

December 16, 2016

TO: Wayne Davis, City Manager

FROM: Tracy Roblero, Community Development Director *JMR*

SUBJECT: Forward Request for Expansion of Conditional Use Permit

Request

It is requested that City Council hold a public hearing to consider a request from Montgomery Presbyterian Church at 9994 Zig Zag Road for an expansion of their conditional use permit to allow for Skyward Academy to increase the number of students enrolled from 45 students to 60 students.

Background

Montgomery Presbyterian Church was approved for an expansion of their conditional use permit to allow for Skyward Academy to operate out of the church with a maximum of 45 students in May of 2015. Since that time, Skyward Academy has successfully run out of the church and is now requesting to allow for a maximum of 60 students to be enrolled in the school. Montgomery Presbyterian Church has several classrooms at the church and Skyward Academy is currently operating out of five of those classrooms. If the expansion is approved, Skyward Academy would utilize seven of the classrooms at the Church. Skyward Academy would be in operation from 8:45 a.m. until 3:00 p.m. with extended day care which would be available from 8:00 a.m. until 9:00 a.m. and again from 3:00 p.m. until 5:30 p.m. There would be no evening classes or activities. The applicant is proposing that there would be no more than 60 students with 14 teachers; however, this ratio of students to teachers could change depending on the needs of the individual students. Access to and from the school would be from the existing curb cut for the church on Zig Zag Road.

Planning Commission Recommendation

The Planning Commission met on November 14 to consider this application (see minutes). Notices were sent to neighbors within a 300' radius of the church. No guests or residents were in attendance at the meeting. The Planning Commission asked questions regarding the operation of the school and the applicant explained that the school was operating well and they have a waiting lists of students.

At the conclusion of the discussion, the Planning Commission voted unanimously to recommend approval of the expansion of the conditional use permit to allow for Skyward Academy to operate from the Church with the following conditions:

1. The conditional use permit is limited to the operation of the school with a maximum daily attendance of 60 students. The applicant would need to return for an expansion of the permit if enrollment exceeds 60 students per day.
2. There will be no outdoor evening activities.
3. All outdoor activities will be monitored by staff.

4. All drop off and pick up shall be at the designated area.

Staff Recommendation

Staff supports the recommendation of the Planning Commission to allow for the expansion of the conditional use permit to allow for Skyward Academy to have a maximum student enrollment of 60 students at Montgomery Presbyterian Church at 9994 Zig Zag Road.



Montgomery Presbyterian Church

9994 ZIG ZAG ROAD

CINCINNATI, OHIO 45242

REV. MICHELLE McSWAIN BACON - PASTOR

(513) 891-8670

Ms. Tracy Roblero
City of Montgomery
10101 Montgomery Road
Montgomery, OH 45242

November 1, 2016

Dear Ms. Roblero,

The Montgomery Presbyterian Church of 9994 Zig Zag Rod, Montgomery, Ohio through the action of its governing board is seeking an expansion of the conditional use permit of May 6, 2015. The May 6 permit allowed Skyward Academy to operate at the church with a maximum daily attendance of 45 students, and specified the need to return for an expansion of the permit if enrollment exceeds 45 students per day.

We are pleased that Skyward Academy has been very successful in this location. Their school provides unique and much needed educational services and has quickly reached the permit's maximum of 45 students. To support the work of Skyward Academy and address the growing need in our community we are requesting permission for 60 students per day maximum. This number was previously recommended in the May 16, 2007 Staff Report for the Expansion of Conditional Use Permit for Renaissance Montessori School, a prior tenant of Montgomery Presbyterian Church. It is also well under Lieutenant Mark Stage's estimated total occupancy of 126 students in the classrooms being used.

Skyward Academy has become an important partner to Montgomery Presbyterian Church. We are pleased to provide appropriate space for their important work and hope that you will permit more children and their families to benefit from their program.

Thank you for your kind attention to this matter.

Sincerely,

Michelle McSwain Bacon
Pastor



SKYWARD ACADEMY

Melissa Amrein, Director

9994 Zig Zag Road
Cincinnati, Ohio 45242
(513) 222-4611
melissa@skywardacademy.com

Skyward was created to address the academic, social, and independent living skills of students with learning challenges such as autism spectrum disorders, learning disabilities, social or communication issues, and other challenges. We realize that more traditional schools are not always the best option for students with these special needs. Many students who come to Skyward have a “laundry list” of negative school experiences. Often they have gaps in their academic skills, they are behind academically and/or socially, and they have experienced social problems in previous settings. Some have been victims of bullying in previous environments, others have felt “beaten down” and unsuccessful so often that they no longer like school. At Skyward, we work to overcome these issues and build confidence. We teach functional and social communication skills. We provide opportunities for community engagement and experiences. Students receive individual supports which help them be able to focus on learning. Students feel welcomed and accepted in spite of their differences, and form friendships, often for the first time. In our unique environment, students flourish.

Our Mission:

The mission of Skyward Learning is to provide students with an individualized education program in a loving and supportive atmosphere, where each child is welcomed and accepted and differences are embraced. Our goal is to create a learning environment which challenges each student to develop and improve academic, social, and independent living skills in preparation for adult life.

At Skyward, We believe:

- Every child can learn and experience success both academically and socially.
- The teacher and student relationship should be positive and motivating.
- Parents and teachers work together to meet student needs.
- The progress of each child is evaluated by measuring their educational and social growth. Student achievement is measured by using daily data, educational assessments along with staff and parental observations

Our Program

Skyward Academy has a small, family-like atmosphere. Every staff member knows every student. We teach INDIVIDUALS, not CLASSES. We teach at the student's level for mastery, which may be different for each student. We adjust to meet the needs of the STUDENT, not the needs of the school. We develop an individualized program schedule for each student based on their unique needs, while also incorporating state academic standards.

Students receive academic instruction in an individual or small group setting (3:1 ratio) where each student is given the opportunity to work at their own pace on the areas that they need to focus on the most. Classes consist of multi-age groupings with a 2-3 year age span. All teachers hold valid teaching licenses and all assistants have college degrees. Teachers use a variety of multi-sensory instructional methods. Students also use research-based learning software and technology. The primary emphasis is on academic knowledge, practical life skills applications, real-life learning, and preparation for independent living!

