

City of Montgomery
City Council Public Hearing Minutes
July 5, 2023

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager
Gary Heitkamp, Public Works Director
Maura Gray, Finance Director
John Crowell, Police Chief
Paul Wright, Fire Chief
Matthew Vanderhorst, Community and Information Serv. Dir.
Amy Frederick, Community Engagement Coordinator
Connie Gaylor, Clerk of Council

City Council Members Present

Craig Margolis, Mayor
Lee Ann Bissmeyer, Vice Mayor
Mike Cappel
Chris Dobrozsi
Ron Messer
Sasha Naiman
Ken Suer

City Council convened its Public Hearing for July 5, 2023 at 5:45 p.m. at City Hall with Mayor Margolis presiding.

Mayor Margolis requested a roll call.

The roll was called with all members present.

Mayor Margolis explained the process for the Public Hearing. He explained that in a public hearing Council has the following options when considering an application:

- Approve the Recommendation
- Deny the Recommendation
- Remand the matter to Staff for more specific information or
- Take the matter under advisement and vote at another public meeting within thirty days.

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

NEW BUSINESS

Equivalency Provision Request for Phase 2 of the Montgomery Quarter Development

Mr. Dobrozsi explained that he would recuse himself from the discussion on this request. He explained that although he has no ownership interest in Neyer Properties, Inc. nor any in the limited liability companies in partnership to develop the Montgomery Quarter, he will continue to recuse himself from discussion and abstain from voting upon requests or legislation related to the Montgomery Quarter project. Mr. Dobrozsi exited the dais.

Mr. Chesar stated that it is requested that the City Council hold a public hearing to consider a recommendation from the Planning Commission to grant an equivalency to allow for construction of additional multifamily units within the Montgomery Quarter.

Mr. Chesar explained that the proposed multifamily buildings and associated parking would be located within the previously identified Phase 2 of the Montgomery Quarter Development. The property is zoned 'OMG' – Old Montgomery Gateway and is currently vacant. There are several properties located to the north that are being developed as Montgomery Quarter Phase 1 which includes a mix of office, retail, a boutique hotel and multifamily buildings. The original General Development Plan (GDP) approval occurred in March of 2019 with a minor amendment in October of 2019. The projected Phase 2 originally anticipated condominiums with a mix of office and retail buildings. The revised General Development Plan still proposes a mix of uses including entertainment, potential hotel or mixed use building as well as multifamily units but in a different scale than

57 previously projected.

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59 Mr. Chesar explained that regarding development density, the intent for the Montgomery Quarter area has been
60 based on years of planning an integrated mixed-use project. Past Planning Commission reports have emphasized a
61 residential component that is compatible and complementary in scale and design to the adjacent historic district
62 and sensitive to the real estate market to ensure long term viability. Code regulations (Section 151.1201(H))
63 specifically reference the intent for density in the district stating, "To provide an Old Montgomery Gateway
64 District (OMG) to accommodate retail, office and mixed-use developments that strengthen the current historic
65 district and create a cohesive development pattern and density in the OMG and OM Districts."

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67 Mixed Use is specifically listed as a separate permitted use in the OMG District as indicated in Section 151.1203
68 separate from single, two and multifamily uses. Single, two and multifamily uses contain specific density
69 regulations, however the density of mixed use is not clearly defined in the code.

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71 Mr. Chesar stated that it appears that the current multifamily listed density requirement was intended to focus on a
72 stand-alone multifamily structure or development in the OMG District (not as part an overall large planned mixed-
73 use development). However, it also needs to be recognized that in form, creativity, and efficient design,
74 Montgomery Quarter is similar to a large master Planned Unit Development (PUD) that has been designed to be
75 specifically compatible with our Historic Downtown and as the new southern gateway. A PUD was not initially
76 proposed in part as it would have required 20% of the 21.5 acres to be dedicated as open space which contrasts
77 with the vision of an urban village within a village.

