Memorandum

November 24, 2015

TO: Wayne Davis, City Manager

FROM: Tracy Roblero, Community Development Director TMR

SUBJECT: Forward Request for Rezoning the Property Located at 9876 Montgomery Road

Request

It is requested that City Council hold a public hearing to consider a request from Twin Lakes to rezone the property located at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential District.

Background

The property that the applicant is proposing to rezone is approximately 1.65 acres in size with no Montgomery Road frontage. The property has been used for a car dealership in the past (Former Honda Dealership) and Twin Lakes purchased the property after the car dealership closed. The applicant is requesting a rezone from a higher intensity zoning district, 'GB' – General Business, to a lower intensity zoning district, 'D-2' – Multi-family to allow for potential expansion of the Twin Lakes main campus.

Planning Commission Recommendation

The Planning Commission met on October 19 to consider this application. Notices were sent to neighbors within a 300' radius of the property. Staff only received one call regarding the application from Camargo Cadillac with questions regarding the proposal. After hearing the testimony presented at the meeting and discussing the application, the Planning Commission voted unanimously to recommend approval of the rezoning of the property at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential.

Staff Recommendation

Staff supports the recommendation of the Planning Commission to recommend approval of the rezoning of the property at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential. Traditionally, the City discourages rezoning of property zoned for commercial use in the Montgomery Road Commercial Corridor in order to preserve the small amount of property zoned for commercial use within the City. However, in this situation, Staff does not believe that rezoning this property will have a negative impact on the Commercial Corridor due to the fact that it is a small parcel of property that does not have frontage on Montgomery Road; therefore, the commercially zoned property along Montgomery Road will be preserved. Staff believes that rezoning this property provides a nice transition from high intensity commercial uses to the north and west of the subject property to a less intense use

to the south and that the rezoning will allow for Twin Lakes to make necessary improvements to their campus.

CITY OF MONTGOMERY
CITY PLANNING COMMISSION

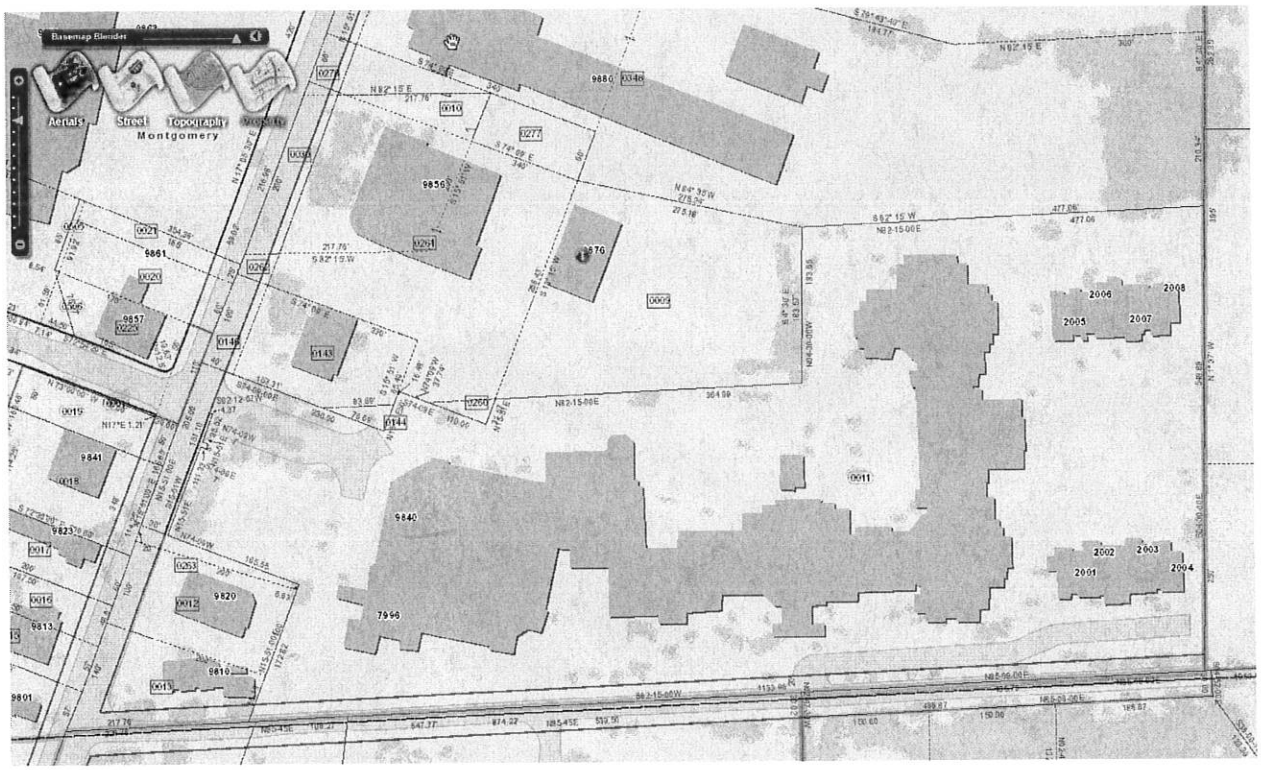
Application for Rezoning
9876 Montgomery Road

October 7, 2015
Staff Report

Applicant: Twin Lakes
6279 Tri-Ridge Blvd., Ste 320
Loveland, Ohio 45140

Property Owner: Same as above

Vicinity Map:



Nature of Request:

The applicant is requesting to rezone a piece of property located at 9876 Montgomery Road from 'GB' – General Business District to 'D-2' – Multi-Family Residential District.

Zoning:

The property is currently zoned 'GB' – General Business District. The property was formerly used for the Honda Dealership which has closed and the property was purchased by Twin Lakes. The applicant has stated that the purpose of the request for a rezoning would be accommodate potential expansion of the Twin Lakes campus.

The property to the east is zoned 'D-2' Multi-Family Residential is used for the main campus of Twin Lakes. The property to the south is zoned 'D-2' Multi-Family Residential and 'O' – Office and used for the main campus of Twin Lakes. The property to the west is zoned 'GB' – General Business. The property was previously used by the former Honda dealership; however, it is now owned by Twin Lakes. The property to the north is zoned 'GB' – General Business and is used for Camargo Cadillac.

Findings:

1. The property is approximately 1.65 acres in size and has been used for a car dealership in the past. Twin Lakes purchased the property after the car dealership closed.