In addition to academics, students at Skyward receive related services such as speech/language therapy, occupational therapy, music therapy, etc. as determined by their Individualized Educational Plans. They participate in art, music, tai chi, and other enrichment classes. Older students participate in workplace volunteer jobs at local businesses in the Blue Ash / Montgomery area.

A full time guidance counselor is on staff, along with a part-time psychologist.

Our Curriculum is based on state and national standards and uses materials selected to best meet the needs of the students. While the curriculum may be based on typical standards, the approach is unique, and we make adjustments based on student and family needs and goals.

Skyward uses only proven, research-based curriculums. Some of our favorites include: Language for Learning, Language for Thinking, Language for Writing, Visualizing and Verbalizing, Orton-Gillingham Reading, Barton Reading, High Noon Reading Intervention, MobyMax, Connecting Math Concepts, Math-U-See, Saxon Math, Singapore Math, Daily Oral Language, Daily Oral Math, Teaching Textbooks Math, Simple Schooling, Manus Curriculums, Real Life Science, Apex Learning, Power Basics, SOAR, HOPE, and More!!!

Skyward Academy High School Students will choose from either a "traditional credit" program where students meet the full credit and graduation requirements for the state of Ohio, or a "functional model" where the goal is to maximize the student's independent skills through learning daily living skills, recreation and leisure skills, and vocational/community skills.

Updated Nov. 1, 2016

APPLICATION FOR CONDITIONAL USE

Will there be outdoor children's activity and if so, show where on a site plan, how far the location is from surrounding properties and how the area will be enclosed.

The previous enclosed outdoor children's activity area will be used. The enclosure is locked. Its location is designated on the attached aerial photograph. A prior report indicates that the play equipment meets the 50' set back as does much of the fenced area. One corner is possibly closer than 50' to the rear yard of a residential property on Whitebridge Court. There is a heavily wooded area between the playground and this house.

Is there any outdoor activity lighting? If so, where on the property and how far from the surrounding properties is this located.

No night activity is planned

Is there any new construction being proposed? If so, where, setbacks, etc.

There is no new construction being proposed.

Where will drop-off/pick-up be located on the site?

The drop-off/pick up is designated on the attached aerial photograph.

How many classrooms will there be? ~~5~~ 7

How many teachers? ~~10~~ 14 plus additional staff such as counselors, specials staff, etc.

What is the projected number of students? ~~35~~ 45 new; requesting 60

What is the projected student/teacher ratio and what criteria is used to establish that number?

Average 3:1 or 4:1. Our ratios are determined by the needs of the individual students - some of our ratios are 2:1 while others may be grouped up to 6:1 depending on the class.

What are the hours of operation? ^{8:45} 9 am to 3 pm

Is there extended day care? If so, what are the hours of operation?

Morning Care 8 am to 9 am, After School Care 3 pm to 5:30 pm

Are classes held year round? No

When would the projected start date be, if the permit is approved? August ~~1~~ 10



CITY OF MONTGOMERY
CITY PLANNING COMMISSION

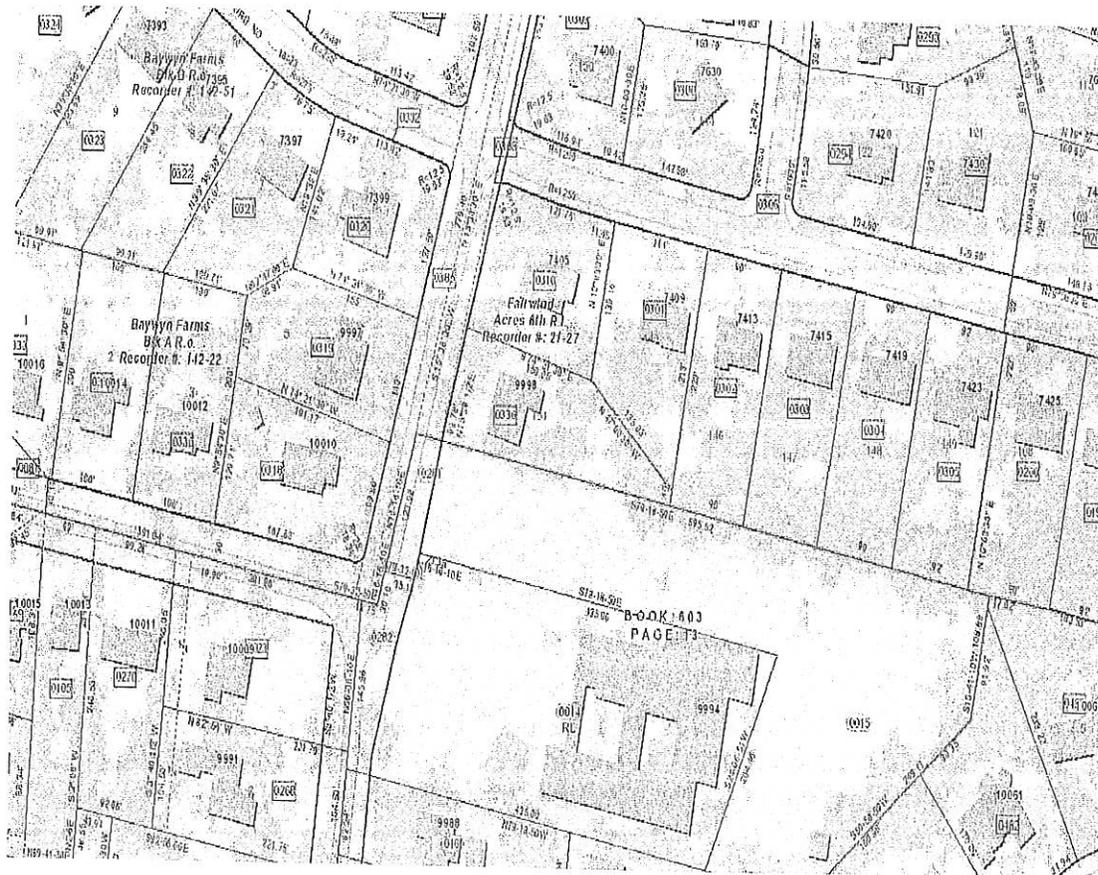
Application for Expansion of a Conditional Use Permit
Skyward Academy
9994 Zig Zag Road

