

City of Montgomery
City Council Public Hearing Minutes
November 1, 2023

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
Tracy Henao, Asst. City Manager
Gary Heitkamp, Public Works Director
Maura Gray, Finance Director
Greg Vonden Benken, Asst. 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
Ron Messer
Sasha Naiman
Ken Suer

Council Members Absent

Chris Dobrozsi

City Council convened its Public Hearing for November 1, 2023 at 5:30 p.m. at City Hall with Mayor Margolis presiding.

Mayor Margolis requested a roll call.

The roll was called with all members present except Mr. Dobrozsi. Mr. Cappel moved to approve Mr. Dobrozsi's absence as he had previously notified Council of his scheduled absence. Mrs. Naiman seconded. City Council unanimously agreed.

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

An application on behalf of McNair Living, LLC for a Modification of the Vintage Club Planned Development List of Conditions and Exceptions and Underlying Zone Change

Mr. Chesar explained it is requested that City Council consider a recommendation from the Planning Commission for a modification of the Vintage Club Planned Development List of Conditions and Exceptions and an Underlying Zone Change to a portion of the property. The applicant, McNair Living, on behalf of Traditions VC Developer LLC, is proposing to construct a 144-unit Mixed Use/Independent Living Facility.

Mr. Chesar explained that in June of 2023, a Concept Plan discussion occurred with the Planning Commission. Further information was requested regarding the parking analysis, proposed changes to the List of Conditions and Exceptions and building elevations to help understand the massing, scale, and height of the proposed building. In July of 2023, the Planning Commission held a public hearing and reviewed a proposed General Development Plan, rezoning request, and modification request to the Planned Unit Development's list of Conditions and Exceptions. Based on feedback heard from the public and Planning Commission the applicant modified the architecture, massing and increased parking while providing further summary details regarding the operations and use of the proposed 201,473 square feet facility with a total of 144 units as well as outward facing restaurants along Vintage Club Drive.

58 Mr. Chesar stated that the Planning Commission met on September 11, 2023 to consider a General Development
59 Plan application as well as a Modification of the Vintage Club Planned Development List of Conditions and
60 Exceptions and Underlying Zone Change to a portion of the property (Auditor Parcels 6030A230231,
61 6030A230230, 06030A230218 & 6030A230219) from 'D-3' – Multi-Family with a Planned Unit Development
62 (PUD) Overlay to 'L-B' – Limited Business with a Planned Unit Development (PUD) Overlay to allow for a 144
63 unit Mixed Use/Independent Living Facility. After hearing testimony and discussing the application, the Planning
64 Commission voted unanimously to recommend approval of the General Development Plan, proposed PUD
65 modifications and underlying zoning change. Mr. Chesar noted that a general development plan is generally a
66 rough idea of the development; however, the applicant created a more refined plan to present at this meeting.

67
68 The four significant changes to the List of Conditions and Exceptions (not minor changes such as language
69 correction references to the City Engineer/potential new development team, etc.):

- 70 • Removal of the Residential D3 section due to Staff's suggestion to make the underlying zoning consistent
71 with 'LB' – Limited business. The language is no longer necessary as the zone would not exist.
- 72 • Limiting the density to 144 units for the new structure.
- 73 • Adjustment to Building Height to permit what has been already approved in the Vintage Club
74 Development of up to 57 feet.
- 75 • Recognizing the intent for outdoor community space related to the forthcoming restaurant and increasing
76 the setback to allow for outdoor dining and open space from 20 feet to 30 feet.

77
78 The conditions recommended by the Planning Commission are shown below:

- 79 • Acceptance of the ULI parking analysis provided by the applicant and updated parking plan of 1.2 parking
80 ratio for the independent living units.
- 81 • Further discussions with the City regarding appropriate access configuration with the condition to be
82 reviewed and refined as necessary during Final Development Plan approval.
- 83 • Review current pedestrian access options and make enhancements where possible to the public parking
84 garage.
- 85 • The stormwater management, utility and grading plans be reviewed and approved by the City Engineer.
- 86 • A copy of the NPDES permit from the Ohio EPA be supplied to the Community Development Director.
- 87 • A copy of the Post Construction Best Management Plan Inspection and Maintenance Plan (I & M Plan) be
88 properly recorded after completion of the stormwater improvements.

89
90 Mr. Chesar closed by stating the project is a significant development that will support the Vintage Club moving
91 toward completion of the overall development that began over 16 years ago. The proposed McNair/Bespoke
92 independent living concept is a distinctive development that will allow an upscale mixed-use facility providing
93 housing alternatives for an aged and active population that desires independent style living that is not in a
94 traditional nursing or assisted living type of facility. It will also serve to provide restaurant amenities to the
95 overall Vintage Club that is walkable and holds true to the intentionally planned village concept.

