CITY OF MONTGOMERY

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Memorandum

May 27, 2016

TO: Wayne Davis, City Manager

FROM: Tracy Roblero, Community Development Director TMR

SUBJECT: Forward Request for Expansion of Conditional Use Permit at 9840 Montgomery Road

Request

It is requested that City Council hold a public hearing to consider a request from Twin Lakes at 9840 Montgomery Road for the expansion of the conditional use permit to allow for a parking lot expansion of 14 parking spaces on the south side of the property along Perin Road.

Background

Twin Lakes will be constructing an addition to the Main Campus and a shared parking lot was approved by the Planning Commission between the Main Campus and the proposed retail building during the Final Development Site Plan approval process. This proposal is for 14 additional parking spaces along Perin Road, which the applicant has stated are intended for use by visitors to the Main Campus. Particularly, the applicant has found that residents are driving from the south campus to the Main Campus for meals and events and this would provide more convenient parking for these residents. Short term, this parking would be used for additional parking during construction of the Main Campus addition. If approved, this expansion would bring the total number of parking spaces up to 504 for the Main Campus and future retail building along Montgomery Road.

The proposed parking lot expansion is designed to match the existing parking area on the south side of the building. The existing sidewalk will need to be removed and a new sidewalk poured behind the proposed parking spaces with two new retaining walls. There would be a new exit-only curb cut onto Perin Road which would be signed 'Do Not Enter'. Two existing light poles would need to be relocated to properly illuminate the new parking area. There are several small trees in the location of the proposed parking lot that would be removed and new landscaping installed. The existing perimeter parking lot landscaping island to the east of the proposed expansion is located in the right-of-way of Perin Road. The applicant is proposing to keep the proposed perimeter landscaping parallel with the existing landscaping, which would require it to also be located in the right-of-way of Perin Road. Twin Lakes maintains the existing landscaping and would also maintain the proposed landscaping. The Public Works Director did not see an issue with allowing the landscaping to be located in the public right-of-way and is in agreement with the applicant's proposal to maintain the landscaping.

Planning Commission Recommendation

The Planning Commission met to consider the expansion of the conditional use permit as well as the Final Development Site Plan for the parking lot expansion on April 18, 2016. Notices were sent to neighbors within a 300' radius of the property. Staff did not receive any comments or questions regarding the proposal. At the meeting, there was discussion about the proximity of the existing parking to Perin Road and the location of the landscaping in the right-of-way. After hearing the testimony presented at the meeting and discussing the application, the Planning Commission voted six-to-one to recommend approval of the expansion of the conditional use permit and the Final Development Plan at their meeting on April 18, 2016 with the following conditions:

- The landscape plan be reviewed and approved by the City Arborist.
- Final stormwater calculations and plans be reviewed and approved by the City Engineer.
- The applicant work with the Public Works Director and Law Director to create a maintenance agreement for the landscaping and lighting located in the public right-of-way.

Staff Recommendation

Staff supports the recommendation of the Planning Commission to allow for the expansion of the conditional use permit for the expansion of the parking lot with the conditions as established by the Planning Commission. The following relevant conditions from Section 151.2007(s) are provided as reference:

1. Such uses shall be located on an arterial or collector street or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.

2. The minimum setbacks for individual buildings shall comply with those established in Schedules 151.2004 and 151.2006, respectively. As part of the development plan approval for a conditional use permit, Planning Commission and/or Council may establish greater setbacks when the minimum setbacks do not provide adequate safeguards to adjoining residential property, due to topography, vegetation or building size.

3. The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.

The project is a minor expansion to the existing parking lot along Perin Road that will be designed to match the existing parking area. The proposed parking lot expansion will also meet the landscaping, stormwater and lighting standards set forth in the Montgomery Zoning Code.

CITY OF MONTGOMERY
PLANNING COMMISSION ANNUAL MEETING
April 18, 2016

PRESENT

GUESTS & RESIDENTS

C. Francis Barrett
Barrett & Weber LPA
105 E. 4th Street, Suite 500
Cincinnati, OH 45202

Jon Homer
Director of Business Development
Twin Lakes
9840 Montgomery Rd, 45242

Karol L. Laskowski
PDT Architects
300 W. Fourth Street
Cincinnati, OH 45202

Roger B. Wade, President
Cintech Construction
6865 Duck Creek Road
Cincinnati, OH 45227

Mike Willenbrink, Engineer
Bayer Becker
1404 Race Street, Suite 204
Cincinnati, OH 45202

STAFF

Tracy Roblero, Community Development Director
Evelyn Dumont, Secretary

BOARD MEMBERS
Chairman Mike Harbison
Darrell Leibson
Jim Matre, Vice-Chairman
Barbara Steinebrey
Pat Stull

BOARD MEMBERS NOT PRESENT
Vince Dong
Barbara White

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 noted and thanked Ms. Evelyn Dumont for standing in for Karen Bouldin, as secretary.

Staff stated that today she attended the Montgomery Citizens Leadership Academy (MCLA) Session 2.0, where they discussed how the national and demographic trends affect Montgomery. She noted there were about 80 attendees, including staff. She thanked Ms. Steinebrey and Mrs. White for their participation. Ms. Roblero explained that she will share this information with the Planning Commission at a future meeting.

Ms. Roblero reminded all that the volunteer recognition dinner will be held on Wednesday, April 27 at Montgomery Inn. She asked all to RSVP.

Staff noted that they were still working through issues on public financing and parking analysis with the Vintage Club. They hope to be on the May 16th Planning Commission agenda for a revised General Development Plan.

Ms. Roblero reported that the City is still working with Ohio Department of Transportation (ODOT) concerning the intersection and traffic for the Gateway Redevelopment Area.

Staff noted that Camden Homes has filed for their demolition permit, but there are issues securing the performance construction bond from their insurance company. Camden would like to build a model home at the same time they create the site development, however they are hindered because there is no sewer or water yet. Their goal is to find a solution and begin demolition in a month.

Communications

Ms. Roblero reported on her trip to Phoenix for the National American Planning Association Conference, noting that national demographic changes was the main topic: defining the changes from the baby boomer to the millennials.

Guests and Residents

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

Old Business

There was no old business to discuss.

New Business-1

An application from Twin Lakes, 9840 Montgomery Road, for the expansion of a conditional-use permit to allow for expansion of the parking lot to Twin Lakes Senior Living Community Main Campus, located at 9840 Montgomery Road, (on the south side, by Perin Road).

Staff Update

Ms. Roblero reviewed the Staff Report dated April 13, 2016, "Application for Expansion of a Conditional-Use Permit and Final Development Site Plan Approval for Twin Lakes Main Campus at 9840 Montgomery Road".