November 7, 2016
Staff Report

APPLICANT: Montgomery Presbyterian Church
9994 Zig Zag Road
Montgomery, Ohio 45242

PROPERTY OWNER: Same as above

VICINITY MAP:



NATURE OR REQUEST:

Montgomery Presbyterian Church currently leases a portion of its building to Skyward Academy which has 45 students enrolled. Skyward Academy would like to increase the number of students to 60, which is the same number of students that were enrolled in Renaissance Montessori School at the same location.

ZONING:

The property is zoned 'A' Single Family Residential. Churches and schools are both conditionally permitted using in the 'A' District. All of the surrounding properties are also zoned 'A' Single Family Residential and used for single family residences.

FINDINGS:

1. The property is approximately 2.08 acres with an existing playground behind the church.
2. The church has had a series of educational tenants in the past including Ohio Valley Voices and Renaissance Montessori School.
3. Skyward Academy was approved to operate in the church in 2015. The minutes from the April 6, 2015 Planning Commission meeting are included in your packet.
4. The church is approximately 20,000 square feet in size and has several classrooms. Currently, Skyward Academy operates out of five classrooms; however, if the expansion is approved, the Academy would operate out of seven classrooms.
5. The applicant is proposing that the school be in operation from 8:45 a.m. until 3:00 p.m. with extended day care which would be available from 8:00 a.m. until 9:00 a.m. and again from 3:00 p.m. until 5:30 p.m.
6. The applicant is proposing that there would be no more than 60 students with fourteen teachers; however, this ratio of students to teachers could change depending on the needs of the individual students.
7. Access to and from the school would be from Zig Zag Road, which is a collector street.
8. There is a significant existing buffer between the church and the adjoining residential properties.
9. The existing church is non-conforming in the south side-yard setback. Schedule 151.2004 would require the church to be a minimum of 30' from the side property lines; however, the church is approximately 26' from the south side property line.

Staff Comments

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

1. *Such uses shall be located on an arterial or collector street to minimize impacts the impact on the residential area.*

The church is located on Zig Zag Road, which is a collector street.

2. *All access drives shall be located as far as practical from an existing intersection.*

The entrance to the church already exists and is located at the intersection of Westwind and Zig Zag Road.

3. *The Planning Commission may require outdoor children's activity areas to be enclosed by a fence at a height approved by the Commission.*

There is an existing enclosed outdoor play area.

4. *All outdoor activity areas shall be setback a minimum of 50' from a residential property. Any outdoor activity area with night lighting shall be setback 100' from any residential property.*

The majority of the enclosed play area meets the 50' setback; however, one corner may be closer than the 50' setback to the rear yard of the residential property on Whitebridge Court. There is a heavily wooded area between the play area and this house and the play area was used by Renaissance Montessori School in the past. The applicant has stated that no outdoor night activity is planned in association with the school.

5. *No building shall exceed 3 stories or 45 feet, including all construction mechanicals.*

The church is an existing one-story building with no mechanicals visible from the street. There are no additions to the building as part of this application.

6. *The design of new structures or modifications to existing structures shall be visually compatible with the surrounding residential character.*

The existing church is compatible with the surrounding residential character and the applicant has stated that no construction is planned in association with this application.

7. *The minimum setbacks for individual buildings shall comply with those established in Schedules 151.2004 and 151.2006.*

The existing church is non-conforming in the south side yard setback; however, it meets all of the other required building setbacks. The school would operate within the existing building with the exception of the playground and the drop-off/pick-up location on the east side of the building.

8. *A designated on-site drop off/pick-up shall be provided.*

The applicant is proposing to use the same designated drop-off and pick-up area that was used by Renaissance Montessori School. There is plenty of parking lot and internal drives to accommodate the proposed drop-off and pick-up area in the proposed location.

9. *All activities shall be directly related to the conditional use permit granted and shall be properly supervised.*

The Skyward Academy will be fully staffed and the only activity will be the typical operation of a school.

10. *Associated uses shall be located on the same lot as the principal use and comply with the building setback requirements for the principal building.*

The applicant has no proposed any associated uses.

Chapter 151.2002 lists 12 general standards that are applicable to all conditional uses. Staff has reviewed these 12 conditions and found that the site and the proposed use meets items b, c, d, e, h, i, j, k and l. With the appropriate operational conditions, items a, f and g can also be met. Staff believes that there are no conditions which this application cannot meet.

Staff Recommendation

Staff recommends approval of the expansion of the conditional use permit with the following conditions:

1. The conditional use permit is limited to the operation of the school with a maximum daily attendance of 60 students. The applicant would need to return for an expansion of the permit if enrollment exceeds 60 students per day.
2. There will be no outdoor evening activities.
3. All outdoor activities will be monitored by staff.
4. All drop off and pick up shall be at the designated area.

**CITY OF MONTGOMERY
PLANNING COMMISSION REGULAR MEETING
November 14, 2016**

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<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Ed and Melissa Amrein Montgomery Presbyterian Church 9994 Zig Zag Rd, 45242	Michelle McSwain Bacon Pastor Montgomery Presbyterian Church 9994 Zig Zag Rd, 45242	Tracy Roblero, Community Development Director Evelyn Dumont, Acting Secretary <u>ALL BOARD MEMBERS PRESENT</u> Mike Harbison, Chairman Vince Dong Darrell Leibson Jim Matre, Acting Chairman Barbara Steinebrey Pat Stull Barbara White

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

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. Chairman Harbison asked all attending to turn off all cell phones.

Staff Update

Ms. Roblero welcomed Evelyn Dumont as Acting Secretary.