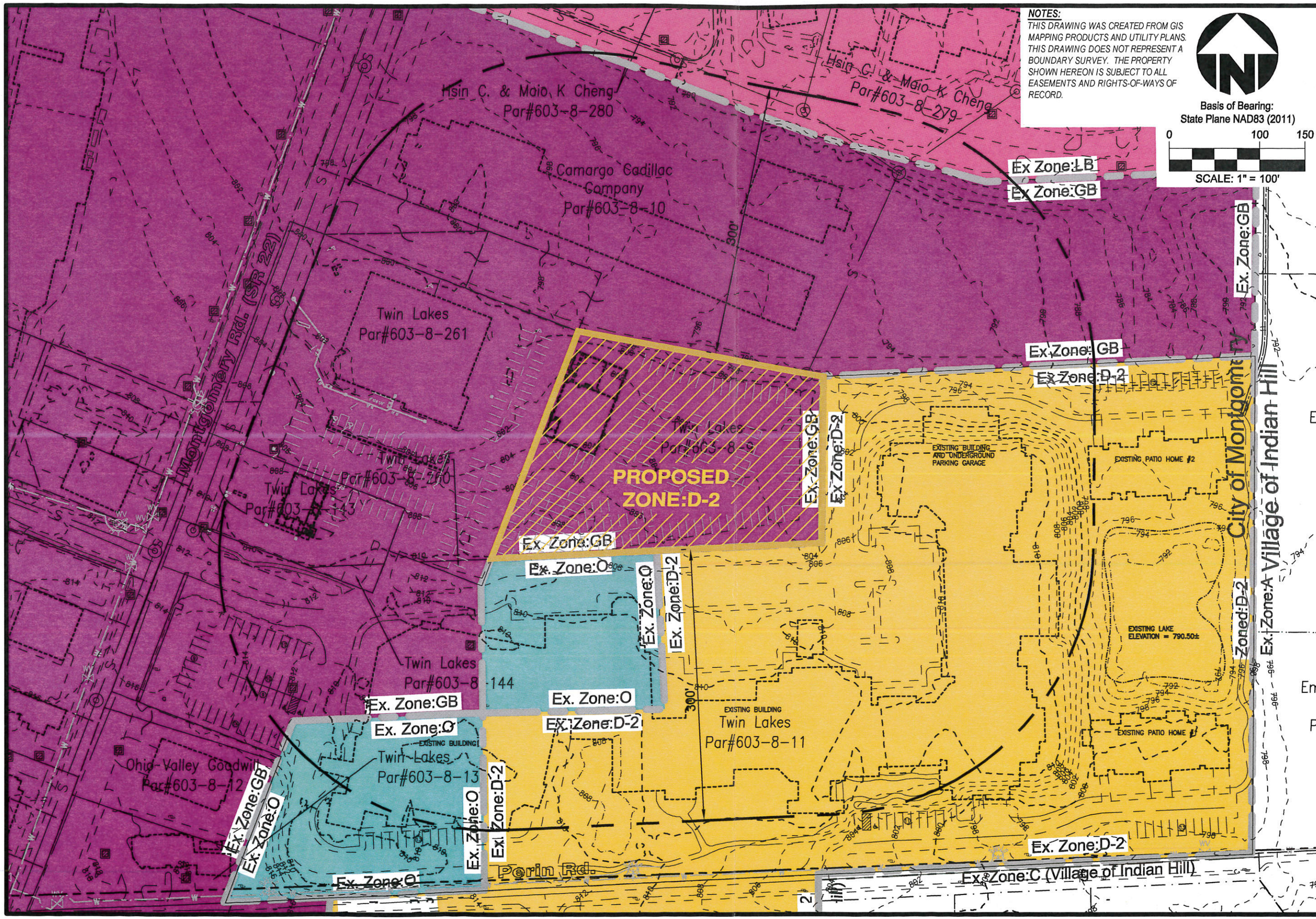
2. The applicant is proposing to rezone the property to 'D-2' – Multi-Family in order to accommodate a potential expansion of the main campus.

3. The property does not have frontage on Montgomery Road.

Staff Comments and Recommendation:

The applicant is requesting from a higher intensity zoning district, GB – General Business, to a lower intensity zoning district, 'D-2' – Multi-family to allow for potential expansion of the Twin Lakes main campus. Traditionally, the City discourages rezoning of property zoned for commercial use in the Montgomery Road Corridor in order to preserve the Commercial Corridor and due to the small amount of property zoned for commercial use within the City. However, in this situation, Staff does not believe that rezoning this property will have a negative impact on the Commercial Corridor due to the fact that it is a small parcel of property that does not have frontage on Montgomery Road. Therefore, the Commercial Corridor along Montgomery Road will be preserved. Also, the property is adjacent to property which is also zoned 'D-2' – Multi-Family Residential to the south which is part of the Twin Lakes main campus. Staff believes that rezoning this piece of property provides a nice transition from high intensity commercial uses to the north and west of the subject property to a less intense use to the south and that the rezoning will allow for Twin Lakes to make necessary improvements to their campus. Therefore, Staff supports this application to rezone the property at 9876 Montgomery from 'GB' – General Business to 'D-2' – Multi-Family Residential District.

As a reminder, the Planning Commission will vote to make a recommendation on the application for rezoning to City Council.



NOTES:
THIS DRAWING WAS CREATED FROM GIS MAPPING PRODUCTS AND UTILITY PLANS. THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAYS OF RECORD.

Basis of Bearing:
State Plane NAD83 (2011)

0 100 150
SCALE: 1" = 100'

bayer becker
www.bayerbecker.com

9876 MONTGOMERY RD.

CITY OF MONTGOMERY
HAMILTON COUNTY, OHIO

REZONING PLAN

RECEIVED
OCT - 2 2015
Community Development

Drawing:	15K025-000 PL
Scale	1"=100'
Drawn by:	MDW
Checked By:	MDW
Issue Date:	10-01-15

CITY OF MONTGOMERY
PLANNING COMMISSION REGULAR MEETING
October 19, 2015

PRESENT

GUESTS & RESIDENTS		STAFF
JoAnne Allen 7879 Symphony Lane, 45242	Jon Homer, Director of Business Development Life Enriching Communities 9840 Montgomery Road, 45242	Wayne Davis, City Manager Tracy Roblero, Community Development Director Karen Bouldin, Secretary **BOARD MEMBERS** Chairman Mike Harbison Vince Dong Jim Niehaus Barbara Steinebrey Pat Stull **BOARD MEMBERS NOT PRESENT** Jim Matre, Vice Chairman Barbara White
C. Francis Barrett Barrett & Weber LPA 105 E. 4th Street, Suite 500 Cincinnati, OH 45202	Jim Kokenge 10121 Woodfern, 45242	
Jeffrey Buka 9842 Orchard Club Dr., 45242	Jim Mayer, Executive Director Life Enriching Communities 9840 Montgomery Road, 45242	
Dutch Cambruzzi, owner Camden Homes 4565 E. Galbraith Rd. Cincinnati, OH 45236	Brian Monk 9834 Orchard Club Dr, 45242	
Graeme Daley 7587 Tiki Dr., 45243	James Pandzik, Vice President of Marketing & Design Cintech Construction, Inc. 4865 Duck Creek Road 45229	
Leslie Deacon, planner Bayer Becker 1404 Race Street, Suite 204 Cincinnati, OH 45202	Seongho Song 9827 Orchard Club Dr., 45242	
Kate Dillenburger 6900 Tylersville Road Mason, OH 45040	Steve Uckotter 7501 Trailwind Dr. 45242	
Bob Garlock, planner Bayer Becker 1404 Race Street, Suite 204 Cincinnati, OH 45202	Roger B. Wade Cintech Construction, Inc. 4865 Duck Creek Road 45229	
Bob Garlock, planner Bayer Becker 1404 Race Street, Suite 204 Cincinnati, OH 45202	Mike Willenbrink, Engineer Bayer Becker 1404 Race Street, Suite 204 Cincinnati, OH 45202	

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

Staff Update

Ms. Roblero reported on two large projects that the City is now working on:

The Community Improvement Corporation authorized the City Manager to begin negotiations for a preferred developer agreement with Gateway Partners, LLC on the Gateway Redevelopment Area. That team consists of Great Traditions, Griewe Development, Brandicorp, North American Properties and Sibcy Cline.