96
97 Mr. Cappel asked for confirmation that the Bespoke facility is a for profit business.

98
99 Mr. Chesar replied that it was.

100
101 Mrs. Naiman asked for confirmation that the parking is calculated at 1.2 spaces per unit.

102 Mr. Chesar replied that was correct.

103
104 Mr. Donnellon stated that there will still be a small portion that will not be rezoned in the area of the public
105 parking garage.

106
107 Michal Giesler, 214 Legacy Lane-Ms. Geisler asked if the entrance and exit of the facility will be off the
108 roundabout.

109

110 Mr. Chesar replied there would be access off the roundabout and also by the Christ Hospital.

111

112 Tom Hume, Traditions Building and Development -Mr. Hume thanked City Council and Staff for their support
113 over the years. He stated that this project is one of the final pieces in completing the Vintage Club. He stated that
114 he felt McNair brings everything to the table as it is a high end project and a great addition to the city. He stated
115 he felt McNair has worked to try to meet as many needs as was possible.

116

117 Les Stretch, McNair Living – Mr. Stretch thanked City Council, staff and the residents for their collaboration on
118 the project. He explained that none of their facilities are exactly the same and that meeting with the cities and the
119 residents makes them unique and special. Mr. Stretch explained the changes made as result of resident feedback
120 and the Planning Commission’s requested changes. He stated the following changes:

121

122 Building Massing: In order to address verbalized concerns about the scale of the building in relation to the
123 surrounding Vintage Club development, we relocated a number of units from the street edge to the south side
124 of the property near the tree line.

125

- 126 • Vintage Club Blvd. - This reduced the number of stories from three stories to two stories.
- 127 • Vintage Club Drive - This reduced a portion of the building stories down from four to two stories
128 adjacent to our drop off area, creating a more varied building scale at the termination of Vintage
129 Club Drive.
- 130 • Legacy Lane - This reduced the building scale from four to three stories along the eastern edge
131 closest to the neighbors along Legacy Lane.

132

133 Building Set Back: The Project has been pulled back from Vintage Club Blvd. an additional 12 feet from
134 where it was previously shown to the City of Montgomery Planning Commission. This has created a larger
135 public realm along the street.

136

137 Building Presentation: The Project has been reduced in its overall width by 12 feet, shortening the length of
138 building along Vintage Club Blvd.

139

140 Building Parking: The 12-foot reduction in width allowed us to add an additional 29 parking spaces along the
141 western property line adjacent to the public parking garage.

142

143 Building Height: The average overall building height has not changed from what was previously presented;
144 however, with the reduction in stories along most of Vintage Club Blvd., the perceived building height from
145 street level on the Blvd. has been reduced.

146

147 Mike Hawkins, 215 Legacy Lane- Mr. Hawkins stated that he wanted to relay that he felt Mr. Humes and McNair
148 Living have worked hard to bring a great project about and is in favor of the development.

149

150 Mr. Suer stated that he thought the project was well vetted and reviewed. He explained that he has walked the site
151 using the renderings to understand how it would fit in and relate to the other buildings. He stated that the entire
152 development began 16 years ago and has gone through various stages and phases. He stated that there have been
153 many issues large and small over that time, but they have always been worked out. In general, he feels the project
154 has turned out nicely. He stated that this building will finish off the front area of the development and will be a
155 good mix of uses. He stated that the developer along with staff have addressed the concerns that have arisen.

156

157 Mr. Messer stated that it was good to see and hear input from all parties. He stated he felt the completion of the
158 development with this final facility would be a good thing.

159

160 Mrs. Naiman stated that she was happy that people spoke up to voice their needs and concerns. She stated that she
161 appreciates the process of collaboration.

162

163 Vice Mayor Bissmeyer stated to the audience that Council is aware of the concerns that the residents have. She
164 explained that things have changed since the original plan and she feels that Council, Staff and the Developer
165 have done the best that can be done at the given time. She stated that she felt this final product would address the
166 concerns for options for residents who wish to downsize and/or need the optional services. She stated that now
167 the focus would be on the restaurants and retail to finish it all out.

168

169 Mr. Cappel stated that he agrees with all of Council comments. He stated he feels it is a great project that fits our
170 community. He thanked McNair for coming to the City.

171

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

173

174

- Approve the Recommendation

175

- Deny the Recommendation

176

- Remand the matter to Staff for more specific information or

177

- Take the matter under advisement and vote at another public meeting within thirty days.

178 Mr. Cappel made a motion to approve the recommendation from the Planning Commission for a modification of
179 the Vintage Club Planned Development List of Conditions and Exceptions and an Underlying Zone Change to a
180 portion of the property as presented. Vice Mayor Bissmeyer seconded.