Ms. Roblero updated members on the Vintage Club, stating that there are some issues with receiving Letters of Intent for different businesses that seem to be stalling any forward movement on the financial front.

She noted that the City is hosting an MCLA Gateway Redevelopment Open House this Thursday from 5 p.m. to 7 p.m. in City Council Chambers. The meeting will focus on the roundabout portion and traffic flow. She explained that there will be an Open House in early 2017, for the general public. Once a financially viable plan is in place, this project will move forward to Planning Commission.

Planning Commission Meeting

November 14, 2016

32 Ms. Roblero stated that Twin Lakes went before the Board of Zoning Appeals (BZA) with an
33 application regarding the outdoor seating. She noted that Mr. Barrett was in attendance,
34 representing the Joseph Group / Camargo Cadillac. BZA tabled the application and asked that
35 Staff work with both parties to find an amicable solution. Ms. Roblero has a meeting with
36 Mr. Barrett this Thursday; Twin Lakes is on the agenda for the November 22 BZA meeting, with
37 a revised outdoor seating plan. If this plan is approved, it will then come back to Planning
38 Commission.

39
40 Staff stated that the City is also preparing for the 2017 Work Plan for the Community
41 Development Department. She explained that this will involve numerous text amendments. Last
42 Monday, she attended the Planning, Zoning and Landmarks Committee of Council Meeting to
43 begin the process for asking Planning Commission to review the text amendments. At this
44 meeting, they made a recommendation to City Council – who will consider it this Wednesday at
45 their City Council Meeting.

46
47 The text amendments consist of many topics, some of which are:

- 48
- 49 • Re-evaluating the sign code, particularly the temporary sign code, in light of some recent
50 US Supreme Court decisions which will significantly change regulation of signage for
51 municipal communities.
 - 52
 - 53 • Review definition of drug-treatment facilities
 - 54
 - 55 • Antennas for wireless communications: small cell antennas (similar to large utility boxes)
56 placed in the right-of-way
 - 57
 - 58 • Medical marijuana – Ohio allows for medical marijuana dispensaries
 - 59
 - 60 • Montgomery Road Commercial Corridor Design Guidelines: This was originally
61 scheduled for 2018 as part of the 2016 – 2021 Strategic Plan; however, City Council has
62 asked that this study be moved up to 2017. Since this amendment will have such a large
63 impact on the community, the City will hold a series of public input sessions, with the
64 first one tentatively scheduled for March 29, 2017. It will go before the MCLA graduates
65 (called MCLA 2.0). They will be educated about the Corridor, the current guidelines and
66 then will be asked to vote on the kinds of architecture they would like to see in that area,
67 site layout, etc. The City will then be taking that information to other groups, and to the
68 public, at large.
 - 69

70 Ms. Roblero then wished all members a happy Thanksgiving.

71

Guests and Residents

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

73

Communications

74 There were no communications to report.

75

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Planning Commission Meeting

November 14, 2016

77 **Old Business**

78 There was no old business to report.

79

80 **New Business**

81 ***Application for the expansion of a conditional-use permit to allow for Skyward Academy to***
82 ***operate at the same location as Montgomery Presbyterian Church at 9994 Zig Zag Road.***

83

84 **Staff Update**

85 Ms. Roblero reviewed the Staff Report dated November 7, 2016, "Application for Expansion of
86 a Conditional-Use Permit for Skyward Academy, 9994 Zig Zag Road". Ms. Roblero stated that
87 letters had been sent to all adjacent properties and she did not receive any phone calls opposing
88 or supporting this request.

89

90 Mr. Dong asked if there were any complaints from the last few years. Ms. Roblero stated that
91 they have not received any complaints regarding Skyward Academy.

92

93 **Ms. Melissa Amrein, founder and director of Skyward Academy, 2033 Walnut Road,**
94 **Loveland, OH 45140,** thanked the City for their support of the children and their families.
95 She stated that they are currently at capacity and have a waiting list for the balance of this school
96 year, as well as for next year.

97

98 Mr. Dong asked if they foresee any playground expansion in the future. Ms. Amrein stated that
99 they don't use the playground, so no plans for expansion there.

100

101 Mrs. White referred to the last page of the application, pointing out the August 10 start date, if
102 this permit was approved. Ms. Amrein explained that she interpreted the question, as to the first
103 day of school in 2017. Ms. Roblero asked the applicant if this should be changed to "as soon as
104 the permit is approved" and the Ms. Amrein agreed.

105

106 Ms. Roblero reviewed the process, in the event that this request would be approved:

- 107 • Staff would request a public hearing at City Council
- 108 • The first public hearing would likely be held on December 21
- 109 • If there are no objections or changes on December 21, City Council could vote on the
110 Planning Commission's recommendation

111

112 Ms. Amrein was pleased, as that was at the end of the semester, and a perfect time to transition
113 new students.

114

115 Mrs. White recalled some previous issues and asked about pick-up and drop-off for students.
116 Ms. Amrein stated that it was working pretty well; the cars wait in line, and they run about 30
117 cars through in 6 minutes.

118

119 Chairman Harbison asked for the ages of their students. Ms. Amrein stated that it was not a pre-
120 school, but primarily middle school and high school -- the youngest was 10, and the oldest was a
121 high school graduate.

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Planning Commission Meeting

November 14, 2016

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Ms. Michelle McSwain Bacon, pastor of Montgomery Presbyterian Church, 9994 Zig Zag Road, Montgomery, OH 45242, stated that after the students had been at the school last year, for not even a month, they were asked to write thank-you notes to the Church. She read portions of the letters that she received.

“Greetings to all those who have helped Skyward to become what it is as of now. I would like to personally thank you for letting us use the Church. I wouldn’t be getting education in a safe environment without your help. Skyward is important to me, mainly because of education. Other reasons might include the fact that the last school put me in a mental hospital, where the kids there made fun of my wardrobe. The pace at which Skyward goes is excellent, and I love how the IEP works. While I am not entirely sure if you have any information of this sort, I am giving it to you now. By this I mean, you may not be directly associated, but I still wish to express my gratitude. Thank you once again for letting me flourish at Skyward, here in the Church. Words only go so far as to compliment, but I wish to let you know it is more than just text written down in a Google word document. If it weren’t for Skyward, I probably wouldn’t be learning and my educational environment would be dangerous.”