Regarding Vintage Club North, Staff is working with their team to review financial information. Hopefully, by the end of this year, they will submit an updated General Development Plan to Planning Commission for review of all of the remaining land, including the piece behind Christ Hospital.

Chairman Harbison asked about the status of the signs at the Vintage Club. Ms. Roblero stated that Staff has been working with Mr. Creighton Wright with Christ Hospital and they have agreed to take out the sign. Staff is currently working with Christ Hospital regarding potential cost-sharing. Chairman Harbison would like to have this issue resolved, before they move forward on the next section of the Vintage Club. Ms. Roblero noted that this issue is with Christ Hospital, not Brandicorp or Great Traditions, and that it would be difficult to tie the two issues together since the sign installation was approved by the Planning Commission.

Guests and Residents

There were no guests or residents who wished to speak about items that were not on the agenda.

Communications

There were no communications to share.

Old Business

Chairman Harbison explained the process for this evening's meeting to all guests and residents: "Ms. Roblero reviews her Staff Report, and the Commission asks any questions they might have. 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 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.

Ms. Steinebrey moved to take this application off of the table.
Mr. Niehaus seconded the motion.
All members unanimously approved.

Ms. Roblero reminded all applicants (as she had contacted them earlier today to advise of this) that with 5 members, it would take 4 Board members voting affirmative for an approval of any motion. She stated that the applicant also had the option to table their application if they would rather be heard in front of the full commission.

An Application from Camden Homes for the redevelopment of approximately 7.87 acres of property formerly used for the Montgomery Swim and Tennis Club at 9441 Orchard Club Drive, Montgomery, OH 45242.

Staff Update

Ms. Roblero reviewed the Staff Report dated October 8, 2015, "Application for Rezoning, Planned Development and General Development Plan Approval for Single Family Residential Planned Development at 9941 Orchard Club Drive." She explained that the applicant has made several changes to the application that was submitted on September 28 and referred to the drawing on the screen monitor.

Regarding the removal of the sidewalk on the north side of the proposed street, Staff stated that she discussed this with the Public Works Director and he had no objection to this.

Ms. Roblero stated that the traffic study was received on Friday afternoon. She gave a brief summary to all, noting that the intersection received a Level of Service rating of "F" for a.m. peak, with no building taking place. With the building of the proposed homes, the intersection would still be at a Level of Service "F" for the a.m. peak and a Level of Service "F" for the p.m. peak time. If no building occurred, the p.m. peak would receive a Level of Service "E".

Staff reported that the current count on Orchard Club indicated 49 trips, 32 in and 17 out during the morning peak time, and 59 trips, with 22 in and 37 out during the evening peak time. She noted that the applicant took into account the fact that there was still 9,300 square feet of space available for lease in the existing office building. When this building meets capacity, it is expected to generate an additional 22 trips for a.m. peak time, and 33 trips at p.m. peak time.

Mr. Brian Monk asked for Ms. Roblero to restate the ratings. She reiterated the above information, noting that the traffic study ratings of E and F, and explained the ratings:

- A Rating determined the traffic to be free-flowing, with little or no delay
- A-D Rating is acceptable
- E -F rating is a poor level of service

Ms. Roblero reported that the traffic study also investigated if the intersection warranted a traffic signal. She stated that the intersection did not warrant a signal even with the addition of the proposed homes. The applicant looked into possible ways to mitigate traffic and based on the existing conditions of Orchard Club and the high traffic volume on Montgomery Road, the City Engineer has stated that there is no practical mitigation for this development.

Ms. Roblero stated that she had a brief conversation with the Public Works Director, who suggested that one alternative to potentially lessen the wait-time on Orchard Club would be to

restrict left turns onto Montgomery Road and then provide for a U-turn-around area on Montgomery Road. There was no analysis done on this, it was just a suggestion.

With regard to safety, the traffic study suggested that the City look into removing the on-street parking in front of the medical office along Orchard Club Drive due to the narrow roadway. Ms. Roblero stated that she contacted the Police Chief and the Public Works Director and they were both in agreement with this -- if Planning Commission were to make the suggestion.

Staff stated that there was also an evaluation of adding another lane, exiting onto Orchard Club Drive. The traffic study showed that the results do not improve the level of service significantly and did not suggest it the improvement. The City Engineer agreed with this assessment.

Mr. Niehaus asked if any consideration was given to address entry/exit between the Medical Office Building and Montgomery Road versus Orchard Club Drive. He asked if it was even possible. Ms. Roblero deferred this to the applicant. She was not sure if this would be possible, due to the topography or if the City would consider adding another curb cut on Montgomery Road.

Mr. Dong asked why a traffic light would not be warranted there. Ms. Roblero stated that traffic lights have to meet warrants which are established by the Ohio Department of Transportation (ODOT). The City of Montgomery has jurisdiction over Montgomery Road in its jurisdictional boundaries and follow ODOTs warrants in terms of placing the traffic lights. She explained that the traffic engineer stated they would need about 100 trips during peak hour in order to warrant a traffic light. She noted that, at maximum, we have only about 75 cars at peak hour.

Mr. Dong concluded (after reading the traffic report) that there was no resolution given to fix this problem. Ms. Roblero confirmed - there is no practical mitigation for this issue.

Staff pointed out that this was not the only location in the City with this situation, where there are cul-de-sacs that access directly onto Montgomery Road: she cited Forestglen Drive and Hartfield Place as well as Mayfair of Montgomery.

Mr. Dong asked if the rezoning would help the traffic situation or makes it worse than it currently is today. Ms. Roblero stated that today it is zoned C and D-3. Depending on the configuration, if they were to maximize the number of buildings, they would be allowed to build 38 units, which could include multi-family units under straight zoning. This would increase the traffic and wait-time and make traffic worse than the current proposal. Ms. Roblero stated if you rezoned completely to D-3 and did not put in an Overlay, a developer could put in all multi-family, which would make traffic worse than the current proposal.

Mr. Niehaus asked if it was Planning Commission's purview to determine the on-street parking conditions on the street. Ms. Roblero confirmed.

Ms. Steinebrey referred to the traffic study and felt that probably empty nesters would not be a part of the peak hour traffic. She wondered if that would be an advantage of the current proposal

for the traffic situation. Ms. Roblero stated that the traffic study was based on a typical subdivision of single family owners, not empty-nesters. It is possible that the numbers could be lowered if the subdivision were all empty nesters; however, the study was not based on that.

Mr. Stull asked for the reasoning behind why the property had to be rezoned. Ms. Roblero preferred that the underlying zoning be changed, to a D-3, so it is all consistent. She explained that it is a significant issue when you have lots that are split between two districts. She was also in favor of D-3 zoning because the proposed lot size and setbacks are similar to those in the D-3 District.

Mr. Stull asked about the front yard 15 foot setback. He asked if the sidewalk was included in that calculation. Ms. Roblero stated that the 15 feet was from the right-of-way, which is typically about 13 feet from the back of the curb. She noted that there would be about 15 feet from the back of the curb and then the 15 foot front-yard setback, for a total of about 30 feet.