78

79 Mr. Chesar explained that as the Code does not set a maximum density requirement for residential within a
80 mixed-use development, the most conservative approach would be to utilize the maximum density requirements
81 for a PD in the District (18 units per acre). The resulting density would allow for a total of 387 units when
82 considering the PUD permitted 150% cap. Phase 1 contains 148 units and leaves 239 units remaining for Phase 2.
83 The development team has adhered to this limitation with a proposed 239 additional one-and two-bedroom
84 apartment units as shown in Phase 2 plan. Overall, this approach is intended to continue to provide a residential
85 density that will foster a lively and successful Montgomery Quarter and Historic Downtown in addition to
86 providing a luxury residential product in the community. Montgomery Quarter is a once in a generation
87 development with specific emphasis on the quality of the open space that is appropriate for an urban environment.
88 The public plaza area, the park, and proposed activated alley and entertainment area arguably make up in quality
89 what a PUD would require in exchange for the increased density.

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91 Mr. Chesar stated the Planning Commission met on May 22, 2023 to consider the application for a revision to the
92 General Development Plan and to consider a recommendation to City Council regarding the Equivalency request.
93 Notices were sent to neighbors within a 300' radius of the property and a few adjacent neighbors attended the
94 meeting to provide feedback on the proposal. At the conclusion of the discussion, Planning Commission voted
95 unanimously to approve the revision to the General Development Plan and recommend approval of the requested
96 equivalency to allow for the construction of additional multifamily units in Phase 2, specifically recognizing that
97 the quality of current open space provided as well as the potential of the future activated alley far exceeds what a
98 typical PUD open space would provide. They further discussed the good fortune of not having an overbuilt office
99 environment that is a challenge presently for many communities. Their approval of the GDP entailed the
100 following conditions:

101

102 1) Recommending that City Council approve the requested equivalency provision to allow up to 18 units
103 per acre.

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105 2) A reduction of the required parking, based on the ULI analysis, with the condition that the future
106 entertainment use be reviewed and refined as necessary during the Final Development Plan approval.

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108 3) The stormwater management, utility and grading plans be reviewed and approved by the City

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Engineer.

- 4) A copy of the NPDES permit from the Ohio EPA be supplied to the Community Development Director.
- 5) A copy of the Post Construction Best Management Plan Inspection and Maintenance Plan (I&M Plan) be properly recorded after completion of the stormwater improvements.

Mr. Chesar stated that Staff supports the recommendation of the Planning Commission for the Equivalency Request to allow for the construction of up to 18 units per acre in Phase 2 of the Montgomery Quarter Development with the conditions established by the Planning Commission. He stated that staff understands the nature of changes to the General Development Plan as well as the request for the equivalency provision that is still limiting and adhering to what code would permit. An equivalency approval will ultimately help to continue the success of this significant public private partnership between Gateway Partners Montgomery, LLC and the City.

Mayor Margolis asked Mr. Chesar to explain the difference between and General Development Plan (GDP) and a Final Development Plan (FDP).

Mr. Chesar explained that a GDP is a basic layout of the development that includes roads, buildings, utilities and topography. He stated this is the first look at the development. He explained that the FDP will include specifics such as setbacks, building exterior finishes, and streetscape.

Mr. Cappel asked if the proposal is equivalent to a Planned Urban Development (PUD) and if it would have more green space.

Mr. Chesar replied that while it is similar to a PUD, it would not have more green space as a PUD would call for 20% of the 21.5 acres to be dedicated as open space.

Vice Mayor Bissmeyer stated that, if populated, this area would represent 3.5% of our population. She stated it looks like another neighborhood to her and she liked the proposal.

Mrs. Naiman asked where the open space would be. She asked which areas would be used.

Mr. Chesar explained that the public plaza in Phase I, while not all green, can be utilized for events. He explained that in Phase II the “activated” alley will house the entertainment component of the development.

Mrs. Naiman stated that it looks like there was more green space in the original plan, but it does not look like that now.

Ms. Henao explained that the original plan had an area that looked like green space, but it was always intended to have a building on it.

Mrs. Naiman stated that she also had concerns around parking.

Mr. Chesar stated that staff feels there are no concerns regarding parking at this time. He stated that it could change a little once the entertainment area gets determined but he is confident in the parking ratio provided.

Mrs. Naiman stated that since the plan is moving from office space to residential, was there consideration in the residential design to allow for home offices since working remote is now common.

Mr. Doty of Brandicorp replied that yes, the designs incorporated home office space.

