate if there
523 was nobody from the public that came. The operation is not dependent on any revenue from the
524 outside, it is built in. Their goal is to invite the public so there is intergenerational activity.
525 The difference is that they don't have the risk that an outside restaurant would have, because
526 they are made, ideally, to be participated by the people who live there. If Tom Humes wants to
527 put in a restaurant across the street, that's great – it will increase the foot traffic for our amenity.

528
529 Tom Humes agreed with the concerns and comments about accessibility. He stated that they will
530 support everything that can be done to do that, noting that McNair is an expert at this, and will
531 take the lead on all of it. He pointed out that in development/construction today, you cannot
532 build anything without making sure all of the ADA requirements are met.

533

Planning Commission Meeting

September 11, 2023

534 As parking relates to campers, it was a nice thought. He would be happy to put in the land
535 purchase agreement to McNair that campers would not be permitted to spend the night.
536

537 Mr. Humes added that the restaurant would not be competitive, for all of the reasons that Mr.
538 Stretch had given. Mr. Humes stated that they have worked feverishly for a long time to bring a
539 restaurant to that location; a couple of restaurants to that building. They are open to anyone's
540 thoughts or ideas; they are still working on it, and are doing everything they can to bring one in.
541 This restaurant would be complimentary, not negative or competitive in any way.
542

543 Chairman Hirotsu suggested that if any resident had more questions of the developer, to feel free
544 to call them, after this meeting.
545

546 Chairman Hirotsu asked for comments from the Commission.
547

548 Mr. Stull was still concerned with the parking, and felt that everything else seemed to have been
549 addressed – the size and location of the building has been covered.
550

551 Mr. Juengling appreciated the modifications made by the developer to address the concerns of
552 the Commission, and residents, as well, since the last meeting. He was comfortable with the
553 1.24 parking spaces allotted, especially with the ULI studies, the examples that were provided,
554 and with the extra 29 spaces. He felt that .75 spaces/unit seemed pretty typical of what this
555 product would have. Mr. Juengling stated that they have addressed many of his concerns about
556 building mass, from the last meeting. He felt that the restaurant was a good amenity for the
557 entire Vintage Club, and that this project achieves the vision that was initially sought after.
558 He was in favor of this application.
559

560 Ms. Steinebrey was encouraged because the residents seemed to be supporting this. She admired
561 the fact that they have added to the parking, and she understood that for many of us, the parking
562 offering wouldn't be appealing. She also understood that there is an audience out there, that they
563 have experienced in other locations, who don't need a car or want a car. She felt they did a good
564 job on changing the building. She was impressed with what they came back with, that they
565 listened to the feedback.
566

567 Mr. Schneider was in favor of this. He appreciated all of the changes made since the last
568 meeting with the residents. He loved the community aspect of it all.
569

570 Mr. Dong asked Mr. Chesar if it was possible for them to change their minds, and put apartments
571 in there. Mr. Chesar stated that they would have to come before the Planning Commission again.
572 The concept they are approving is for McNair's Bespoke project. That is one of the benefits of a
573 PUD, because anytime you make a change to the revised General Development Plan, it must
574 come before the Commission again, (and they would have to notify all of the residents within
575 300 feet). Ultimately, it would have to go through City Council for approval.
576

Planning Commission Meeting

September 11, 2023

577 There was more discussion about what would happen if it didn't work out after they developed
578 all of the units, and still owned the building, and wanted to switch this to apartments. Chairman
579 Hirotsu pointed out the fact that the parking we are considering now is based on a ULI study for
580 senior living. If you remove the senior living component, we would have a very different point
581 of view, and that would give us the license to say no.
582

583 Mr. Dong asked if pets were allowed. Mr. Stretch confirmed that they were, and that there was a
584 dedicated space for them.
585

586 Mr. Dong was happy with the 29 extra parking spaces. He liked the step back of the building
587 and felt that it made it look softer. He liked that the restaurants are welcome to the public from
588 Day 1. He is leaning toward being supportive, but still had some concerns with parking
589

590 Chairman Hirotsu thanked the developer for all they had done. He was comfortable with this
591 project as a senior living concept.
592

593 Tom Humes asked if there was any flexibility (3-5 units) to add around the number of 144 units.
594 Chairman Hirotsu stated that we base our decision on the plan that is before us; if it is changed,
595 then we go through the process again for the revised plan, at a future meeting. Mr. Humes stated
596 they did not desire to come back and would proceed as proposed.