Staff explained that on the north side of the street, where no sidewalk was proposed, the applicant proposed a 20 foot front-yard setback. She gave reference, noting that the Planning Commission allowed an exception in the Vintage Club Courtyard Section to allow the front yard setback to be 25 feet from the back of curb.

Mr. Stull asked about the easement and patio allowance. He asked how close the people would be on their patio to the back of the homes on Orchard Lane. Ms. Roblero stated there is the perimeter buffer of 30 feet and the rear-yard setback is 20 feet. Patios would be permitted to encroach into the rear-yard setback; therefore, they would be allowed to have a patio or unenclosed deck up to 30 feet from the property line. She explained that if there is a conservation easement and the Planning Commission decided to not to allow patios to encroach into the easement, then they would have to maintain a 50' setback (30' buffer plus 20' rear yard setback).

Mr. Stull asked who controlled and maintained the green space and buffer zone. Ms. Roblero explained that because of the way the applicant is proposing the lot lines, each individual property owner will be responsible for maintaining it the buffer and conservation easement on their own property. She believed that they would have covenants in place so that the Home Owners Association(HOA) can enforce these standards. She pointed out that there are some open space parcels which are dedicated as such which would be the responsibility of HOA.

Mr. Niehaus asked about patios in the conservation easement. He would like to consider putting restrictions on the size and nature of the patios. Ms. Roblero suggested that they could make this an additional item in the Statement of Conditions and Exceptions.

Mr. Stull asked about lighting on the homes and around the property lines. Ms. Roblero stated that the Zoning Code does not have any restrictions on residential lighting.

Mr. Dong referred to an email dated October 16 from Sheryl Imoff on Crescendo Court. This correspondence was a part of the Commission member's packet., and she had given a copy to

Mr. Wayne Davis, City Manager and to City Council. Ms. Roblero stated that Ms. Imoff. expressing her concerns about the property development of the back of the Montgomery Swim Club. She asked that the City not change the current 150-foot wide tree buffer that the developer proposes to reduce to 30 feet. Ms. Roblero read the entire email for all attendees.

Mr. Dong asked for Ms. Roblero to show him the 150-foot buffer that Ms. Imoff referred to. Ms. Roblero stated the 150 feet was an agreement between the Montgomery Swim and Tennis developer and the residents of that neighborhood. She explained that after extensive research, there is no evidence that this buffer was ever recorded. The applicant did a title search and did not find any evidence of it being recorded either. The City has no record of this and it wasn't in any minutes. She noted that some of the residents that have lived there for years believe that City Council approved that condition, but Staff cannot find it anywhere in the minutes. One of the residents has a drawing that shows the 150-foot buffer that was done by a local surveyor, but that cannot be used as evidence. She noted that the applicant is now proposing that the perimeter buffer be 30 feet, which is required by code.

Mr. Dutch Cambruzzi, owner of Camden Homes, 4565 E. Galbraith Rd., Cincinnati, OH 45236 noted that they have built other communities such as Hartfield Hill and Stonemeadow. He stated that in this modified proposal, they have incorporated many of the changes that were requested from the guests and residents attending the September 28 Planning Commission meeting.

He explained that the concept they are proposing is a single-family detached community; an empty-nester life-style product, similar to the Courtyard in the Vintage Club. He noted the difference is that this will be a public street, versus the private streets at the Vintage Club. He explained that they could have designed a private street, but this public street is wider and allows more space.

He pointed out that they have incorporated some of the suggestions made by guests and residents at the September 28 meeting: 1) they have incorporated the existing walking path, and committed an entire open space area along with it; 2) while the zoning would have allowed them to build up to 38 single and/or multi-family homes, they suggested only 30, and have now lowered it to 29.

Mr. Cambruzzi introduced Mr. Bob Garlock of Bayer Becker to detail many other items.

Mr. Bob Garlock, Planner, of Bayer Becker, 6900 Tylersville Road, Suite A, Mason, OH 45040, concurred that they have made many changes to this proposal, based on the residents' comments from the September 28 meeting.

He pointed out that a traffic study was done and approved by the City's consultant, CT Consultants. He introduced Ms. Kate Dillenberger, Engineer, noting that she authored this study, and would be happy to answer any questions.

Mr. Garlock referred to an earlier question from this evening, confirming that they used a standard, single-family trip generation, which would be the worst case scenario you would expect for traffic on this site for peak morning and evening hours. Mr. Garlock believed that the traffic would be less than projected as they are marketing to empty-nesters.

He explained that Jay Korros, City Traffic Engineer, had some ideas about potential things that could be done to eliminate some of the traffic issues. Mr. Garlock explained that they will continue to work with Staff to try to find some other ideas that may be possible to make the free-flow of traffic a little better at peak times. He noted that at the Final Development Plan approval stage, they will come back with additional ideas.

Mr. Garlock clarified some questions and concerns that members had brought up in September.

- Previously, there were 4 homes that backed up to the homes in the Wild Orchard subdivision. By putting in the walking path, they reduced this by one lot.

- The buffer requirement minimum is 30 feet, but Lot 15 is actually about 95 feet from the property line, Lot 14 is 45 feet from the property line, and Lot 13 would be 35 feet from the property line. The actual measurement taken from the back of the pad of Lot 15 and the existing home that backs up to it, to the west, is about 150 feet, about 135 feet for Lot 14, and Lot 13 is further away, also.

- He noted that the open space should generally be 20%. He explained that they were asking for an equivalency on this. In the previous proposal, they were under an acre of actual open space, as a parcel outside the buffer area, and now they have increased it to 1-1/3 acres.

- Previously they proposed .500 of an acre toward the conservation easement, and now they are proposing 1/3 of an acre.

Mr. Garlock explained that when you added those two together, it is above the 20% requirement, excluding the buffer. If you added in the buffer, this accounts for about 35% of the property in open space. They believe this meets the intent of the requirement.

He pointed out the high quality open space in the pocket park, accounting for and providing landscaping and connection to the path.

Mr. Garlock addressed the concern for allowing patios to encroach in the conservation easement. They anticipate that there would be a notch set into the home, and the patio will be placed in the notch, but it may extend out behind the back of the house. This is what they meant by allowing a patio area in the conservation easement --just a paved surface at grade level, but they would not allow for any structure to extend above the ground. There could be no pergolas, no decks or walls, or anything of that nature – so it would still appear to be open.

Mr. Garlock stated that they were in concurrence with Staff's Statement of Conditions and Exceptions.

Chairman Harbison asked if there were any questions.

Mr. Stull asked if parking would be permitted on the street. Mr. Garlock stated that Staff recommended that parking be limited to one side of the street, away from the fire hydrants.

Mr. Niehaus asked what size they were thinking of, for the ground surface of patios. Mr. Garlock stated that these would all be custom homes, but noted that it couldn't extend more than 10 feet into the conservation easement. Mr. Cambruzzi stated that they may not have any patios there, as they haven't actually designed these homes yet. He hoped to have the patios mostly covered. He didn't envision them to be concrete squares or rectangles out into the yard. He explained that they would follow the lead of the Planning Commission.

Mr. Dong asked about street lighting. Mr. Cambruzzi stated that they had street lighting planned – there would be custom street signs and light fixtures, similar to what has been done in the Vintage Club. Mr. Becker stated that they would have coordinated poles, mailboxes and street signs.