“...Now that we have the new building, we won’t have to worry about cars driving over us outside as much.” Also, since we aren’t too crowded with each other, there will be less distractions. Students won’t be able to hear the other teachers teaching their lessons now. We can also be more alive by the sunlight. Overall, we are thankful we have a better learning environment. Thank you for all of your hard work. You are good people. Thank you for the school – it makes me happy.”

Ms. Bacon believes Skyward does very important work for students who have special needs. She felt that it was mutually beneficial – the rent paid by Skyward paid for a portion of the operating budget and was still below market rate for Skyward. On behalf of the congregation, she felt it was important to provide faith and a nurturing environment for our children.

Chairman Harbison referred members to the April 6, 2015 Planning Commission minutes found in their packets, which described more about Skyward. He asked for discussion.

Mr. Stull, Ms. Steinebrey, Ms. White, Mr. Matre, Mr. Leibson and Mr. Dong all agreed with this application.

Chairman Harbison felt this was a great idea, and was in support of this application.

Mr. Matre moved that the Planning Commission make a finding pursuant to Chapter 155.2002, that the applicant meet the 12 standards applicable to the expansion of the conditional uses as shown in the Staff Report dated November 7, 2016 and the Application; and that Planning Commission recommend that City Council approve the application, subject to the conditions set forth in the Staff Report, and start effective immediately.

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Planning Commission Meeting

November 14, 2016

167 **Mr. Leibson seconded the motion.**

168

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

170

171 **AYE: Mr. Stull, Ms. Steinebrey, Mrs. White, Mr. Matre, Mr. Leibson, Mr. Dong,**

172 **Chairman Harbison** (7)

173 **NAY:** (0)

174 **ABSENT:** (0)

175 **ABSTAINED:** (0)

176

177 **This motion is approved.**

178

179 Ms. Roblero reviewed the process, going forward:

- 180
- 181 • She will ask to have this included on the agenda for the City Council meeting this
 - 182 Wednesday. They will set a date for the first public hearing, tentatively 12/21 at 6:45pm.
 - 183 • If the date of the first public hearing changes, Ms. Roblero will inform the applicant.
 - 184 • If City Council approves the request on December 21, the school would then have their
 - 185 permit approved.

185

Other

187 Chairman Harbison asked members to think about 2017. He asked if there was any training they
188 might be interested in. Mrs. White suggested help with the Montgomery Corridor Design.
189 Chairman Harbison suggested Greg Dale and Emily Crowe – who were part of the group that
190 created the original design. Ms. Roblero felt the core of the design was very good – that it just
191 needed some strengthening. She was unsure if it would be necessary to hire a consultant.

192

193 Ms. Roblero suggested architectural training versus planning; she believed the planning was
194 already in place, but the architecture was in question, for the future. Mr. Leibson agreed. There
195 was discussion about the various districts and their locations on Montgomery Road. Ms. Roblero
196 stated that the largest challenge of the Montgomery Corridor Guidelines was that the guidelines
197 are not codified into the code – they are stand-alone. They are suggestions that say “may”, as
198 opposed to the other guidelines that say “shall or should”.

199

200 Mr. Leibson felt the 2 major issues were architecture and setbacks. Ms. Roblero agreed, noting
201 that they want to get community opinion. There was more discussion.

202

203 Chairman Harbison asked if anyone knew of any World War II veterans that have not been in
204 Honor Flight; he asked to have them please contact him and he distributed brochures. There is a
205 website where you can find the date: honorflighttristate.org

206

Minutes

208 Mr. Leibson moved to approve the minutes of October 24, 2016, as submitted.

209 Mrs. White seconded the motion. The Commission unanimously approved the minutes.

210 Messrs. Matre and Stull abstained from the approval of the minutes, as they did not attend that
211 meeting.

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Planning Commission Meeting

November 14, 2016

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Adjournment

Mr. Dong moved to adjourn the Planning Commission meeting. Ms. Steinebrey seconded the motion. The Commission unanimously approved. The meeting adjourned at 8:15 p.m.

Karen Bouldin, Clerk

Michael Harbison, Chairman

Date

/ksb

DRAFT

**CITY OF MONTGOMERY
PLANNING COMMISSION REGULAR MEETING
April 6, 2015**

PRESENT

GUESTS & RESIDENTS

Melissa & Ed Amrein
Skyward Academy
2033 Walnut Road
Loveland, OH 45140

Pete Courlas
CBRE
1701 Golf Road, Tower 1, Flr 8
Rolling Meadows, IL 60008

Michelle McSwain Bacon
Pastor
Montgomery Presbyterian Church
9994 Zig Zag Rd, 45242

Phil Kennedy
BDG Architects
2100 1st Ave North, Ste 100
Birmingham, AL 35203

Kevin Barker
Fifth Third Bank
28 Fountain Square Plaza
Cincinnati, OH 45202

Lee Starr
GPD Group
1801 Watermark Dr, Suite 150
Columbus, OH 43215

STAFF

**Tracy Roblero, Community
Development Director**
Karen Bouldin, Secretary

BOARD MEMBERS

Chairman Mike Harbison
Vince Dong
Jim Matre, Vice Chairman
Barbara Steinebrey
Pat Stull
Barbara White

BOARD MEMBERS NOT PRESENT

Jim Niehaus

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

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. Chairman Harbison asked all attending to turn off all cell phones.

Staff Update

Ms. Roblero stated that Beautification Day is Saturday, May 16; if anyone has any desire to participate in the event, please contact her. Activities will run from 9am to 11am at City Hall.

The Volunteer Dinner will be held on Wednesday, April 30; RSVPs are due by April 15.

Landmarks will be meeting this Wednesday to discuss colors and materials for 7925 Remington – the 3 landminiums.