181

182 The roll was called and showed the following vote:

183

184 AYE: Cappel, Bissmeyer, Margolis, Naiman, Suer, Messer (6)

185 NAY: (0)

186 ABSENT: Dobrozsi (1)

187

188 **An application for Expansion of a Conditional Use and Final Development Plan of a parking area for the**
189 **Gate of Heaven Cemetery located at 11000 Montgomery Road**

190

191 Mr. Chesar explained it is requested that City Council consider a recommendation from the Planning Commission
192 regarding the Application for Expansion of a Conditional Use and Final Development Plan for the Gate of Heaven
193 Cemetery regarding the construction of a new paved 20 space parking lot.

194

195 Mr. Chesar explained that the Archdiocese of Cincinnati/Gate of Heaven Cemetery as a part of growth in
196 internment services previously received City Council approval on October 5, 2022 to construct two new
197 mausoleums with the first mausoleum currently under construction and the second anticipated as needed in the
198 future. Each mausoleum structure is approximately 2,860 square feet. The mausoleums will be located on the
199 western side of the cemetery approximately 240 feet away from Montgomery Road between the offices and
200 columbarium structures. The applicant is now requesting approval of additional parking spaces to support the
201 overall office as well as forthcoming mausoleum uses.

202

203 Mr. Chesar explained that the property is zoned 'A' Single Family Residential, and cemeteries are conditionally
204 permitted use in the district. The property has been utilized as a cemetery since 1947. The surrounding properties
205 to the north are zoned 'A' Single Family Residential and 'D3' Multi-Family Residential (Vintage Club), east and
206 south are zoned 'A' Single Family Residential and used for single family residences. The property to the west is
207 mostly located in the township with a small area zoned 'GB' General Business. Overall, a majority of the
208 frontage of the property is bound by Montgomery Road on the west and I-275 on the south.

209

210 Mr. Chesar stated that the Planning Commission met on September 11, 2023, to consider the application for the
211 expansion of a conditional use and the Final Development Plan. After hearing testimony and discussing the

212 application, the Planning Commission voted unanimously to recommend approval of the expansion of the
213 conditional use permit and approve the Final Development Plan. The conditions recommended by the Planning
214 Commission are shown below:

- 215
- 216 • Final stormwater regulations be met in conformance with Hamilton County Stormwater Regulations.
 - 217 • The Final Development Plan be approved with City Council's approval of the Expansion of Conditional
218 Use.
 - 219 • Final landscaping be approved subject to the City Arborist.
- 220

221 Mr. Chesar stated in closing the project enhances the development of internment services provided by the Gate of
222 Heaven Cemetery. The proposed parking area is on a small portion of the overall property and is intended to
223 serve visitors to the cemetery. Overall, it appears the addition of parking spaces should not have any negative
224 impact on surrounding properties. Therefore, Staff supports the recommendation of the Planning Commission.
225

226 Mr. Cappel asked if there were any flooding issues in the area of the parking.
227

228 Mr. Chesar replied that there were none of which he was aware. He stated that it was such a small area that it may
229 be exempt from the flood plan. He stated that Gate of Heaven's engineers would be required to comply with the
230 Hamilton County requirements.
231

232 Mr. Messer asked about the setback requirements of the parking lot and asked if it could be seen from the road.
233

234 Mr. Chesar stated the while it could, it would be difficult with the landscaping and traffic to notice it.
235

236 Vice Mayor Bissmeyer asked how many acres that Gate of Heaven encompassed.
237

238 Mr. Chesar replied approximately 160.
239

240 Mr. Suer stated that he felt this was a small project in comparison to others we deal with. He stated that the
241 landscaping would be a good buffer.
242

243 Mayor Margolis called for a motion on the recommendation.
244

245 Mr. Cappel moved to approve the recommendation from the Planning Commission regarding the Application for
246 Expansion of a Conditional Use and Final Development Plan for the Gate of Heaven Cemetery regarding the
247 construction of a new paved 20 space parking lot as presented. Vice Mayor Bissmeyer seconded.
248

249 The roll was called and showed the following vote:
250

251	AYE: Cappel, Bissmeyer, Margolis, Naiman, Suer, Messer	(6)
252	NAY:	(0)
253	ABSENT: Dobrozsi	(1)

254

255 **An application for Expansion of a Conditional Use and Final Development Plan for an accessory service**
256 **building for The Audi Connection**
257

258 Mayor Margolis stated that he would recuse himself from the discussion on this item as he lives in close proximity
259 to the property. Mayor Margolis asked Vice Mayor Bissmeyer to officiate over the discussion and exited the dais.
260

261 Mr. Chesar explained that it is requested that City Council consider a recommendation from the Planning
262 Commission for an Expansion of a Conditional Use to allow for the construction of a new accessory service
263 building for The Audi Connection at 9678 Montgomery Road. The new service building would be approximately

264 3,502 sq. ft. with four service bays as well as an additional car wash bay.

