

City of Montgomery
City Council Public Hearing Minutes
September 2, 2020

Present

Brian Riblet, City Manager
Terry Donnellon, Law Director
John Crowell, Police Chief
Gary Heitkamp, Public Works Director
Tracy Roblero, Asst. City Manager/Acting Comm. Dev. Dir.
Katie Smiddy, Finance Director
Matthew Vanderhorst, Community and Information Services Director
Paul Wright, Fire Chief
Connie Gaylor, Clerk of Council

City Council Members Present

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

City Council convened its Public Hearing for September 2, 2020 at 6:45 p.m. in a hybrid meeting at City Hall and by telephone conference with Mayor Dobrozsi presiding. This remote access meeting was allowed by emergency legislation adopted by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

ROLL CALL

Mayor Dobrozsi asked for the roll to be called.

The roll was called with all members answering as present.

NEW BUSINESS

Application for a conditional use permit for Cincinnati Institute of Esthetics and Nails at 10700 Montgomery Road

Ms. Roblero provided background to City Council regarding a request from Cincinnati Institute of Esthetics and Nails for a conditional use permit to allow for a school to be located in 4,524 square feet of the office building at 10700 Montgomery Road. She stated that public and private schools are a conditionally permitted use in the Office District.

Ms. Roblero explained that Cincinnati Institute of Esthetics and Nails is a small, private trade school that would like to operate out of an existing building at 10700 Montgomery Road. The class size is limited to 10 students maximum with two classrooms. Therefore, a maximum of 23 people (20 students, 2 teachers and 1 front desk coordinator) would be in the space at one time. The school offers two schedules between 9 a.m. to 3 p.m. and 5 p.m. to 9 p.m. The applicant has stated that most of the students attend during the day with only five students attending in the evening. All the practical work is performed student to student and therefore, there is no retail component, which is not permitted in the Office District.

Ms. Roblero stated that Schedule 151.3204 of the Montgomery Zoning Code requires a minimum of 193 spaces for a 67,577 square foot office building with a maximum of 386 spaces permitted. The Zoning Code would require a minimum of 12 spaces for the use and a maximum of 23 spaces. The building currently has 241 spaces with only 143 parking spaces being utilized for the existing tenants. Therefore, the use can be adequately parked.

Ms. Roblero explained that the Planning Commission heard the case on August 3, 2020. After hearing testimony

for the applicant and discussing the application, the Planning Commission voted to recommend approval of the conditional use permit with conditions unanimously. The conditions as recommended by the Planning Commission are shown below:

- The conditional use permit is limited to the operation of the school with a maximum daily attendance of 20 students. The applicant will need to return for an expansion of the permit if enrollment exceeds 20 students per day.
- A copy of the license to operate a school of cosmetology as required by the Ohio Revised Code shall be filed with the Community Development Director.
- Practical work shall be conducted student to student with no customers.
- Parking shall be provided at a minimum of 12 spaces and a maximum of 23 spaces: and,
- No additional exterior signage shall be permitted other than what is permitted under the Zoning Code.

Ms. Roblero explained that after the meeting, it was brought to Staff's attention that the public may not have had adequate opportunity to comment. Therefore, the Planning Commission met in a special session on August 17 to take public comment regarding the application. There were no guests or residents that wished to provide comment on the application and therefore, the Planning Commission voted to reconfirm the recommendation to City Council.

Ms. Roblero stated that the conditional use as proposed will have minimal impact on the overall office building and/or surrounding properties. The site can accommodate the parking demand and the applicant has committed to having all practical work done student to student to comply with the regulations of the Office District. Therefore, Staff is in support of the recommendation of the Planning Commission.

Mayor Dobrozsi asked for comments from City Council.

Mr. Suer stated that he felt that the Planning Commission did a thorough review of the request and as staff supports the recommendation with the conditions, that he sees no problems with approving the conditional use. He added that it was good to have a tenant in the building.

Mrs. Bissmeyer stated that she welcomes new businesses to add to the City's tax revenue.

Mr. Cappel stated that he seen no negative impact to approving the request.

Mayor Dobrozsi that he also agreed with approving the request.

GUESTS AND RESIDENTS

Steve Silverman, 7504 Golf Green Drive-Mr. Silverman stated he agreed with Mr. Suer and Mrs. Bissmeyer's comments. He stated that in the future when requests were brought forward from the Planning Commission that recommends approval of something that they send a representative to City Council for the Public Hearing so the public is not limited to hearing from the Acting Community Development Director but the Commission themselves.

Mayor Dobrozsi thanked Mr. Silverman for his comments. Mayor Dobrozsi reviewed the options available to City Council related to this request. He stated they were:

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At the close of the presentation, City Council's options are to:

- 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.

Mr. Cappel moved to approve the recommendation and conditions as made by the Planning Commission. Mrs. Bissmeyer seconded. City Council unanimously agreed.

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

Vice Mayor Margolis made a motion to adjourn. Mrs. Harbison seconded. City Council unanimously agreed.

The meeting was adjourned at 6:56 p.m.



Connie Gaylor, Clerk of Council