Chairman Harbison referred to Mr. Garlock's letter dated October 7, 2015, item #8. He read from Section 151.1305 (c) Open Space:

> "The Planned Unit Development shall provide for preservation within the tract to be developed with a significant amount of land that is common, public, open space.
> (He reiterated – common and public open space.) This may include such areas as pedestrian corridors, (which qualifies between Lots 12 and 13), public gathering places, park land or sensitive environmental areas. (the environmental easement may count). This common Open Space shall be conveyed to a legally established property owner, association or trust. The area shall be in a composition and configuration that has to be desirable as a gathering place or passageway and should not consist of isolated or fragmented pieces of land that provide no public use."

Chairman Harbison pointed to the site plan on the screen, showing a few places where there were conservation easements. He pointed out that the person in Lot #4 would have to go through people's yards to get to one of these open spaces. It was not common or public. It is fragmented. He asked the applicant to reconfigure this to provide access to everyone and to meet the code.

Mr. Garlock showed public open space points on the large screen, noting some areas that they could interconnect. Chairman Harbison explained that the 30 foot buffer is not considered as open space; it is simply part of the required setbacks. The open space should be over and above that. Mr. Garlock stated that they would record the buffer as part of the open space, but it would not be calculated as the amount of open space provided.

Chairman Harbison questioned the 20% figure noted in Item 8 of Mr. Garlock's letter. Mr. Garlock explained that none of the buffer is included in the 20% open space calculation. Chairman Harbison stated that there were conservation easements and open spaces in individual backyards – which is not considered as public and common.

There was discussion and Mr. Garlock and Mr. Cambruzzi showed Chairman Harbison and members how they determined the buffers and the easement space. Mr. Garlock suggested they all refer to the table explanation on the drawing, as some of the points on the drawing were very small and difficult to see.

Chairman Harbison stated that the 0.33 acres (which is 4.26% of the 20.4% total) of open space included the conservation easements, but not the buffers. Mr. Cambruzzi confirmed.

Chairman Harbison noted that the 4.26% of the open space required an equivalency and the Commission would need to make a finding for this.

Mr. Cambruzzi also noted some complications of this site – the parking lot area that they own but can't be used, because it was leased to the people next door.

Chairman Harbison asked about the question of the 1989 agreement. On the existing plan, Chairman Harbison wanted to see where that 150 foot buffer was. Mr. Garlock showed him, noting that it would impact about 4 of the lots. Mr. Garlock found a Plat survey noting the 150 foot buffer starting at their property line and going 150 feet to the east. It was not a dedication Plat, and he cannot find any record that it was recorded or imposed on the property. He understood this was probably a gentlemen's agreement between the developers of the Swim Club and the property owners to the west. He believes that same agreement also included Mayfair, to the south. They did no title report on this section, so they don't know if there is an easement on Mayfair.

Chairman Harbison asked what the chances were of Mr. Cambruzzi obtaining the parking lot from the medical office building. Mr. Cambruzzi did not feel confident about this, stating that his attorneys confirmed that they did not have rights to it, even though they still own it.

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

Mr. Brian Monk, 9834 Orchard Club Drive, Montgomery, OH 45242, represented his family. He cited the issues he was concerned with: 1) traffic, 2) density and 3) livability.

1) On the date of the traffic study, there was a massive traffic accident on Montgomery Road. He noted that Ms. Roblero is looking into this issue. His contention is that the traffic was stopped for 1 and ½ hours on Montgomery and he felt that would render the study invalid (probably lower numbers represented).
2) Comparing Orchard Club Drive with other streets like Forestglen Drive as being within 100 feet of a traffic light is not accurate. He stated that Orchard Club Drive is much further than 100 feet to a traffic light – it is downhill, and about 1/5 of a mile to the

nearest traffic light. He stated that it is near impossible to get out of their street now, and if you add more traffic, it is just unlivable.

3) He explained that an assumption of empty-nesters not using the street during peak times is not a fair assumption.
4) He asked that the Commission insist that the developer adhere to the 20% open space requirement - in the strictest sense of the word – and not use an equivalency to defer from it. He did not feel that fragmented pieces, including a drainage ditch should qualify. He asked that they please deny the equivalency request.
5) He felt that 29 homes was still too many for the site.
6) He asked the Commission require the developer to meet the open space requirement and to support speculation that empty nesters will need room for their grandchildren to play, along with the 15 school-age children that currently live in the neighborhood. If the appropriate number of lots were reduced, this would allow for an appropriate amount of open space, in a safe environment.
7) He requested that they do not allow patios to be built in the backyards of their neighbors. He gave an example, noting that they would be sitting too close to their neighbors.

Mr. Monk re-emphasized and encouraged the developer to consider further compromise, at the developer's expense, and for the Planning Commission, and ultimately, City Council to weigh heavily the concerns of the embedded, committed homeowners currently living on Orchard Club Drive and in the Wild Orchard neighborhood located immediately behind. He asked that the Planning Commission protect their neighborhood as best they can.

Jeffrey Buka, 9842 Orchard Club Drive, Montgomery, OH 45242, lives right across the street, where all of the construction equipment will be going in and out. He asked if the homes would they have 2 car garages. He was very concerned with the traffic. He stated that he is an empty nester and still works. He believes that they are making incorrect assumptions about peak-time traffic. He was happy to have Camden Homes put in their development, but felt that the number of homes would be detrimental to the traffic. He felt that unless they could find another access, this was not feasible.

He noted that he was previously told that it would take about 4 years to build these homes – and he couldn't imagine the delays and traffic issues during that peak-time, especially with school busses.

Mr. Buka asked if they were considering the drainage basin as open space; he hoped not – it is definitely unusable. He stated they currently have a large drainage space behind their homes, and it fills up with water. It is very hilly terrain there. He stated that if they were considering that as useful space, it is not.

Mr. Buka suggested that if they were going to rezone this property, they shouldn't zone for multi-family homes. He suggested 15-20 more-expensive homes, with bigger lots on this street; that 29 was too many homes for such a small area.

Chairman Harbison read the last sentence of Section 151.1305(c) Open Space, in the Zoning Code:

> "Not more than 50% of the open space may be designated for storm water detention or a retention basin."

He explained that because of the topography in Montgomery, drainage is a significant issue, and this is why they allowed this in the Code.

Chairman Harbison explained that a 2-car garage [or 2 parking spaces] were permitted (and required) in the code.

Jim Kokenge, 10121 Woodfern, Montgomery, OH 45242, lives in the Forestglen neighborhood, and concurs with the traffic issues. He served as the president of the Montgomery Swim & Tennis Club. He gave some background, noting that when the bids came in, Camden was the third highest bidder. The highest bidder was for multi-story apartment and town houses. There were many bids of residency – one was for 38 buildings. As a Board, they decided on Camden because they have built in Montgomery before, and build a good quality product, showing the best use of the property. He stated that he attended the September 28 meeting. He pointed out that many of his friends are rebuilding and moving into empty-nester homes, trying to stay in Montgomery.

Mr. Kokenge stated that Camden Homes has a little over 30 days in their agreement, to come to a conclusion, otherwise there is a potential for the Board to open this back up. He did not feel that the other bidders would make an offer as nice as this proposal.

There were no more comments from guests or residents.