Mr. Leibson asked if this request was because of a zoning requirement or if Twin Lakes was doing this for their own purposes. Ms. Roblero explained that residents from the south campus drive to the main campus for events and meals and utilize the convenient parking. She noted that this was not a zoning regulation; however Twin Lakes would like to provide more convenient parking along Perin Road for the residents of the south campus.

Mr. Jon Homer, Director of Business Development, Twin Lakes, 9840 Montgomery Rd, 45242 introduced Mike Willenbrink, an engineer from Bayer Becker, who also accompanied him. Mr. Homer pointed out that Staff's report detailed their proposal and confirmed that this additional parking was of Twin Lakes' own volition to accommodate the residents of the south campus. He asked if there were any questions and there were none.

Chairman Harbison referred to the previous Twin Lakes' application that was approved during the approval process for the Main Campus. Chairman Harbison noted that when the parking along Perin Road was designed, it showed a minimal parking setback from the public street right-of-way for the access drive. He understood that the parking spaces were setback 20' from the right-of-way, but felt that the access drive should also be setback 20' from the right-of-way of Perin Road. He did not recall discussing that point during the original approvals of the Main Campus. Ms. Roblero did not find any mention of discussion regarding this issue in the minutes.

Chairman Harbison pointed out that the access driveway was actually located in the setback. He showed this to all on the drawing. He was concerned that this was overlooked at the previous meeting, and is now non-conforming.

Chairman Harbison decided to move on to the present application.

Mr. Leibson moved to approve an application from Twin Lakes, 9840 Montgomery Road, for the expansion of a conditional-use permit to allow for expansion of the parking lot to Twin Lakes Senior Living Community Main Campus, located at 9840 Montgomery Road, (on the south side, by Perin Road), with the following conditions:

1) ***Landscape plans be reviewed and approved by the City Arborist.***
2) ***Final storm water plans be reviewed and approved by the City Engineer.***
3) ***The applicant work with the Public Works Director and Law Director to create a maintenance agreement for the landscaping and the lighting located in the public right-of-way.***

Mrs. Steinebrey seconded the motion.

The roll was called and showed the following vote:

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

This motion is approved.

New Business-2

An application from Columbia Oldsmobile, Inc., 10981-10987 Montgomery Road, for the expansion of a conditional-use and Final Development Site Plan approval to allow for a new, free-standing, used-car building.

Staff Update

Ms. Roblero reviewed the Staff Report dated April 14, 2016, "Application for Expansion of a Conditional-Use Permit and Final Development Site Plan Approval for Columbia Acura/Hyundai at 10981-10987 Montgomery Road". She noted that she had received one phone call from a doctor located in the office condominiums in Sycamore Township, requesting additional information. After receiving this information, the doctor did not submit any comments prior to the Planning Commission meeting.

Mr. Stull asked for the specific location of the site. Ms. Roblero showed all members.

Mr. Leibson asked why this was a conditional use. Ms. Roblero stated that automobile dealerships were a conditional use in the General Business District.

Mr. C. Francis Barrett, Barrett & Weber LPA, 105 E. 4th Street, Suite 500, Cincinnati, OH 45202, represented the owner of the Columbia Oldsmobile Company. He introduced Mr. Karol Laskowski, architect of PDT Architects, 300 W. Fourth Street, Cincinnati, OH 45202 and Mr. Roger Wade, President of Cintech Construction, Inc., 6865 Duck Creek Road, Cincinnati, OH 45227.

Mr. Barrett stated that they concur with the Staff Report. He explained that the impetus for this request is that Hyundai of North America is developing a new brand called Genesis – a high-end vehicle. They need to occupy some of the space in the existing Hyundai dealership building to accommodate the sales operation for this new brand. Because of this, they need a free-standing building for pre-owned vehicles.

Mr. Karol Laskowski, architect of PDT Architects, 300 W. Fourth Street, Cincinnati, OH 45202 presented large poster boards of drawings that were included in members' packets. He showed the overall Site Plan and explained the details of the plan, noting there were no changes to any of the access points. Mr. Laskowski referred to the landscape plan, noting that they had a pre-application meeting, as recommended by the Zoning Code. Mr. Leibson asked if the proposed landscaping was on the property or in the right-of-way. Mr. Leibson stated that some of it was in the right-of-way. Ms. Roblero confirmed that landscaping is permitted in the right-of-way.

Mr. Leibson asked if the colors would be like the rest of the campus and/or blend in. Mr. Laskowski stated that the existing Hyundai building was a change-over from the Columbia Oldsmobile building and it is currently dark brown. Hyundai has a color scheme that will eventually change that, but right now, they will make this new building lighter colors: a Hyundai blue and stone. He noted that Acura is in a separate building – the one closest to the interstate. He stated that the colors were shown under the building materials. Mr. Laskowski showed them to members.

Mr. Leibson asked if this complied with all of the additional conditions in Staff's report. Mr. Laskowski stated it did.

Ms. Roblero noted that the Staff Report suggested some changes in the Landscape Plan. She asked if he had any thoughts. Mr. Laskowski stated that he would review it – that he had told Mr. Ronald Joseph, Sr. that they would set the plantings out to be sure there was no obstruction of views for ingress and egress from the driveway.

Mr. Barrett explained that Mr. Joseph's concern was with safe sight distance because if you go out of either access point, it could be hard to see oncoming traffic. He pointed out that the northern access is right-turn only, but you still needed to see oncoming traffic. Mr. Barrett stated that Ms. Roblero pointed out that if you had low shrubs, you could see over them, or trees with a higher canopy, you could see easily. Mr. Barrett stated that Mr. Joseph was satisfied with that.

Mr. Leibson noted that in a previous meeting, Ms. Roblero had asked for a maintenance agreement for the landscaping, but he did not see it listed here. Ms. Roblero responded that it would be wise to include it just to be clear who would be responsible for the care of the landscaping.

Chairman Harbison asked about signage – and wanted to be sure that all signs met the code.

Mr. Matre asked about the installation of one storm water best management practice; he asked who chose which best management practice would be implemented on the site. Ms. Roblero stated that in the past, they have allowed the applicant to work directly with the City Engineer to determine which best management practice to install. Typically, a catch basin filter bag is the best solution for a typical commercial development. She believes that is what they are pursuing for Camargo Cadillac and thinks that is what they will do in this situation.

Ms. Steinebrey asked if the new building would be for pre-owned cars. Mr. Barrett confirmed, stating that Genesis will be in the main building.

There were no more comments or questions.