Ms. Roblero updated members on the status of the Gateway Redevelopment Area (Ford and Chevrolet sites where Montgomery Road meets Ronald Reagan Highway). She noted that the

ad hoc committee met to review the first 7 submissions, and will meet again this Thursday to review the next 6. They will then recommend their choices to City Council on April 22. Ms. Roblero asked if any members had an interest in serving on an ad hoc commission for the Request for Proposal process, to please let her know.

Staff stated that she will be attending the American Planning Association National Conference from April 17 through the 22nd. There will be no Planning Commission meeting on April 20.

Ms. Roblero noted that a meeting is scheduled with the Vintage Club this Thursday.

Ms. Roblero stated that the Christ Hospital Medical Office Building opened today and the Open House is scheduled for Saturday, May 9 at 9:30 a.m. They are planning for several hundred attendees.

Guests and Residents

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

Communications

Ms. Steinebrey reported that on Friday, March 27, she attended the Annual Meeting of the Hamilton County Planning Partnership with Ms. Roblero. She noted that the keynote speaker was the head of Mercy Health. She pointed out that they have 3 projects that will be completed about the same time; and all of them in an \$80 to \$90 million range. She stated one was in Anderson, one at Jewish, and the third was a new office building in Bond Hill. Ms. Steinebrey reported that they gave an award to Evandale for their bike & pedestrian path (which should connect 9 communities), and another one to Deer Park for the master plan for development. Ms. Roblero noted that they also gave out certificates of appreciation to communities who have been members for 15 years – which included Montgomery.

Chairman Harbison asked if Hamilton County might bring back the Certified Commissioners Program. Ms. Roblero noted that they seemed to be going through transitions with their employees and she felt there were other pressing items at this time. She felt this would be brought up again at some point in the future, as she agreed with Chairman Harbison that this was a great program.

New Business (1)

Application for the expansion of a conditional-use permit to allow for Skyward Academy to operate at the same location as Montgomery Presbyterian Church at 9994 Zig Zag Road.

Staff Update

Ms. Roblero reviewed the Staff Report dated March 28, 2015, “Application for Expansion of a Conditional-Use Permit for Skyward Academy, 9994 Zig Zag Road”. Ms. Roblero stated that she had received 2 phone calls from citizens: the first call consisted of questions only, and the second caller, an adjacent property owner, had concerns with drop-off and pick-up times. She noted that the Church had always been a good neighbor, but has noticed previously when the school was there, that parents tended to race through the parking lot, in a hurry. She wanted to know how they propose to address this issue.

Mr. Dong asked if there were ever complaints from others, when the Montessori school had previously been there. Staff stated she had never received any complaints during the operation of the school.

Ms. Michelle McSwain Bacon, pastor of Montgomery Presbyterian Church, 9994 Zig Zag Road, Montgomery, OH 45242, introduced Melissa Amrein, who is the director of Skyward Academy, and asked if there were any questions they could answer.

Mr. Dong asked Ms. Bacon about the speed of people leaving the parking lots. He inquired if there might be any plans for the use of speed bumps. Ms. Bacon stated they did not have plans for speed bumps, but that she would work very closely with the Director and parents to monitor the speed. She also did not feel it was a big enough space to get that much speed going; and pointed out that there was a 4-way stop at the top of the parking lot, where people leave.

Ms. Melissa Amrein, founder and director of Skyward Academy, 2033 Walnut Road, Loveland, OH 45140, stated that this was part of an expansion for their small school. She explained that they work with students with learning disabilities and mild autism. Ms. Amrein stated that the parents were very involved, very caring and concerned. She explained the parking lot situation: the students are not dismissed to find their cars/parents. The teachers walk the students to each car, so the parents are used to waiting in the car line. The cars wait in a single-file fashion and are very disciplined in leaving the parking lot.

Ms. White asked if they will improve the outdoor play area. Ms. Amrein stated that she would discuss it with Ms. Bacon. Mr. Dong wanted to clarify that they were talking of improvement, and not expansion. Ms. Bacon stated that it has been sitting vacant for a while, and needs some updating, but would not be expanded.

Chairman Harbison asked for discussion from the members.

Mr. Stull, Ms. Steinebrey, Ms. White and Mr. Dong all agreed with this application.

Mr. Matre did, as well. Chairman Harbison felt this was a great idea.

Mr. Matre moved to approve the application submitted for the expansion of a conditional-use permit to allow for Skyward Academy to operate at the same location as Montgomery Presbyterian Church at 9994 Zig Zag Road.

Mr. Matre moved that the Planning Commission make a finding pursuant to Chapter 155.2002, that the applicant meet the 12 standards applicable to the conditional uses as shown in the Staff Report dated March 28, 2015 and the Application; and that Planning Commission recommend that City Council approve the application, subject to the conditions set forth in the Staff Report.

Mrs. Steinebrey seconded the motion.

The roll was called and showed the following vote:

AYE: Mrs. White, Mr. Matre, Mr. Dong, Mr. Stull, Ms. Steinebrey, Chairman Harbison (6)
NAY: (0)
ABSENT: Mr. Niehaus (1)
ABSTAINED: (0)

This motion is approved.

Ms. Roblero stated that there was one more step for the applicant as there would be a public hearing before City Council prior to City Council voting on the expansion of the conditional use permit.

New Business (2)

*Application for approval of the Final Development Site Plan at 9990 Montgomery Road:
Demolition of existing bank building and construction of new branch bank on the site.*

Staff Update

Ms. Roblero reviewed the Staff Report dated April 3, 2015, "Application for General Development Site Plan, Fifth Third Bank, 9990 Montgomery Road". She pointed out that while the Staff Report states there were no other architectural details that had been changed, she did receive an email after that, showing a detail item that was added to the window. She did not receive any communications regarding this application.

Mr. Dong asked if we have had any previous complaints on lighting in this area before. Ms. Roblero stated they have had some with the car dealerships, but not from the bank.

Kevin Barker, Fifth Third Bank, 28 Fountain Square Plaza, Cincinnati, OH 45202, stated that this was a follow-up to the last Planning Commission meeting held on March 16. He noted that they have worked hard to address the comments from the March 16 meeting, concerning the site and the building. He stated that Ms. Roblero had provided them with the 2013 changes to the Montgomery Road Corridor Guidelines, which they have also taken into account.