Mr. Niehaus stated that he is generally supportive of this revised plan. He is not comfortable with the patios encroaching the conservation easement, as it seems to counter the purpose of a conservation area. He feels there is enough of an un-exact equivalence for open space, and that if we allow patios to go further into this, it becomes even harder to defend. He wants to prohibit the on- street parking outside the medical facility on Orchard Club Drive.

Mr. Dong felt that traffic was a real concern; he appreciated having the traffic report. He liked the proposed development of Camden Homes versus apartments in this area. He concurred with Mr. Niehaus to restrict patios from encroaching into the conservation area. Overall, Mr. Dong favored this proposal.

Mr. Stull was also supportive of upscale homes versus apartments. He wished they could reduce the number and still make a profit. He was not in favor of the patio encroachment. He liked the idea of taking out the north sidewalk to give more space, and was in favor of the path back to Wild Orchard.

Ms. Steinebrey stated that she felt the applicant had tried hard to meet some of the conditions requested by local residents. She felt this would be a nice addition to the City and that it would fulfill a niche in the market.

Chairman Harbison was generally in favor of this plan. He still had reservations about the percentage of open space – 16% versus 20%, and how to determine an equivalency. He agreed with no patio encroachment. He agreed that traffic could be worse if someone came in and built apartments or two-family homes; he felt that Camden did a good job of listening to the residents, and working within the code.

Chairman Harbison asked Commission members about their thoughts on the 16% versus 20% open space, and wanted to define a finding to meet the equivalency. He explained that this must be determined now, because it was part of the General Development Plan approval. This recommendation will go to City Council and they have to approve the equivalency and Planned Development Overlay.

Chairman Harbison read from Section 150.1414 regarding equivalency:

1. Planning Commission may consider elements of the [General] or Final Development Plan to be equivalent to a requirement [16% versus 20% of open space] if the proposed general plan substantially complies with all specific requirements and with the purpose and intent and basic objectives of the zoning district through imaginative and skillful design of the arrangement of buildings, open space, streets, access drives and other features, as disclosed by the application.

2. The proposal will result in the development of equivalent or higher quality, in that which could be achieved through strict application of such standard and requirement.

3. The development, as proposed, shall have no adverse impact upon the surrounding properties or on the health, safety or general welfare of the community."

Ms. Roblero read from her Staff Report dated September 25, 2015, "Application for Rezoning, Planned Development, and General Development Plan Approval for Single-Family Residential Planned Development at 9441 Orchard Club Drive" which was given to Commission members at the September 28, 2015 meeting. She noted that, at that time, Mr. Garlock of Bayer Becker had provided a letter dated September 3, 2015 regarding an equivalency request (also received by Commission members). She stated that at that time, the first proposal did not meet the 20% open space. She explained that this revised proposal shows increased open space and they would like to include the conservation easement to be considered as open space, in order to meet the 20%. She noted that before they were asking for less open space and now they are asking to have the conservation easement to count as open space.

Staff would support this request for equivalency, for several reasons:

1) The fact that this is a small site with topography issues.
2) There is an encroachment of the parking lot from the Medical Office Building.
3) The adjacent properties would not be negatively impacted.
4) The applicant is proposing additional features to enhance the quality of the overall development.

Staff wanted to remind the Commission that if they do not believe an equivalency is justified, the applicant will have the option to apply for a variance from the Board of Zoning Appeals (BZA).

Mr. Dong clarified that the equivalency vote was to determine if the Commission felt that the 0.33 acre of the conservation easement was equivalent to a dedicated, open space parcel, and should be considered and included as open space.

Chairman Harbison asked for comments.

Mr. Dong felt it was a stretch that the conservation easement could be considered as open space because it was in everyone's backyard and would not be considered a "common, public area." He had a problem counting this as open space and suggested they get a variance. Another option would be for the applicant to create more open space that would be in a more common area.

Mr. Niehaus was willing to consider the conservation easement as open space, due to the parking lot and the topography. As another option, he suggested that they could take out another home, to create open space.

Mr. Stull had no problem including it. He also wanted to keep the buffer landscaping space maintained around the perimeter.

Ms. Steinebrey would also like to consider the conservation equivalency as open space. She felt that part of the reason for open space was for the people who lived behind this neighborhood. She believed that the sidewalk and the walking path allowed good common connectivity for the residents.

Chairman Harbison agreed that the conservation easement was open space, that it meant the intent. He was not in favor of using the conservation easement for patios. He agreed that the BZA might grant a variance. He was in general agreement with the plan, given the parking lot and topography issues.

Mr. Dong stated that they could take out one house and use that as a common area.

Chairman Harbison asked members to now determine the general conditions for the Planned Development.

Chairman Harbison reviewed the October 8, 2015 "Draft Statement of Conditions & Exceptions Established as the Standards in the Planned Development District", noting the following modifications:

3) Street trees will be provided at intervals of 65 feet or less along all of the streets, as part of the landscape plan
4) Sidewalks on the south side of the street…and will be connected to the walking path
6) There will be 1.57 acres of open space…
7) …In addition, patios shall not be permitted to encroach into the conservation easement.

8d) CDS Associates is now CT Consultants
12) Add: At the northwest corner of Orchard Club Drive at Montgomery Road, no on-street parking in front of and up to the west driveway of the Medical Building.

Mr. Garlock stated that they were in the process of doing a topographic survey, and locating the trees, etc. on the property. He noted that the Final Development Plan will include a final landscape plan. He indicated that their intent was to enhance the landscaping.

Mr. Monk asked if the Commission decided to go ahead with this today, would this all come back to the Planning Commission, with a final drawing that they would vote on again. Chairman Harbison stated that tonight they will vote on changing this property from being 3 zones, to making them all one zone. The Planned Development Overlay will go over the top of that. This is the General Development Plan that goes with the PD application. Once Council approves this, then the applicant will come back with a Final Development site plan approval with building footprints, landscaping, grading and more.

Mr. Monk again pointed out that the traffic study was rated F – the poorest level of service.

Ms. Roblero stated that City Council will take the recommendation from the Planning Commission into consideration and approve the General Development Plan as part of the rezoning and PD with an equivalency, if they so choose. She explained that the Final Development Plan only comes to Planning Commission and is not required to go on for ratification by City Council. This is when they will look at the details of landscaping and grading. They will also need to determine that the Final Development Plan is in compliance with the General Development Plan.

Ms. Roblero stated that, in order for City Council to overturn a recommendation by Planning Commission, they will need a super majority of Council (5 votes), but they do have the ability to:

1) Approve the recommendations
2) Override the decision
3) Remand it to Planning Commission

Mr. Buka asked if they could put restrictions on when the construction work could start and finish. Chairman Harbison stated this would take place at a later meeting.

Mr. Stull moved to recommend approval by City Council to rezone approximately 7.87 acres of property formerly used for the Montgomery Swim and Tennis Club at 9441 Orchard Club Drive, Montgomery, OH 45242, from O (Office) to D-3 (Multi-family), and C (single-family) to D-3 (Multi-family), contingent upon the Planned Development Overlay being approved. This would comply with the October 8, 2015 Draft of the Statement of Conditions and Exceptions established as the Standards in the Planned Development District, with the following conditions added:

1) Sidewalks on the south side of the street will be connected to the walking path
2) There will be 1.57 acres of open space

3) Patios shall not be permitted to encroach into the conservation easement
4) At the northwest corner of Orchard Club Drive at Montgomery Road, on-street parking is restricted in front of, and up to the west driveway of the Medical Building.