265

266 Mr. Chesar provided background explaining that the Audi Connection is a conditionally permitted use in the 'GB'
267 – General Business District and has been in operation in this location since 2005. An approved 2021 Planning
268 Commission expansion onto the property at 9722 Montgomery Road included additional display and inventory
269 space for the dealership. As part of the project, an existing curb cut on the property at 9722 Montgomery Road
270 was eliminated. The 9722 Montgomery Road LLC property is owned by members of the Joseph family; however,
271 it is not the same ownership as the group who own the existing Audi and cannot be consolidated.

272 The Board of Zoning Appeals on June 20, 2023, approved a variance to allow the service building to have side
273 yard setbacks of 5' where 10' is required per Schedule 151.1205(A) of the Montgomery Zoning Code. The
274 setback variance approved allowed for the service building to be located closer to the Chevrolet Car Dealership to
275 the north in lieu of a potential southern location that could have had more impact on residential properties to the
276 south and east.

277

278 The property to the north is zoned 'GB' and used for parking for Columbia Chevrolet. The property to the east is
279 zoned 'A' Single Family and used for single family residences. The property to the south of the existing Audi is
280 zoned 'GB' and used for another car dealership. The properties to the east across Montgomery Road are zoned
281 'GB' and used for an office building and a vacant retail building.

282

283 Mr. Chesar stated the Planning Commission met on September 11, 2023, for a final development plan application
284 on the project and considered the application for the expansion of a conditional use. After hearing testimony and
285 discussing the application, the Planning Commission voted unanimously to recommend approval of the expansion
286 of the conditional use permit and approve the Final Development Plan. The conditions recommended by the
287 Planning Commission are shown below:

288

- 289 • Final stormwater regulations be met in conformance with Hamilton County Stormwater
290 Regulations.
- 291 • Area for vehicles waiting to be serviced or returned to the customers following service shall be
292 indicated on the approved site plan.
- 293 • All service operations will occur in the enclosed building with service doors closed.
- 294 • The Final Development Plan be approved with City Council's approval of the Expansion of
295 Conditional Use.

296

297 Mr. Chesar stated in closing, the project is a significant development that will expand the onsite car washing and
298 servicing space for Audi Connection. The proposed expansion will also provide for a reduction of traffic on
299 Montgomery Road as currently Audi is using the wash bay at the Chevrolet dealership and will not need to do so
300 with the new service building construction. It should be noted that the wash bay is only for cars, serviced by Audi
301 and will not be open to the public.

302

303 Mr. Messer asked if noise would be a consideration for the adjacent property owners.

304

305 Mr. Chesar replied that the doors would be closed when cars were being washed and that there could be noise
306 from the blowers as cars were exiting the building. He stated that the applicant could address that question as well.

307

308 Mr. Cappel asked if the runoff from the car wash would connect to the storm sewer.

309

310 Mr. Heitkamp and Ms. Henao both replied that it would drain to the sanitary sewer.

311

312 Vice Mayor Bissmeyer asked if by adding this portion to the building would impact the loading and unloading of
313 the cars. She stated she still sees trucks unloading vehicles in the center turn lanes, which is against the law.

314

315 Mr. Chesar stated it will not impact the loading and unloading but it was a good reminder to the applicant that it

316 should not be happening.

317

318 Mr. Messer asked if this addition would require additional employees.

319

320 Kevin Bleichner, Audi Connection- Mr. Bleichner addressed Council's questions. He explained that the addition
321 would add two bays with lifts, two detail bays and one car wash bay. He stated that it would allow for increased
322 employment of technicians. He also added that the addition will match the exact exterior materials as the existing
323 building.

324

325 Vice Mayor asked for a motion on this item.

326

327 Mr. Messer moved to approve the recommendation from the Planning Commission for an Expansion of a
328 Conditional Use to allow for the construction of a new accessory service building for The Audi Connection at
329 9678 Montgomery Road with the conditions recommended. Mr. Suer seconded.

330

331 The roll was called and showed the following vote:

332

333 AYE: Cappel, Bissmeyer, Naiman, Suer, Messer (5)

334 NAY: (0)

335 ABSENT: Dobrozsi (1)

336 ABSTAIN: Margolis (1)

337

338 Mayor Margolis joined Council on the dais.

339

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

342

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

344

345 The meeting was adjourned at 6:10 p.m.

346

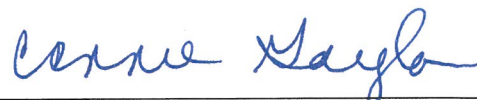
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Connie Gaylor, Clerk of Council