Mr. Matre moved to approve an application from Columbia Oldsmobile, Inc., 10981-10987 Montgomery Road, for the expansion of a conditional-use and Final Development Site Plan approval to allow for a new, free-standing, used-car building, with the following conditions, as set forth in the Staff Report dated April 14, 2016, regarding this application:

1) ***Signage be in accordance with Section 151.30 of the Montgomery Zoning Code***
2) ***The applicant work with the Public Works Director and Law Director to create a maintenance agreement for the landscaping located in the public right-of-way.***

Mr. Leibson seconded the motion.

The roll was called and showed the following vote:

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

This motion is approved.

New Business-3

Consideration and recommendation to City Council for an extension of the Interim Development Control District over all business districts in the City to stay any application to establish a Sexual Encounter Business within the City.

Chairman Harbison noted that all members had received in their packets a correspondence dated March 30, 2016 written by the Law Director, Terrence M. Donnellon, regarding this subject. He pointed out that the Resolution passed by City Council was not included.

Staff Update

Ms. Roblero gave history on this application. She noted that the City of Montgomery does not have any Sexual Oriented Business regulations in place or any Sexual Encounter Business regulations. She noted that the Sexual Encounter Business is a new entity and one recently opened in West Chester Township. She explained that West Chester is in the middle of a court battle with the owner of the business and that this situation has prompted several local jurisdictions to issue a "stay" on building and zoning permits for Sexual Encounter Businesses, in order to prevent to study the laws and enact zoning regulations. Ms. Roblero explained that a Sexual Oriented Business is a gray area, with regard to the law. The Courts in Ohio have not yet ruled if the "Sexual Encounter Business" is First-Amendment protected or not. If they are ruled as not protected by the First Amendment, they can be banned outright.

Ms. Roblero stated that City Council had the authority to put an Interim Development Control District on the Business Districts to put a stay on building and zoning permits for Sexual Encounter Businesses for a period of 3 months. Planning Commission can make a recommendation to City Council for an additional 9 month stay. This recommendation would go before City Council at a public hearing, and if approved, would be effective until the end of 2016. In the meantime, Staff will craft a text amendment for Sexual Oriented Businesses (SOBs), as well as Sexual Encounter Businesses (SEBs), and present to Planning Commission, for recommendation to City Council. Staff is also working with Miami Valley Risk Management Association, the City's insurance carrier, who is developing standard language for many communities so that they could represent Montgomery in the event that it was needed.

Mr. Stull moved that the Planning Commission recommend approval of the extension of the Interim Development Control District over all business districts in the City to stay any application to establish Sexual Encounter Businesses within the City to City Council.

Mr. Leibson seconded the motion.

The roll was called and showed the following vote:

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

This motion is approved.

Mr. Leibson asked Staff if we had to define a particular area of the City for an SEB. Ms. Roblero stated that if the courts rule that Sexual Encounter Businesses are not protected by the First Amendment, then the City can ban them outright. For Sexually Oriented Businesses, an area of the City would have to be identified where they could be located, typically 5% of the area that is zoned for Commercial. She noted that for Montgomery that would be about 7 acres. She noted that you can also put in distance requirements from schools, churches, day care facilities and bars.

Minutes

Mr. Leibson moved to approve the minutes of March 7, 2016, as submitted.
Mrs. Steinebrey seconded the motion. The Commission unanimously approved the minutes.

Adjournment

Mr. Leibson moved to adjourn. Mrs. Steinebrey seconded the motion.
The meeting adjourned at 8:40 p.m.

_____ _____

Karen Bouldin, Clerk Michael Harbison, Chairman Date

/ksb

CITY OF MONTGOMERY
CITY PLANNING COMMISSION

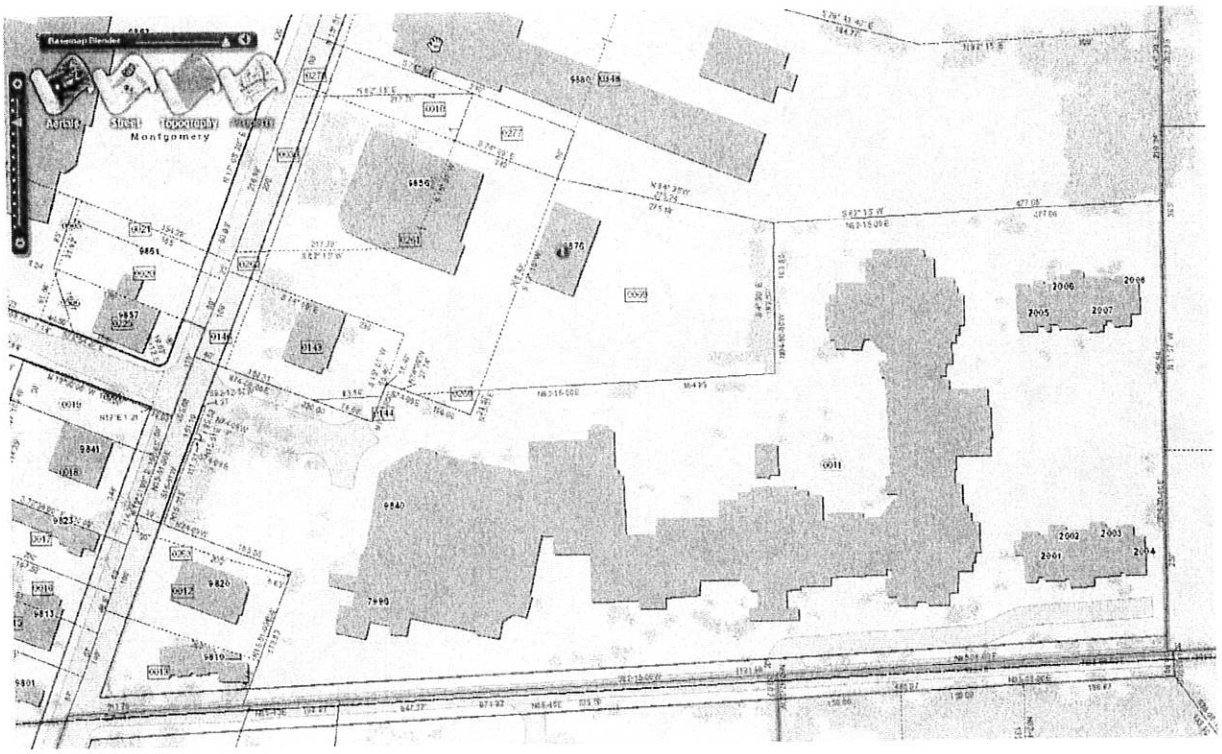
Application for Expansion of a Conditional Use Permit and Final Development Site Plan Approval
Twin Lakes Main Campus
840 Montgomery Road

April 13, 2016
Staff Report

APPLICANT: Twin Lakes
6279 Tri-Ridge Blvd, Ste 320
Loveland, OH 45014

PROPERTY OWNER: Same as above

VICINITY MAP:



NATURE OR REQUEST:

The applicant is requesting the approval of an expansion of a conditional use and approval of a Final Development Plan to allow for a parking lot expansion of 14 parking spaces on the south side of the property along Perin Road.