Mr. Niehaus seconded.

The roll was called and showed the following vote:

AYE: Ms. Steinebrey, Mr. Niehaus, Mr. Dong, Mr. Stull, Chairman Harbison	***(5)***
NAY:	***(0)***
ABSENT: Mr. Matre, Mrs. White	***(2)***
ABSTAINED:	***(0)***

This motion is approved.

Mr. Niehaus moved to recommend approval by City Council of the Planned Development Overlay and the accompanying October 7, 2015 General Development Plan, including the conditions on the October 8, 2015 Staff Report, with an equivalency to include the 1.57 acres of conservation easement to be considered as open space, in order to meet the 20% requirement.

Ms. Steinebrey seconded the motion.

Mr. Dong recommended a variance to include the open space; if the variance would not be granted, he suggested that the applicant adjust their layout to get more open space.

Chairman Harbison noted that he struggled with the 16% versus 20%.

The roll was called and showed the following vote:

AYE: Mr. Niehaus, Mr. Stull, Ms. Steinebrey, Chairman Harbison	***(4)***
NAY: Mr. Dong	***(1)***
ABSENT: Mr. Matre, Mrs. White	***(2)***
ABSTAINED:	***(0)***

This motion is approved.

New Business (1)
Application from Life Enriching Communities to rezone a piece of property located at 9876 Montgomery Road from GB (General Business) District to D-2 (Multi-Family District).

Staff Update
Ms. Roblero reviewed the Staff Report dated October 7, 2015, "Application for Rezoning of 9876 Montgomery Road." Staff did not receive any letters regarding this application, but had one question from Camargo Cadillac asking for clarification. They did not go on record with any concerns, nor did they favor or oppose this application.

Mr. Dong asked why we would rezone now before we see any General Development Plan. Staff stated that the applicant is requesting the rezoning now, in the interest of time, because this will take 3 readings before City Council, and there is a one month notice in between, for notification to property owners. She explained that it is typically a 6 month process to get a property rezoned. She noted that the applicant has had discussion about their future plans, but they were not ready to move forward at this time. Staff has no opposition to this rezoning without a plan at this time.

Chairman Harbison explained that it is land-locked; it is right in front of their existing building, and a retirement village is not a permitted use in the GB zone.

Mr. John Homer, Director of Business Development, Life Enriching Communities, 9876 Montgomery Road, Montgomery, OH 45242. Mr. Homer introduced Jim Mayer, Executive Director and Mike Willenbrink, Engineer, from Bayer Becker. Mr. Homer stated that their future plan is to construct up to 45 additional independent living apartments, to meet exterior and interior demands. They will also add amenities to the campus that will serve their current and future residents – this will include an additional dining venue, an auditorium, and an entertainment center.

Mr. Dong asked what additional benefits this rezoning would bring to the community. Mr. Homer stated that they have an existing external (and internal) demand. They have a Diamond Club List, where people put down a deposit until accommodations becomes available. He believes this is an opportunity to serve additional residents in the community. He noted that there would also be additional staff employed to fulfill the skilled nursing requirements and service the dining facility. He pointed out that their residents also pay taxes to the city.

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

C. Francis Barrett, 105 E. 4th Street, Suite 500, Cincinnati, OH 45202 stated that Camargo Cadillac has enjoyed a great relationship with Twin Lakes over the years.

He asked if they planned to provide buffering that may be needed when they build their facility closer to Camargo Cadillac, so that residents are not upset by noise, being so close to an automobile dealership.

Chairman Harbison asked about the car storage way in the back of Camargo. He asked if there was any trouble / issues from anyone about the cars, trucks moving about. Mr. Barrett was not aware of any issues from neighbors on any side of the dealership. He understood that if there were ever any questions or issues, the plant management has been very responsive to immediately address them.

Mr. Dong moved to recommend approval by City Council, the application from Life Enriching Communities to rezone a piece of property located at 9876 Montgomery Road from GB (General Business) District to D-2 (Multi-Family District), based on the information provided in the October 7, 2015 Staff Report.

Ms. Steinebrey seconded the motion.

The roll was called and showed the following vote:

AYE: Mr. Stull, Ms. Steinebrey, Mr. Niehaus, Mr. Dong, Chairman Harbison	***(5)***
NAY:	***(0)***
ABSENT: Mr. Matre, Mrs. White	***(2)***
ABSTAINED:	***(0)***

This motion is approved.

New Business (2)

Application from Camargo Cadillac, 9880 Montgomery Road, for the expansion of a conditional use to allow for the construction of an addition to the body shop at the rear of the property.

Staff Update

Ms. Roblero reviewed the Staff Report dated October 7, 2015, "Application for Expansion of a Conditional Use Permit and Final Development Site Plan for Camargo Cadillac at 9880 Montgomery Road." She stated that as of 4:00pm today, the applicant has agreed to work with Staff and the city arborist to bring the front landscaping into compliance, per Section 151.34. Staff is in support of this application. She did not receive any letters, but did receive one call from Life Enriching Communities, requesting clarification.

Mr. Dong asked if there were any complaints from residents about Camargo in the last several years. Staff was not aware of any.

Mr. Dong asked why the applicant did not complete their last project, as per their agreements. Ms. Roblero stated that the approvals lapsed as the project was not completed and the discussion of landscaping became a moot point. She noted that the façade upgrade was proposed to being much sooner than what it ended up being. Unfortunately at that time, Planning Commission and/or Staff didn't bring up the thought of the landscaping. When records were researched for this application, the landscaping was brought to light as a valid point.

Chairman Harbison stated that the existing building was altered, and to meet the code, landscaping was required, but it didn't take place.

C. Francis Barrett, Esquire, Barrett & Weber LPA, 105 E. 4th Street, Suite 500, Cincinnati, OH 45202, represented the Joseph R Group, explained that it was 2005 or 2006 since their last application. He understood that there was an issue with General Motors, and that is why the last project did not move forward. Regarding landscaping, Cintech Construction will have their landscape architect bring a plan to Staff and the City Arborist and get this worked out.

Mr. Barrett introduced Roger Wade, President. and Jim Pandzik, Vice President of Marketing and Design, of Cintech Construction, Inc.

Jim Pandzik, Vice President of Marketing and Design, Cintech Construction, Inc., 4865 Duck Creek Road 45229, noted that he is an architect. He stated that he and Roger Wade met with Staff a few weeks ago to discuss this application, indicating that nothing has changed since the last application request: not the design or the position of the building on the property, or the materials.

Mr. Dong inquired as to the process. Ms. Roblero stated that the applicant is requesting approval of a Final Development Site Plan, as well as expansion of a conditional-use. The applicant would not need to come forward to Planning Commission, if Planning Commission recommends approval by City Council and Council confirms.

Mr. Dong asked the applicant if he had sample materials and colors. Mr. Pandzik stated that they will match their current materials, and all of these materials meet code. He explained that the color is similar to what is there now – it is a light, cream (off-white) color, which will be on the metal and masonry.

Staff noted that the design of the building does not necessarily meet the Montgomery Road Corridor Design Guidelines, but it matches the existing, and it is a legal, non-conforming building. She pointed out that this same approach had been taken with the Lincoln dealership.

Mr. Dong asked if any painting would be done in that building, and if so, would that require any special exhaust system. Mr. Pandzik stated that it would be body work, not painting, and there would be an exhaust system.