Mr. Lee Starr, GPD Group, 1801 Watermark Dr., Suite 150, Columbus, OH stated that he was the engineer working on this site. He noted that they have made many changes to address the previous issues discussed: the turning radius for the firefighters, landscaping, and others.

Mr. Starr believes they can work with the City to address the concerns of stormwater management, the lighting and the sidewalks.

- Mr. Starr stated that their lighting designer will work with Staff to bring this into compliance. He noted that they will move the drive-through to the rear of the site, so the lighting will only be facing the commercial property in the rear.
- Regarding stormwater retention, Mr. Starr stated that they have been working with Mr. Heitkamp, Assistant Public Works Director, to reach a solution that will also be in compliance with the code.

Mr. Dong asked about their intention regarding the stormwater. He asked if they would install some sort of best practice to manage the storm water. Mr. Starr stated that he has done a preliminary study, and determined that, with the reduction of impervious area, it did not require detention. Mr. Starr noted that it was very close, but Gary Heitkamp believes that there will be a small requirement for detention. Mr. Starr will work with him to make that happen.

Mr. Phil Kennedy, BDG Architects, 2100 1st Ave North, Ste 100, Birmingham, AL 35203, explained certain changes they have made. He reviewed the presentation on the screen:

- Windows: They have articulated the base, adding a 4-inch trim. The original had the larger windows going down to the floor; they are now raised. The back base is 2.8 feet, and closer windows have a base of 1.4 feet. Both have the same base detail, with the protruding cap. The side elevations also have the base wrap under the windows.
- The glass still goes to the floor at the entrance. They have added mullions to add more detail to the glass.
- Mr. Kennedy addressed the original concern about the horizontality of this building. He noted that they have actually raised the height of the overall building, to break down the horizontality. He noted that the back section was 16 feet tall; the front, 20 feet tall.
- They have added the darker brick veneer to help soften the look.
- Mr. Kennedy wanted to clarify the percentages: The side elevation (that faces Montgomery Road) had a metal percentage of 16%. The elevation that faces Market place has 21%, but the overall percentage was 13%.
- Mr. Kennedy stated that the mechanical was on the roof, in the back corner, recessed in the roof, so you would not see it.

Mr. Stull asked how the front doors were set up, as it looked like you just go through an open space, and there were no doors. Mr. Kennedy showed members the detail and explained how this would work, stating that after hours (at night), the bank would be blocked off from the lobby, but there would still be entry availability through the glass doors.

Ms. Steinebrey asked how the color of the brown wood was chosen. Mr. Kennedy explained that the exterior has the same stain color of the interior wood, and it keeps both tied together.

Mr. Matre asked what they would put on the inside walls that you would see, when looking through the outside glass windows and doors. Mr. Kennedy showed members what the inside walls would look like, noting that one wall would be all wood, and the remaining walls would be painted white. Mr. Matre noted that it could be an issue if there is signage showing through there. Mr. Kennedy stated that what is currently being proposed is a mosaic of the Fifth Third colors.

Mr. Dong asked about the lighting strategy, if any lights would be shining on the aluminum panels. Mr. Kennedy stated that they would like to use ground-lighting. Mr. Dong asked if the metal panel was reflective. Mr. Kennedy showed members a sample of the metal, noting that it was a matte finish, so it would not be shiny.

Mr. Kennedy stated that they were intending to back-light the Fifth Third wall sign so there would be some glow, but not highly reflective.

Chairman Harbison asked for member discussion.

Mr. Matre noted that he was not at the first (March 16) meeting, but had read the minutes and the Staff Report. He asked if all of the original issues had been addressed from the March meeting; he felt they had.

Mr. Stull asked about the wall. Mr. Barker stated that in March, Dr. Cheng asked if they would be building some retaining walls. Mr. Barker stated that they have inspected the wall behind their property, and did not feel there were any issues or changes necessary. He knew there were issues with similar retaining walls that go down Marketplace, particularly near the Cadillac dealership.

Mr. Dong explained that the metal issue had been resolved, because Staff had reported on the regulation that allowed the Commission's discretion.

Chairman Harbison reviewed the 6 items listed on the Staff Report. At point 6, he asked if any member had issue with the massing and scale, and architectural details.

Staff stated that she felt the windows should be more vertical, but with the added architectural detail and the mullions, it would be up to the Planning Commission. Mr. Stull asked if there was a preference on the bank's perspective. Mr. Barker replied that they liked the more open look, but would defer to Planning Commission's direction.

Ms. Roblero felt the base was more important, from her perspective. Chairman Harbison felt that, between the original drawing and the current drawing, the current drawing was definitely broken up, and there was now verticality versus a horizontal look. He felt the vertical look made it look cluttered, and the original rendering was more crisp and clean.

Chairman Harbison asked if any member had any issue with the metal and the overall look.

Mr. Matre liked the matte finish on the metal panels. He did not have any issues with this.

Mr. Dong liked the matte finish. Singularly, he did not have any issue with it. He pointed out that, when looking through the entire downtown, he sees more of the buildings moving to a more contemporary look. He felt this was moving away from the appearance of the traditional Corridor Design. He struggled with the fact that the Commission was making one decision at a time, moving toward the more modern look, when the Corridor Design intent was to be more

traditional. He was not sure how to manage this, and did not want to penalize one developer over another.

Mr. Stull felt this was a cleaner and better look than the current building there. He liked the first set of drawings better than this one.

Ms. Steinebrey approved of this application and liked the addition under the windows of the rock base.

Mrs. White liked the traditional look. She agreed that the Corridor was moving toward the modern look. She appreciated the applicant for working with the Commission.

Chairman Harbison stated that he liked the traditional look and agreed that the new buildings were moving toward the more modern looks. He liked the changes to the windows, but wanted to be sure where all members stood with the verticality versus the uncluttered look.