ZONING:

The property is zoned 'D-2' Multi-Family Residential and is used for Twin Lakes Main Campus. Recently, Twin Lakes received approval for an addition to the main campus and approval of the general site layout for the proposed retail building along Montgomery Road. Retirement villages are a conditional use in the 'D-2' District. This addition to the Main Campus requires an expansion of the existing conditional use permit for the property. The property to the north is zoned 'GB' and is used for Camargo Cadillac. The property to the south across Perin Road is zoned 'D-2' Multi-Family Residential and is used for the south campus of Twin Lakes. The property to the west is currently vacant and is also owned by Twin Lakes. This property is zoned 'GB' – General Business and Twin Lakes anticipates developing this property for retail purposes in the near future.

NATURE OR REQUEST:

The applicant would like to expand the parking lot on the south side of the Main Campus along Perin Road by 14 spaces.

FINDINGS:

1. Twin Lakes will be constructing an addition to the Main Campus and a shared parking lot was approved between the Main Campus and the proposed retail building during the Final Development Site Plan approval process. The potential end user of the retail building has not yet been identified; however, the applicant is proposing to construct the building with the condition that no more than 61.5% of the building be used for a restaurant use. The total number of parking spaces being provided for the project is 490 spaces. If approved, this expansion would bring the total number of parking spaces up to 504 for the Main Campus and future retail building along Montgomery Road.

2. The proposal is for 14 additional parking spaces which the applicant has stated are intended for use by visitors to the Main Campus. Particularly, the applicant has found that residents are driving from the south campus to the Main Campus for meals and events and this would provide more convenient parking for these residents. Short term this parking would be used for additional parking during construction of the Main Campus addition.

3. The proposed parking lot expansion is designed to match the existing parking area on the south side of the building that is just to the east of the proposed expansion.

4. The existing perimeter parking lot landscaping island to the east of the proposed expansion is located in the right-of-way of Perin Road. The applicant is proposing to keep the proposed perimeter landscaping parallel with the existing landscaping, which would require it to also be located in the right-of-way of Perin Road. Twin Lakes maintains the existing landscaping and would also maintain the proposed landscaping.

Staff would recommend a maintenance agreement on record between the City and Twin Lakes to prevent confusion on responsibilities in the future. The Public Works Director did not see an issue with allowing the landscaping to be located in the public right-of-way and is in agreement with the applicant's proposal to maintain the landscaping.

5. The existing sidewalk will need to be removed and a new sidewalk poured behind the proposed parking spaces.

6. Two new retaining walls will need to be added behind the proposed parking spaces. All retaining walls over 4' in height require a building permit.

7. There are several small trees in the location of the proposed parking lot that would be removed. The applicant has provided a landscape plan that meets the intent of the landscaping regulations for parking lots and front yards. The proposed landscape plan includes nine trees including two Happidaze Sweetgum at the west exit from the parking lot, five Lacebark Elm along Perin Road and two Allee Lacebark Elm in the interior landscape islands.

8. There would be a new exit only curb cut onto Perin Road which would be signed 'Do Not Enter'.

9. No additional lighting is being proposed; however, two light poles will need to be relocated to properly illuminate the new parking area. The lighting designer has submitted a letter stating that the average footcandles shall not exceed a maximum average of 2.0 footcandles. The lighting will not trespass onto any private property.

10. Stormwater detention and water quality will be addressed by utilizing the existing retention basin at the rear of the property and the pond has the capacity to handle the additional stormwater runoff that would be generated from the parking lot addition.

Staff Comments

Chapter 151.2007(s) lists the specific conditions for places of retirement villages. 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 or have direct access to an arterial or collector street without going through a residential neighborhood to lessen the impact on the residential area.*

   Twin Lakes is located on Montgomery Road with primary access from Montgomery Road. Secondary access is provided from Perin Road; however, there is no access through a residential neighborhood.

2. *The minimum setbacks for individual buildings shall comply with those established in Schedules 151.2004 and 151.2006, respectively. As part of the development plan approval for a conditional use permit, Planning Commission and/or Council may*

establish greater setbacks when the minimum setbacks do not provide adequate safeguards to adjoining residential property, due to topography, vegetation or building size.

No changes are being proposed to the existing structure for this submission.

3. *The development plan shall indicate the parking and emergency entrances or exits and other safety precautions.*
   The applicant has shown the parking and emergency entrances/exits on the site plan for the addition. At that time, the applicant and the applicant's engineer met with the Fire Department and the Public Works Department to ensure that emergency access is appropriately designed. The Public Works Director has reviewed and approved the design for the proposed parking lot expansion.

Chapter 151.2002 lists 12 general standards that are applicable to all conditional uses. Staff has reviewed these 12 conditions and found that the proposed parking lot expansion meets all of the conditions.