Chairman Harbison noted that all of the windows on the south side, that would be exposed to Twin Lakes are not available to be opened, and there is only one garage door, as opposed to several.

Mr. Pandzik introduced Roger Wade.

Roger Wade, President of Cintech Construction, Inc., 4865 Duck Creek Road 45229, spoke on behalf of Mr. Joseph, noting that this is something that Montgomery residents have been requesting, as all of the products from the Chevrolet and Audi dealerships come here for their body work and repairs.

Mr. Wade noted that they didn't move forward with this in 2006, as there were issues with GM at the time, as far as their contribution.

Chairman Harbison stated that the zoning code states there is no parking of cars on the sidewalks. He noted that Camargo was not complying with the code on the landscaping and parking on the sidewalks. Mr. Wade was not familiar with this. Mr. Wade stated that he would address this with the Josephs.

Mr. Niehaus asked for clarity on this specific location. Ms. Roblero showed a 2015 aerial photo, on the large screen and pointed to the concrete area on the front facade of the principal

showroom, and on both sides, noting that there has been debate on whether they are sidewalks or display areas. She explained that Frank Davis had interpreted them as display areas, but Chairman Harbison interprets them as sidewalks.

She did not have the original plan with her, to determine how they were originally specified. Mr. Dong noted that they were called concrete walks on the drawing. Staff noted that Camargo does not have a dedicated pad display area that some of the other car dealerships have. She showed Audi and Lincoln, as comparisons, on the large screen. Lincoln's display area looked very similar to Camargo's.

Mr. Wade stated that there were no entry ways in the front of Camargo Cadillac, and that was not intended as a sidewalk; but there were entrance ways in front of Audi and Chevrolet. He explained that there weren't any doorways in the front of the Lincoln dealership either. Chairman Harbison explained that the Lincoln dealership had two pads in the front, and they did not wrap around, like Camargo's. There was more discussion.

Mr. Wade noted that the one side had an entranceway to the showroom, and the other side was an entrance to the service department. He noted that he would address this issue with cars being parked on the sides.

Ms. Steinebrey offered the idea that the walkway in front of the building would really be to see the cars on display in the front. Mr. Wade would not call it a walkway; he would call it a display.

Mr. Dong asked what changes they were making to bring this building closer to conformance. Mr. Wade stated they would put in landscaping. He explained that they were not changing the building, they were just expanding.

Mr. Dong was disappointed that the applicant didn't follow through with the landscaping earlier. He would like to see the applicant offer some type of water detention. Ms. Roblero gave history, explaining that this applicant had made some significant changes from the first application to be more compliant with the code. Staff has recommended that the applicant investigate rain barrels and/or downspout retention, and the applicant stated that they would be agreeable to this.

Mr. Wade explained that in 2005, there were many comments made on that application, and Camargo made a lot of changes. Staff noted that the Josephs took the extra steps to put In LED lighting.

There was more discussion.

A brief history: Ms. Roblero stated that in 2006, the application of the addition to the body shop was approved, with the landscaping condition, and it had to be completed by November, 2006, or the façade upgrade, whichever came first. In January of 2007, the facade change and the addition had not occurred; therefore, the approval and all of the conditions expired. So, they were not required by a previous application to complete the landscaping. Unfortunately, the

landscaping condition did not get brought up, when the applicant came in for the facade upgrade later.

Ms. Roblero stated that the only way that Planning Commission could require this landscaping, is that this condition has to be tied to an application, and if that application were to lapse because the applicant chooses not to do it, then the condition also lapses.

Mr. Niehaus suggested that we inject all of the conditions that Staff has written in the Staff Report, as well as the restricted parking on the sides of the building.

Chairman Harbison asked when they planned to start on construction. Mr. Wade stated that, with approval tonight, they would meet with the landscape architect to get the detailed drawing, and start on the architectural plans for the building. He would like to have their plans ready to go by the next City Council meeting, and if ratified, they could submit their building permit the next day. Mr. Wade stated that they were not planning to wait until spring, hopefully they could start in December.

Chairman Harbison would like to see some landscaping movement before he would give his approval. There was more discussion about the landscaping condition. Mr. Wade stated that the landscape would be in place no later than May 15, 2016, regardless of the application.

Mr. Dong referred to Page 5 of the Staff Report, Item #7: he would like to change it to say, "The applicant ***shall utilize*** rain barrels and/or downspout detention on the new addition." Mr. Wade stated that typically rain barrels are used in residential facilities, not in commercial construction. Mr. Dong asked for a list of items from the applicant as to 1) what they would do differently now, and 2) when, to bring this building more into compliance.

Ms. Roblero stated that she had written Item #7, using the word "investigate" because if the applicant were to find that it was not practical or it would not make a major impact on storm water detention, then it would not be appropriate. She did note that, with the addition, they were not adding any impervious surface. She felt that the change in the amount of run-off would be negligible. She felt that asking them to look at options was reasonable. Mr. Dong felt there should be some improvement to storm water – it didn't necessarily need to be rain barrels.

It was agreed that they could add an item to say, "The applicant shall implement a storm water best management practice, as approved by the City Engineer." This could be a multitude of things. Members agreed with this.

It was proposed by Staff that since there were no door entrances at the front of Camargo's building, that concrete could be used as a display, but since both sides had doorways, the sideconcrete would be considered sidewalks. Parking should be restricted from the sides. Chairman Harbison agreed with this.

Mr. Niehaus stated that they should conform to no parking on the sidewalks on the side of the building, but ok in the front. Mr. Wade concurred with this.

Staff felt that this discussion gave her the interpretation of the sidewalks and display area, and she would proceed forward to discuss and enforce this with Mr. Joseph. She did not feel this needed to be part of this application. Members agreed.

Ms. Steinebrey moved that we approve this application, based on the conditions listed on Page 5, with the alteration of Item 7 of the Staff Report dated October 7, 2015. All members agreed.

Mr. Dong moved to approve the modifications to the Final Development Site Plan, with received-date of October 6, 2015 and to approve the application from Camargo Cadillac, 9880 Montgomery Road, for the expansion of a conditional use to allow for the construction of an addition to the body shop at the rear of the property, based on the Staff Report dated October 7, 2015, with the following conditions:

1) ***Staff Report, Page 5, 1through 8, with modification to Item #7, as suggested above.***
2) ***Landscaping installation to be completed by May 15, 2016.***

Mr. Stull seconded the motion.

The roll was called and showed the following vote:

AYE: Ms. Steinebrey, Mr. Niehaus, Mr. Dong, Mr. Stull, Chairman Harbison	***(5)***
NAY:	***(0)***
ABSENT: Mr. Matre, Mrs. White	***(2)***
ABSTAINED:	***(0)***

This motion is approved.

Minutes

The minutes of August 3, 2015 will be approved at the next meeting, as Mr. Dong, and Mr. Stull were not present at that meeting.

The minutes of September 28, 2015 will be approved at the next meeting, as Chairman Harbison, Mr. Dong, and Ms. Steinebrey were not present at that meeting.

Adjournment

Mr. Dong moved to adjourn. Mr. Niehaus seconded the motion.
The meeting adjourned at 11:15 p.m.

Karen Bouldin, Clerk

Michael Harbison, Chairman Date

/ksb