597 ***Mr. Juengling made a motion for the Planning Commission to recommend that City Council***
598 ***approve the application from McNair Living, LLC for a Planned Unit Development Overlay***
599 ***Modification and the revised General Development Plan regarding a proposed 144-unit***
600 ***independent living community facility on approximately 4.5 acres within the Vintage Club***
601 ***Planned Unit Development, located south of Vintage Club Boulevard, directly east of the***
602 ***Christ Hospital Outpatient Center, with the following conditions:***
603

- 604 ***1. Acceptance of the ULI parking analysis provided by the applicant and updated parking***
605 ***plan of 1.24 parking ratio for the independent living units.***
606
- 607 ***2. Further discussion with the City regarding appropriate access configuration, with the***
608 ***condition to be reviewed and refined as necessary during Final Development Plan***
609 ***approval.***
610
- 611 ***3. Review current pedestrian access options and make enhancements where possible to***
612 ***the public parking garage.***
613
- 614 ***4. The stormwater management, utility and grading plans be reviewed and approved by***
615 ***the City Engineer.***
616
- 617 ***5. A copy of the NPDES permit from the Ohio EPA to be supplied to the Community***
618 ***Development Director.***

These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission. Formal adoption is noted by signature of the Chair, within the Minutes.

Planning Commission Meeting

September 11, 2023

619 **6. A copy of the Post Construction Best Management Plan Inspection and Maintenance**
620 **Plan (I&M Plan) be properly recorded after completion of the stormwater**
621 **improvements.**

622
623 *As detailed in the Staff Report dated September 11, 2023.*

624
625 **Mr. Schneider seconded the motion.**

626
627 **The roll was called and showed the following vote:**

628
629 **AYE: Mr. Stull, Mr. Juengling, Ms. Steinebrey, Mr. Schneider, Mr. Dong,**
630 **Chairman Hirotsu** (6)

631 **NAY:** (0)

632 **ABSENT: Mr. Fossett** (1)

633 **ABSTAINED:** (0)

634
635 **This motion is approved.**

636
637 Most guests and residents left, as well as Mr. Riblet.

638
639 Chairman Hirotsu called for a 5-minute break at 9:00 pm.

640
641 At 9:05 pm, the Planning Commission meeting re-convened.

642
643 **New Business A**
644 **Application for Expansion of a Conditional Use and Final Development Plan of a parking**
645 **area for the Gate of Heaven Cemetery located at 11000 Montgomery Road.**

646
647 **Staff Report**
648 Mr. Chesar reviewed the Staff Report dated September 11, 2023, “Application for Expansion of
649 a Conditional Use and Final Development Plan for Gate of Heaven Cemetery located at 11000
650 Montgomery Road.” He added that the applicant is now proposing new landscaping that will be
651 in compliance with the 10% parking surface area. He showed the plan on the wide screen. This
652 was not included in the Commission’s packets but is to be recognized as part of the applicant’s
653 updated submission.

654
655 He showed drawings on the wide screen for all to see, to provide more understanding of the Staff
656 Report.

657
658 He indicated that there had been no calls or emails received regarding this application.

659
660 He asked for any questions, noting that the applicant was also in attendance to answer any
661 questions.

662

These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission. Formal adoption is noted by signature of the Chair, within the Minutes.

Planning Commission Meeting

September 11, 2023

663 Mr. Stull was in favor.

664

665 Mr. Dong asked if we are approve both the General and the Final Development Plans.

666 Mr. Chesar stated that the applicant submitted for a Final Development Plan; they did not request
667 a General Development Plan.

668

669 There were no more questions from the Commission.

670

671 Chairman Hirotsu asked if the applicant wished to speak. He did not.

672

673 Chairman Hirotsu asked if any guests or residents had comments.

674

675 **Gérard BAILLELY, 211 Legacy Lane, Montgomery, OH 45249** stated that he is very recent
676 owner at the Vintage Club. He wanted to clarify that there will be no additional lighting.

677 Mr. Chesar confirmed. He asked why he was notified about this application. Mr. Chesar stated
678 that they notify people who live within 300 feet of the property line. For Gate of Heaven, they
679 consider the entire 160 acres, and we notify residents who live within 300 feet of the property
680 boundary.