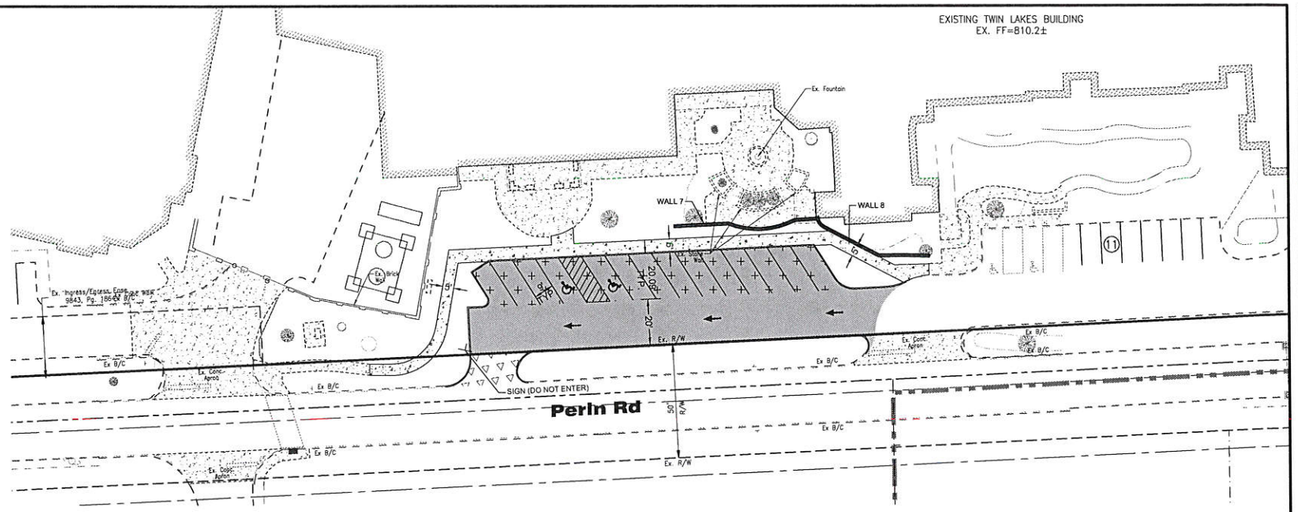
Staff Recommendation

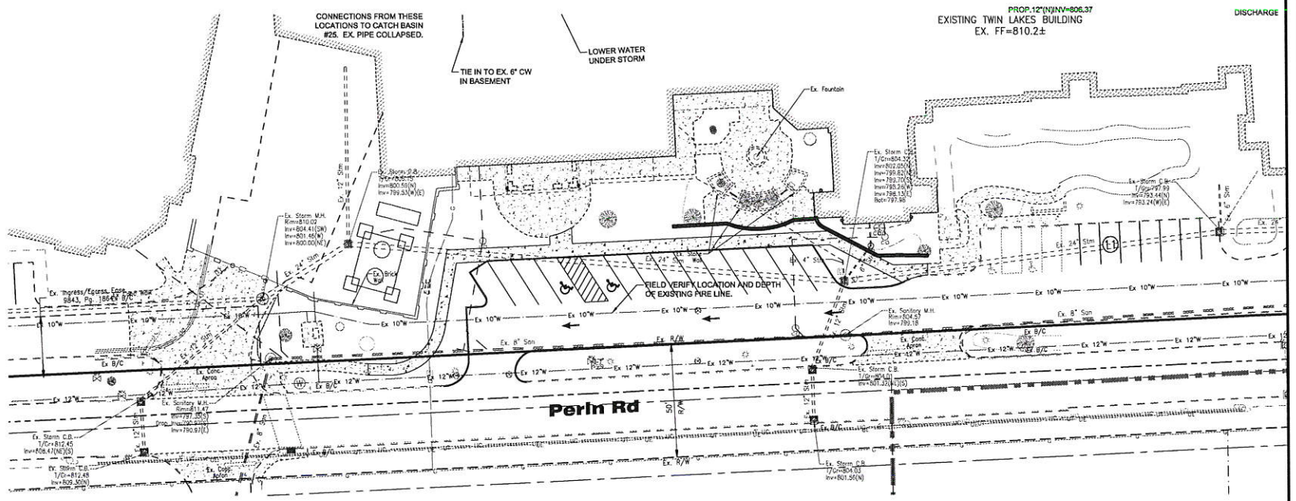
Staff recommends approval of the expansion of the conditional use permit with the following conditions:

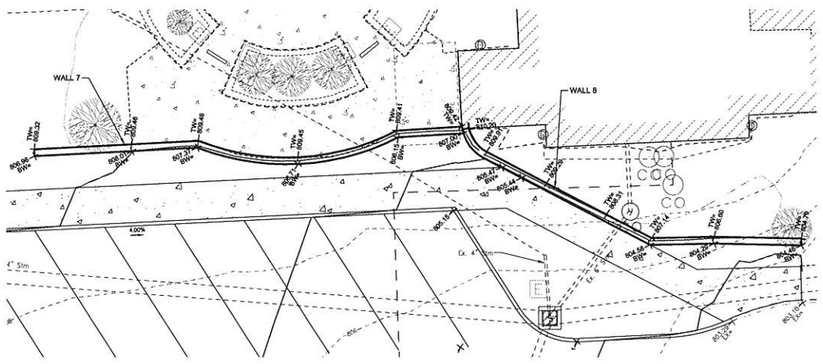
1. The landscape plan be reviewed and approved by the City Arborist.
2. Final stormwater calculations and plans be reviewed and approved by the City Engineer.
3. The applicant work with the Public Works Director and Law Director to create a maintenance agreement for the landscaping and lighting located in the public right-of-way.

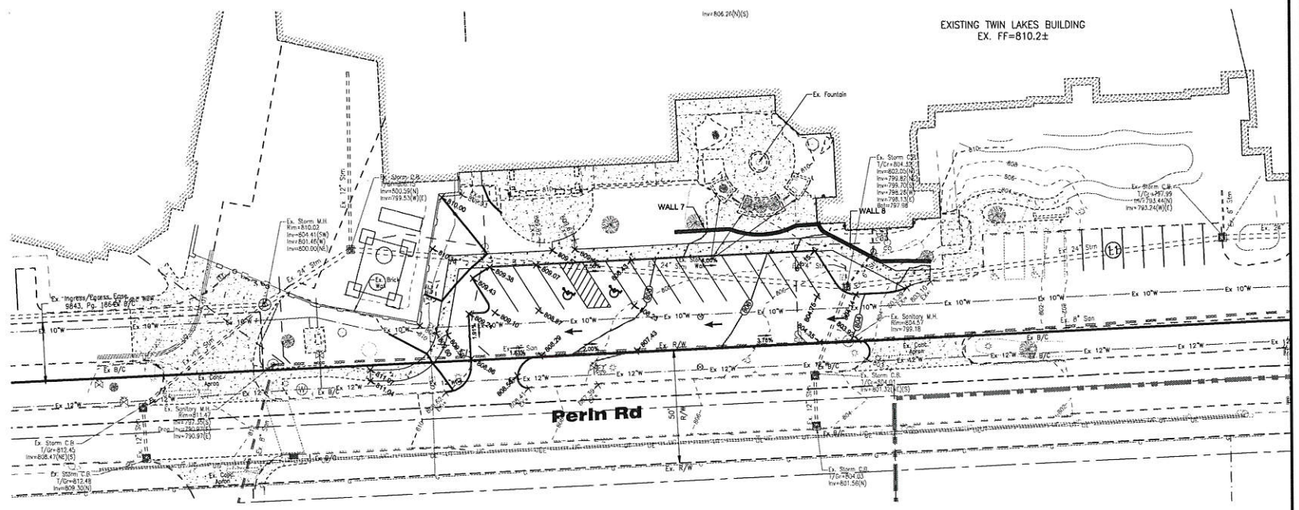
HATCH LEGEND

- CONCRETE SIDEWALK
- LIGHT DUTY PAVEMENT
- HEAVY DUTY PAVEMENT
- CONCRETE PAVEMENT
- MILL & OVERLAY









Twin Lakes
A LIFE ENRICHING COMMUNITY
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Item	Revision Description	Date	Dwn.	Chk
1				
2				
3				
4				
5				
6				
7				
8				
9				

SOUTH PARKING PLAN

Drawing: 15K025-000 CD
Drawn by: JLR
Checked By:
Issue Date:
Sheet: C8.1

CITY OF MONTGOMERY

Providing superior services with integrity.
Partnering with you to build a great community!