Ms. Steinebrey was concerned about security at night and with the amount of lighting allowed for the ATM in the back of the building. Mr. Barker stated that they could work with our guidelines: 10-foot candles, within an 8-foot range; and it would meet the bank's safety and security concerns. He noted that in some states, they were required to meet certain lighting standards. Ms. Roblero stated that First Financial has met that 10 foot candle requirement and has had no safety issues.

Mr. Dong encouraged Fifth Third to use stormwater best practices, even if they weren't needed. Mr. Barker noted that all of the water would be directed toward the existing ditch; there would be nothing encroaching into Marketplace Lane or Montgomery Road.

Mr. Dong asked about the intent of the Corridor Design – was it to be more traditional? Staff confirmed that it was. Chairman Harbison stated that the intent was to maintain the traditional look present at that time (2005). Staff noted that the first project developed under the Corridor Guidelines was Key Bank and that was the look that they were intending. Staff stated that there was a Planning, Zoning and Landmarks Committee and Council meeting held today, and this very question was brought up by Ken Suer, a Council member, who had attended the March 16 Planning Commission meeting. He suggested that we have a community conversation to determine in what direction we would like the Corridor to move, and then rewrite the guidelines, if need be.

Mr. Matre understood, and agreed, but pointed out that there were so many existing uses, that you would never meet the goal. There was more discussion about specific buildings and their modern look. Mr. Matre did not feel we met the "traditional" goal for this application, but pointed out that we did meet the guidelines.

Mr. Matre wanted to discuss the changes made to divert from the horizontality to give it more verticality. Mr. Dong liked the first version. Members wanted to keep the base below the windows on the sides, but liked the cleaner version of the front, taking away the vertical entry elements.

Mr. Kennedy was happy to revert to the first rendition, dated March 6, 2015, for the window design.

Mr. Matre moved to approve the application submitted for the approval of the Final Development Site Plan for 9990 Montgomery Road: Demolition of existing bank building and construction of a new branch bank on the site, subject to the following conditions:

- 1) *April 3, 2015 Staff Report recommendations*
- 2) *Montgomery Road elevation having the base as shown in the March 31, 2015 drawings*
- 3) *South elevation would have the configuration of windows as set forth in the March 6, 2015 drawings.*

Mr. Stull seconded the motion.

The roll was called and showed the following vote:

AYE: Ms. Steinebrey, Mrs. White, Mr. Matre, Mr. Dong, Mr. Stull, Chairman Harbison (6)
NAY: (0)
ABSENT: Mr. Niehaus (1)
ABSTAINED: (0)

This motion is approved.

Mr. Barker wanted to comment on Mr. Dong's issue with the city's guidelines and developer's proposals. He noted that in working with many cities, he sees many of them struggling with the same issue. He pointed out the positive, in that the downtown guidelines were separate from the Corridor and that Montgomery has a great traditional downtown.

Other

There was no other business to report.

Minutes

Mr. Dong moved to approve the minutes of March 16, 2015, as submitted.
Mrs. White seconded the motion. The Commission unanimously approved the minutes.
Mr. Matre abstained from the approval of the minutes, as he did not attend that meeting.

Adjournment

Mr. Dong moved to adjourn. Mr. Stull seconded the motion.
The meeting adjourned at 8:50 p.m.



Karen Bouldin, Clerk

 3 AUG 15

Michael Harbison, Chairman Date

/ksb

City of Montgomery
City Council Public Hearing Minutes
May 6, 2015

Present

Wayne Davis, City Manager
Terry Donnellon, Law Director
Tracy Roblero, Community Development Director
Jim Hanson, Finance Director
Kelly Beach, Assistant Finance Director/Tax Commissioner
Paul Wright, Fire Chief
Connie Gaylor, Clerk of Council

City Council Members Present

Todd Steinbrink, Mayor
Chris Dobrozsi, Vice Mayor
Ann Combs
Craig Margolis
Gerri Harbison
Lynda Roesch
Ken Suer

City Council reconvened in Council Chambers for the Public Hearing at 6:45 p.m. with Mayor Steinbrink presiding.

Ms. Roblero stated that the Planning Commission met on April 6, 2015 to consider an application from the Montgomery Presbyterian Church for the expansion of the conditional use permit to allow Skyward Academy to operate from the Church. Ms. Roblero stated that notices were sent to neighbors within a 300 feet radius of the church. No guests or residents were in attendance at the meeting, however, one adjacent property owner called to express concerns about traffic during drop-off and pick-up. After review of the application and discussion, the Planning Commission voted unanimously to recommend approval of the expansion of the conditional use permit to allow for Skyward Academy to operate from the Church with the following conditions:

- The conditional use permit is limited to the operation of the school with a maximum daily attendance of 45 students. The applicant would need to return for an expansion of the permit if enrollment exceeds 45 students per day
- There will be no outdoor evening activities
- All outdoor activities will be monitored by school staff
- All drop-off and pick-up shall be at the designated area

Melissa Amrein, Skyward Academy Director, addressed City Council and gave background as to how the Skyward Academy began. She stated that at the request of parents of the special needs children that she tutored, Skyward Academy for grades four through twelve was established. She stated that the Academy began operating in Deer Park but quickly outgrew the building they were in and were referred to Montgomery Presbyterian Church through a teacher who is a member there. She indicated she hopes to build business partnerships for the students that will be graduating from the Academy.

Michelle Bacon, Pastor at Montgomery Presbyterian Church, addressed City Council to give her support to the Skyward Academy and their operation in the Church. Pastor Bacon stated that the congregation of the church highly values and supports education. They are excited about the school operating out of their building and look forward to the partnership they will embark upon.

Mr. Suer made a motion to approve the recommendation of the Planning Commission to allow the expansion of the conditional use permit that would allow the Skyward Academy to operate within the Montgomery Presbyterian Church. Mr. Margolis seconded. City Council unanimously agreed.

Mr. Dobrozsi moved to adjourn from the Public Hearing. Mr. Margolis seconded. City Council unanimously agreed.

The Public Hearing was adjourned at 6:53 P.M.



Connie Gaylor, Clerk of Council