681

682 There were no more comments from guests or residents.

683

684 ***Mr. Dong made a motion to recommend to City Council that they approve an application for***
685 ***Expansion of a Conditional Use and Final Development Plan of a parking area for the Gate***
686 ***of Heaven Cemetery located at 11000 Montgomery Road, with the following conditions:***

687

688 ***1. To include the plan submitted on September 11, 2023 for a revised landscaping plan,***
689 ***showing compliance.***

690

691 ***2. Final stormwater regulations be met, in conformance with Hamilton County***
692 ***Stormwater Regulations.***

693

694 ***3. The Final Development Plan be approved, with City Council's approval of the***
695 ***Expansion of Conditional Use.***

696

697 ***As detailed in the Staff Report dated September 11, 2023.***

698

699 ***Ms. Steinebrey seconded the motion.***

700

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

702

703 ***AYE: Mr. Juengling, Ms. Steinebrey, Mr. Schneider, Mr. Dong, Mr. Stull,***
704 ***Chairman Hirotsu***

(6)

705 ***NAY:***

(0)

These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission. Formal adoption is noted by signature of the Chair, within the Minutes.

Planning Commission Meeting

September 11, 2023

706 **ABSENT: Mr. Fossett** (1)

707 **ABSTAINED:** (0)

708

709 ***This motion is approved.***

710

New Business -B

712 ***Application for Expansion of a Conditional Use and Final Development Plan for an accessory***
713 ***service building for The Audi Connection located at 9678 Montgomery Road (Hamilton***
714 ***County Parcel Number 603-0002-0039-00).***

715

Staff Report

717 Mr. Chesar reviewed the Staff Report dated September 11, 2023, “Application for Expansion of
718 a Conditional Use and Final Development Plan for The Audi Connection located at 9678
719 Montgomery Road (Hamilton County Parcel Number 603-0002-0039-00).”

720

721 He showed drawings on the wide screen for all to see, to provide more understanding of the Staff
722 Report.

723

724 He indicated that there had been no calls or emails received regarding this application.

725

726 He asked for any questions, noting that the applicant was also in attendance to answer any
727 questions.

728

729 Mr. Dong asked if they were supposed to eliminate a curb cut (from a previous meeting), and if
730 so, had it been done. Mr. Chesar deferred to Ms. Henao. Ms. Henao stated that the work was
731 completed; it was part of the original redesign.

732

733 Mr. Schneider noticed there were some car displays, and didn’t know it they were already there.
734 Mr. Chesar stated that was part of the original approval, and they are existing; they are not
735 altering that, as part of this project.

736

737 Chairman Hirotsu asked about noise because the applicant supplied much data about the noise
738 levels. Mr. Chesar deferred to the applicant, noting that a resident attending a Board of Zoning
739 Appeals (BZA) resident had concerns with the noise, specifically the blowers. He noted that our
740 noise regulations is based on decibel levels, but nothing in this application would violate those.

741

742 Ms. Henao stated that the Joseph Family owns most of the dealerships in our community. In the
743 past, there had been some noise complaints, especially at the Body Shop at Camargo Cadillac,
744 which led us to put a regulation that all work had to be within closed doors. Much of those
745 concerns had come in from residents at Twin Lakes that were hearing it.

746 Ms. Henao believed that the applicant is very sensitive to that because it has been an issue in the
747 past.

748

749 There were no more questions for staff from the Commission.

Planning Commission Meeting

September 11, 2023

750

751 Chairman Hirotsu asked if the applicant wished to speak.

752

753 **Kevin Bleichner, Elevar Design Group, LLC, 555 Carr Street, Cincinnati, OH 45203**

754 stated that at the June 20, 2023 BZA meeting, there was a comment from a resident nearby,
755 closer to the Cadillac dealership. Mr. Bleichner stated that what he has presented was
756 information from the vendor who is supplying the car wash equipment. To be clear, the four
757 bays from the Body Shop are always closed. The car wash is closed, except when drying has to
758 happen. The door will be open and the dryers will be blowing. It is a 30 second burst, 30 to 40
759 times/day. This would equal about 15 to 20 minutes of noise. He showed that as the decibel
760 levels leave the parking lot, they travel southbound. The decibel level leaving the property
761 would be about the sound of a vacuum cleaner – about 60 decibels, or less. The sound
762 dissipates, the further it gets away from the source. He didn't feel that there would be any
763 problem with sound.