Memorandum

May 27, 2016

TO: Wayne Davis, City Manager

FROM: Tracy Roblero, Community Development Director TMR

SUBJECT: Forward Request for Expansion of Conditional Use Permit for 10981 - 10987 Montgomery Road

Request

It is requested that City Council hold a public hearing to consider a request from Columbia Oldsmobile, Inc. for an expansion of the conditional use permit to allow for the construction of a new free-standing building at the Hyundai/Acura Dealership at 10981 – 10987 Montgomery Road.

Background

The applicant is proposing to construct a new 2,309 square foot freestanding building to be used for its pre-owned vehicle sales in order to allow for sales of new vehicles for Hyundai Genesis to be sold from the existing building. The existing dealership is located on approximately 9 acres of land that is located within Sycamore Township and the City of Montgomery. The majority of the property is located in Sycamore Township; however, the proposed building will be located entirely within the City of Montgomery on the north end of the site. The proposed building will be located in an area which is currently used for inventory parking.

Planning Commission Recommendation

The Planning Commission met on April 18 to consider this application (see minutes). Notices were sent to neighbors within a 300' radius of the property. Staff received two calls regarding the application from surrounding property owners with questions regarding the proposal. After the Planning Commission meeting, Staff received a letter from Family Dental Montgomery, Inc. located at 8271 Cornell Road, Ste. 710 in opposition to the expansion (see enclosed letter).

The Planning Commission noted that the site is currently non-conforming to the zoning standards in regards to perimeter and interior landscaping, lighting and storm water detention. These conditions pre-date the zoning regulations and the site is therefore legally non-conforming. The Commission pointed out that Section 151.5003(g) requires non-conforming site conditions on non-residential properties to be brought into compliance as part of the submission of a new final development site plan unless the Commission finds that compliance cannot be reasonably achieved. The Commission felt that it is unreasonable to expect the entire site to be brought up to Hamilton County storm water detention regulations; however, there was interest in requiring the use of one stormwater best management practice. The Commission also found that it was unreasonable to require the entire site to be brought into compliance with the landscaping requirements; however, believed that the front yard landscaping should be improved as part of the application. 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 the construction of the new body shop addition with the following conditions:

1. The applicant shall comply with the specific conditions for a conditional use permit listed in Section 151.2007(b) and 151.2007(w) for auto dealerships and vehicle repair facilities;
2. All new lighting shall be full cut off fixtures, including the building lights;
3. Any future mechanical HVAC equipment be shielded from view;
4. The applicant shall install one stormwater best management practice as approved by the City Engineer;
5. Landscaping will be installed along the Montgomery Road frontage consistent with the requirements for front yard landscaping in Section 151.34, with installation to be completed before September 1, 2016.

Staff Recommendation

Staff supports the recommendation of the Planning Commission to allow for the expansion of the conditional use permit to allow for the construction of a new free-standing building with the conditions as established by the Planning Commission. This is a relatively minor project that will not adversely affect surrounding properties and will have a minimal visual impact on Montgomery Road. Several inventory spaces will be lost; however, the applicant has stated that this should not affect operations of the site due to the size of the site and the availability of existing parking. There are no changes to access on Montgomery Road and the application will bring the property closer into compliance with the landscaping regulations.

The following relevant conditions for Section 151.2007 (A) and (U) as reference.

1. Vehicle parking areas, equipment storage areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile traffic on and adjacent to the site.
2. Display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks according to the regulations in Section 151.1207.
3. No junk or inoperative vehicle shall be permitted to remain outdoors on the property for a period exceeding 72 hours.
4. Lighting for all areas used for the outdoor display of automobiles shall be in accordance with a plan consistent with the lighting regulations set forth in § 151.3213(c) and approved by the Planning Commission.
5. All work shall be conducted entirely within an enclosed building.
6. Outdoor storage of supplies, parts and merchandise shall be within an entirely enclosed building; however, an area not to exceed 200 square feet in size of outdoor storage shall be permitted, if the area is entirely screened by an opaque fence and landscaping.
7. The parking of employee vehicles and vehicles waiting to be serviced or returned to the customers following service shall be parked in areas indicated for such parking on the approved site plan.
8. No junk, inoperable or unlicensed vehicles may be stored on site.

Family Dental
Montgomery INC.

Jerry P. Gao, DDS
Eileen T. Gao, DDS

April 13, 2016

The City of Montgomery Development Department

10101 Montgomery Road

Montgomery, Ohio 45242

Dear City of Montgomery Development Department,

This letter is to inform you of our objections regarding the application from Columbia Oldsmobile for the expansion of a new free standing used car building. As you are aware many of the surrounding areas provide healthcare services including our dental practice. We feel that the expansion will cause increased traffic, excessive noise, increased traffic congestion, limited access to our office as well as increased air pollution. We do not feel that it is in the best interest of our dental practice to approve this expansion. We would greatly appreciate your consideration in regards to our concerns for our dental practice.

Sincerely,

Family Dental Montgomery Inc.