161 Mr. Suer stated that he read an article that 25% of office spaces are vacant across the country due to the new trend
162 of working remotely. He stated that is a shift in thinking. He added that the equivalency approach was the way to
163 go as increased density works in this product. He stated that he felt residents of this development will pump
164 energy into the downtown business district.

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166 Mr. Messer stated that he felt the plan was great. He stated that the revision is how we pivot in light of the
167 economy and work situation. He stated that he is also concerned with parking. He asked how the entrance from
168 the roundabout would flow.

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170 Mr. Chesar replied that traffic will flow from the roundabout on the yet to be finished roadway and flow directly
171 through the back of the garage area to the apartments.

172
173 Mayor Margolis stated that he always envisioned higher density in the downtown. He stated that he felt the
174 amount of density and open space was fine. He stated that attention does need to be given to the boundaries
175 between development and the residents.

176
177 Mr. Doty acknowledged the efforts of staff to continue to work through Phase II planning of the development. He
178 stated that Brandicorp hired national architects to address the work from home component of the residences.

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180 Vice Mayor Bissmeyer asked Mr. Doty for an update of the number of units leased and the demographics of the
181 tenants.

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183 Mr. Doty replied that right now 50% of the units have leases and he anticipates they will move into their units in
184 August. He stated that right now the tenants are younger and older. He stated they are trying to focus on the
185 middle age to market to as well.

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187 Vice Mayor Bissmeyer asked if there would be any women's retail stores added in the future.

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189 Mr. Doty replied that there were inquiries from a couple of women's retail stores that are still in discussion.

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191 Mrs. Naiman asked wat the proportion of bedrooms to units was.

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193 Mr. Doty replied that it is a 65/35 split with 65% having 2 bedrooms and 35% having one bedroom.

194
195 Judy Keller, 9121 Hoffman Farm Lane, Indian Hill- Ms. Keller stated that she is attending on behalf of her father
196 who lives right behind the development. She explained that she is concerned about security as his house has
197 already been broken into once since the development has begun. She also asked where the tenants at the
198 apartments will take their pets for potty breaks. Will they be in the yards of adjacent properties. She raised other
199 concerns regarding parking, pedestrian safety in the roundabout, handicap parking and accessibility in the garage.
200 She stated she brought an elderly relative to dine at the Montgomery Quarter and while she found handicap
201 parking there was not ample signage on where to walk to access the restaurants and they walked much further
202 than needed. She stated that she is looking forward to the completion of the development but wanted to share her
203 concerns. She thanked City Council for allowing her to speak.

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205 Mrs. Naiman asked what kind of accessibility there was at the development.

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207 Mr. Doty replied that the number of required handicap spaces was provided per the Ohio Building Code in both
208 garages but there is no on street spaces as it is not required since there are parking garages. He stated that the
209 Development Team is open to discuss that.

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211 Vice Mayor Bissmeyer asked if there was signage in the garage on where to access the restaurants.

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213 Mr. Doty stated that Wayfinding signage was currently being designed and discussed. He added that the street
214 name signs were also being done and he expects signage within the next 60 days.

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216 Mayor Margolis restated that the options available to City Council related to this request were:

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- 218 • Approve the Recommendation
- 219 • Deny the Recommendation
- 220 • Remand the matter to Staff for more specific information or
- 221 • Take the matter under advisement and vote at another public meeting within thirty days.

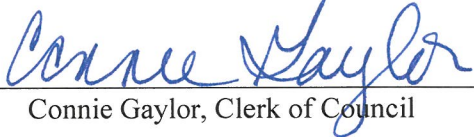
222 Mr. Cappel made a motion to approve the recommendation of the Planning Commission for the Equivalency
223 Request to allow for the construction of up to 18 units per acre in Phase 2 of the Montgomery Quarter
224 Development with the conditions established by the Planning Commission. Vice Mayor Bissmeyer seconded.
225 City Council unanimously agreed.

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

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230 Mr. Cappel made a motion to adjourn. Vice Mayor Bissmeyer seconded. City Council unanimously agreed.

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232 The meeting was adjourned at 6:13 p.m.

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Connie Gaylor, Clerk of Council