764

765 Mr. Juengling asked if there was any service that takes place in the main principal structure.
766 Mr. Bleichner stated that service takes place in the Audi Connection now, they just needed more
767 available space. They have 2 working bays with lifts and 2 detailed bays within that building.
768 He asked if anything would be stored outside. Mr. Bleichner stated there would not.

769

770 Mr. Dong asked if the car wash was only for repairs or perspective buyers. Was it a car wash for
771 Audi owners. Mr. Bleichner stated it was only for perspective buyers. It is not a drive-through;
772 it is a pull-in and back-out; only used by people who service the lot.

773

774 Chairman Hirotsu wanted to clarify that it is supposed to be under closed doors, but the door will
775 be open when it blows dry. Mr. Chesar stated that when the door is open, there will be some
776 noise. He stated that our Noise Ordinance stated: During daytime hours (up until 11pm),
777 measuring 200 feet from the property line of the originating source, the sound cannot exceed 70
778 decibels. After 11:00pm, it is the same, except it then lowers to 60 decibels.

779

780 Ms. Henao stated that the regulation for the doors to be closed was a condition, upon approval,
781 by the Planning Commission, for the Body Shop at Camargo Cadillac. The BZA is simply
782 suggesting that you do this now for this application, as a reaction to what they already knew was
783 a touchpoint for the community.

784

785 Chairman Hirotsu asked if any guests or residents had comments. There were none.

786

787

788 ***Mr. Dong made a motion to recommend to City Council that they approve an application for***
789 ***Expansion of a Conditional Use and Final Development Plan for an accessory service***
790 ***building for The Audi Connection located at 9678 Montgomery Road (Hamilton County***
791 ***Parcel Number 603-0002-0039-00), with the following conditions:***

792

Planning Commission Meeting

September 11, 2023

- 793 1. *Final stormwater regulations be met in conformance with Hamilton County*
794 *Stormwater Regulations.*
795
796 2. *Area for vehicles waiting to be serviced or returned to the customers following service*
797 *shall be indicated on the approved site plan.*
798
799 3. *All service operations will occur in the enclosed building with service doors closed.*
800
801 4. *The Final Development Plan be approved, with City Council's approval of the*
802 *Expansion of Conditional Use.*
803

804 *As detailed in the Staff Report dated September 11, 2023.*

805
806 *Mr. Juengling seconded the motion.*

807
808 *The roll was called and showed the following vote:*

809
810 **AYE:** *Ms. Steinebrey, Mr. Schneider, Mr. Dong, Mr. Stull, Mr. Juengling,*
811 *Chairman Hirotsu* (6)
812 **NAY:** (0)
813 **ABSENT:** *Mr. Fossett* (1)
814 **ABSTAINED:** (0)
815

816 *This motion is approved.*

817
818 **Staff Update**

819 Mr. Chesar stated that we had a very successful Vegas in the Village this past week.

820
821 He stated that City Council did approve some agreements that will allow roadwork, prior to the
822 end of this year, to get the connection to the roundabout at Montgomery Quarter. Phase 2
823 probably won't occur until 2024.

824
825 Mr. Stull asked if they could take the work signs down for the area when driving down Pfeiffer
826 Road and Deerfield Road, with the roundabout, the work signs still remain.

827 Ms. Henao stated that it is the Ohio law to keep the signs up, until all of the work is completed.
828 There are just a few minor things, like the pedestrian sidewalk signs. Mr. Stull stated that the
829 sign says to Yield, lane is closed, but it is not.

830
831 **Council Report**

832 There was no Council Report.

833
834 **Minutes**

835 Mr. Dong moved to approve the minutes of July 17, 2023, as written.

836 Mr. Schneider seconded the motion. The Commission unanimously approved the minutes.

*These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission.
Formal adoption is noted by signature of the Chair, within the Minutes.*

Planning Commission Meeting

September 11, 2023

837

838 **Adjournment**

839 Mr. Dong moved to adjourn. Ms. Steinebrey seconded the motion.

840 The Commission unanimously approved. The meeting adjourned at 9:35 p.m.

841

842

843

844

845

846

847

848 _____
Karen Bouldin, Clerk

Date

849

850 /ksb

DRAFT