Dr. Jerry P. Gao

Dr. Eileen TL Gao

8271 Cornell Road, Suite 710, Cincinnati, OH 45249 Tel: (513) 791-0030

CITY OF MONTGOMERY
CITY PLANNING COMMISSION

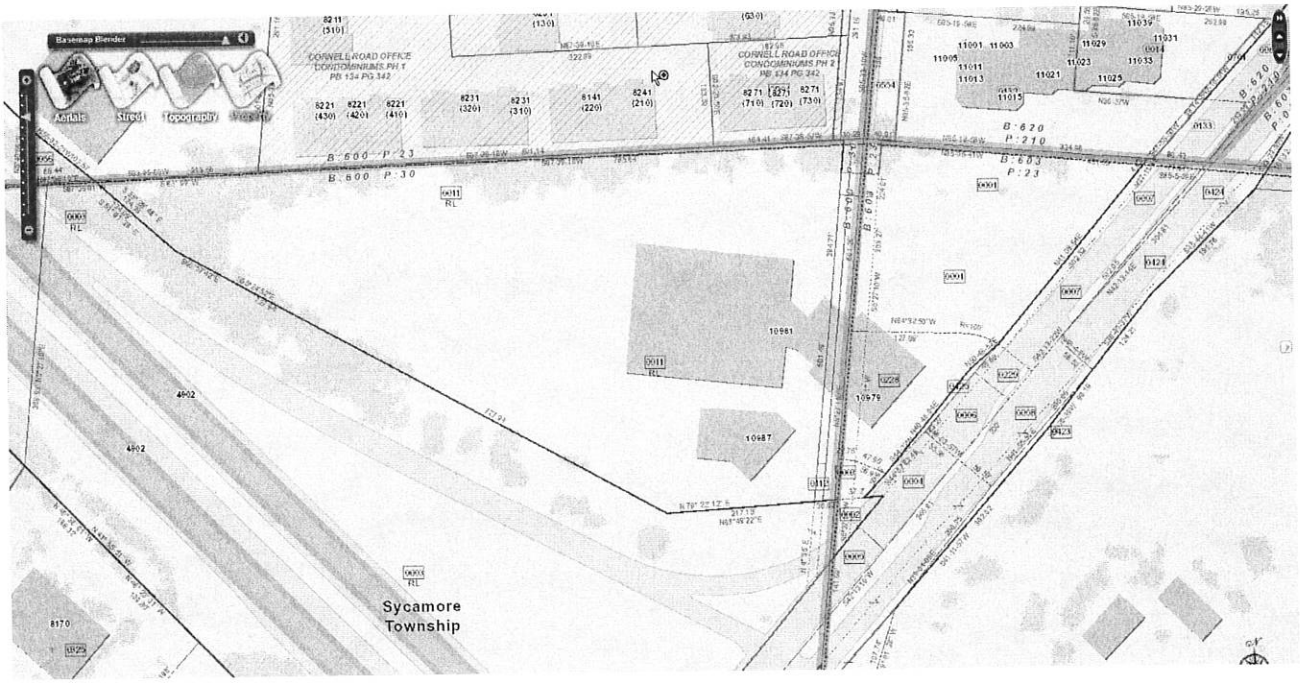
Application for Expansion of a Conditional Use Permit and Final Development Site Plan
Columbia Acura/Hyundai
10981-10987 Montgomery Road

April 14, 2016
Staff Report

APPLICANT: Columbia Oldsmobile, Inc.
250 E. Fifth Street, Ste 285
Cincinnati, OH 45202

PROPERTY OWNER: Same as above

VICINITY MAP:



NATURE OR REQUEST:

The applicant is proposing to construct a new 2,309 square foot freestanding building to be used for its pre-owned vehicle sales. The existing dealership is located on approximately 9 acres of land that is located within Sycamore Township and the City of Montgomery. The majority of the property is located in Sycamore Township; however, the proposed building will be located entirely within the City of Montgomery on the north end of the site. The proposed building will be located in an area which is currently used for inventory parking.

ZONING:

The property is zoned 'GB' – General Business and is used for Columbia Acura/Hyundai. Auto dealerships are a conditional use in the 'GB' District. This proposed building requires an expansion of the existing conditional use permit for the property. The property is not subject to the Montgomery Road Commercial Corridor Design Guidelines. The property to the north is located in Sycamore Township and is used for a commercial shopping center. There are also office condominiums that abut the dealership along the north property line; however, these condominiums do not directly abut the location of the proposed building. The property to the south is owned by Ohio Department of Transportation and is used for the on-ramp to west-bound I-275. The property to the east across Montgomery Road is owned by the Archbishop of Cincinnati and used for the Gate of Heaven Cemetery.

FINDINGS:

The applicant is requesting the expansion of a conditional use and Final Development Site Plan approval.

Setbacks: The building setback requirements for a new building are 30' front yard setback, 10' side-yard setback and a 15' rear-yard setback. The proposed building meets these setback requirements.

Building Materials: The building is not required to meet the Montgomery Road Commercial Corridor Design Guidelines. The building materials are largely cast stone, aluminum panels and glass, which matches the existing dealership buildings on site. There is no mention of the location of mechanicals in the application; however, Staff would recommend that mechanicals be shielded from view.

Lighting: The application indicates that one light will be relocated in the parking with no new light poles being proposed. Staff believes there will be some exit lighting near the exit/entry doors which would be required to be full-cut off fixtures.

Parking: Construction of the building would remove approximately 27 inventory parking spaces; however, the applicant does not believe this will cause any issues due to the size of the site and the amount of parking available.

Landscaping: The property is legal non-conforming in terms of perimeter landscaping and interior parking lot landscaping. Staff believes that it would be unreasonable to require the entire site to be brought into compliance with the landscaping requirements; however, believes that the front yard landscaping should be improved as part of the application. Requiring some improvement to the front yard landscaping would be consistent to the approach taken during the Camargo Cadillac body shop addition. The applicant has submitted a landscape plan for the front yard landscaping in the area where the new building is to be constructed. The applicant is proposing three Skyline Honey Locust and nine Green Velvet Boxwood between the two Montgomery Road curb cuts and three Green Velvet Boxwood on the north side of the north curb cut. The City Arborist has reviewed the plans and finds the plant selection and location to

be acceptable. The Arborist suggested using a Burning Bush instead of the Boxwoods due to the fact that they have better salt tolerance; however, the Boxwood is an acceptable plant. The Arborist also suggested adding three shrubs between the two trees in the landscape area between the two curb cuts.

Circulation: The proposed building will not have any effect on the circulation of the site and no changes to the existing access point on Montgomery Road.

Stormwater: The site is legal non-conforming in terms to stormwater and does not provide any detention/retention. This project will not increase the amount of impervious surface as the area of the proposed building is currently paved. Staff does not believe that it is justifiable that the property owner be required to bring the entire site into compliance with the Hamilton County stormwater regulations as the proposed project does not increase runoff and there is no evidence that an adjoining property owner is being negatively impacted currently. Recently, the Planning Commission placed a condition upon approval of the body shop addition at Camargo Cadillac that a stormwater best management practice be implemented, as approved by the City Engineer. While the impact on stormwater will be negligible, Staff believes that a stormwater best management practice should be added as required for the Camargo Cadillac body shop addition.

Noise: Staff does not believe that the proposed building would have any negative impact on noise.

Signage: The applicant is proposing a 30 square foot wall sign on the east elevation of the building which is in compliance with Section 151.30.

CONDITIONAL USE SPECIFIC CONDITIONS:

Chapter 151.2007(r) lists the specific conditions for places of public safety facilities. Those conditions are listed below with a description of how the applicant is or proposes to address the condition.

1. *Vehicle parking areas, equipment storage areas, maneuvering lanes, and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile traffic on and adjacent to the site.*

   No changes are being proposed to the parking and/or maneuvering or access ways. Some inventory parking will be lost due to the proposed building; however, this will not affect circulation or parking for customers.

2. *Display of vehicles for sale shall be located on a paved surface and shall comply with the parking setbacks according to the regulations in Section 151.1207.*

   No changes are being proposed to the vehicle display areas with the exception of several spaces being lost in order to construct the building.

3. *No junk or inoperative vehicle shall be permitted to remain outdoors on the property for a period exceeding 72 hours.*

   No junk or inoperative vehicles will remain outdoors for a period exceeding 72 hours.

4. *Lighting for all areas used for the outdoor display of automobiles shall be in accordance with a plan consistent with the lighting regulations set forth in § 151.3213(c) and approved by the Planning Commission.*

   No changes are being made to the lighting at the outdoor display areas with the exception of one light being relocated.

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 building meets all of the conditions.

Staff Comments and Recommendation

This is a relatively minor project that will not adversely affect surrounding properties and will have a minimal visual impact on Montgomery Road. Several inventory spaces will be lost; however, the applicant has stated that this should not affect operations of the site due to the size of the site and the availability of existing parking. There are not changes to access on Montgomery Road and the application will bring the property closer into compliance with the landscaping regulations.

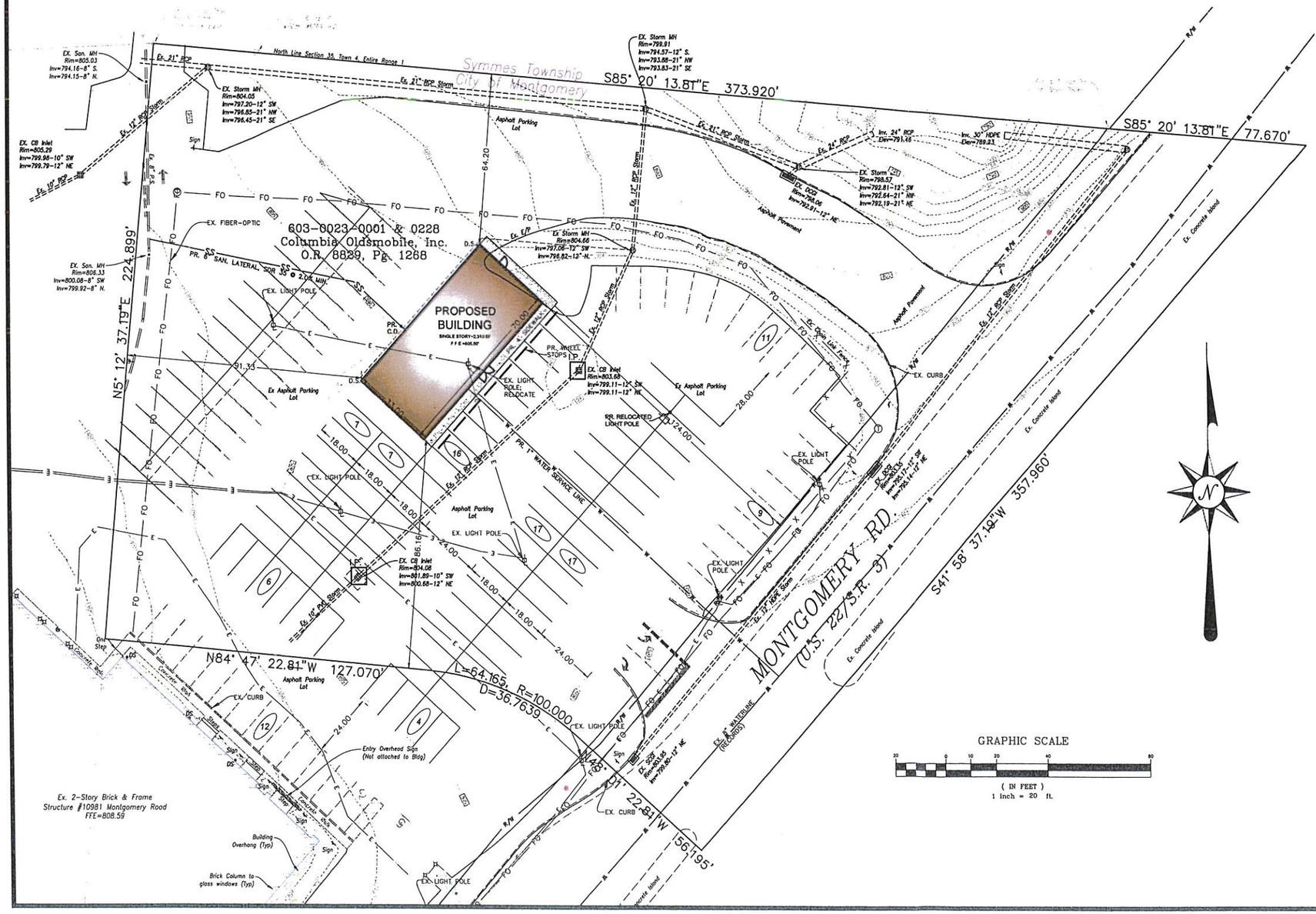
Staff is in support of this project and the expansion of the conditional use permit with the following conditions:

1. The applicant shall comply with the specific conditions for a conditional use permit listed in Section 151.2007(b) and 151.2007(w) for auto dealerships and vehicle repair facilities;
2. All new lighting shall be full cut off fixtures, including the building lights;
3. Any future mechanical HVAC equipment be shielded from view;
4. The applicant shall install one stormwater best management practice as approved by the City Engineer;
5. Landscaping will be installed along the Montgomery Road frontage consistent with the requirements for front yard landscaping in Section 151.34, with installation to be completed before September 1, 2016.

PLANS FOR THE CONSTRUCTION OF A NEW BUILDING FOR:

HYUNDAI PRE-OWNED VEHICLE SALES BUILDING

10981 MONTGOMERY RD. , HAMILTON COUNTY, CITY OF MONTGOMERY, OHIO
APRIL 2016



INDEX:

C-1 SITE DEVELOPMENT PLAN
L-1 LANDSCAPE PLAN

GRAPHIC SCALE

20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

I.P. ☐ DANDY BAGS OR EQUAL INLET PROTECTION (I.P.) TO BE USED ON EXISTING CATCH BASINS FOR INLET PROTECTION DURING CONSTRUCTION TO ADDRESS BMP NEEDS.

REVISIONS		
DATE	BY	NO. & DESCRIPTION

EVANS ENGINEERING
4240 AIRPORT ROAD, SUITE 108
CINCINNATI, OHIO 45226
(513) 321-2168
(513) 321-2173 FAX
ATTN: JONATHAN R. EVANS, P.E.

HYUNDAI - MONTGOMERY RD.
SITE DEVELOPMENT PLAN
CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO

SCALE:	HORIZ.	VERT.
	1"=20'	N/A
JOB. NO.	16-123	
DATE	APR. 04, 2016	

SHEET NO.

C-1

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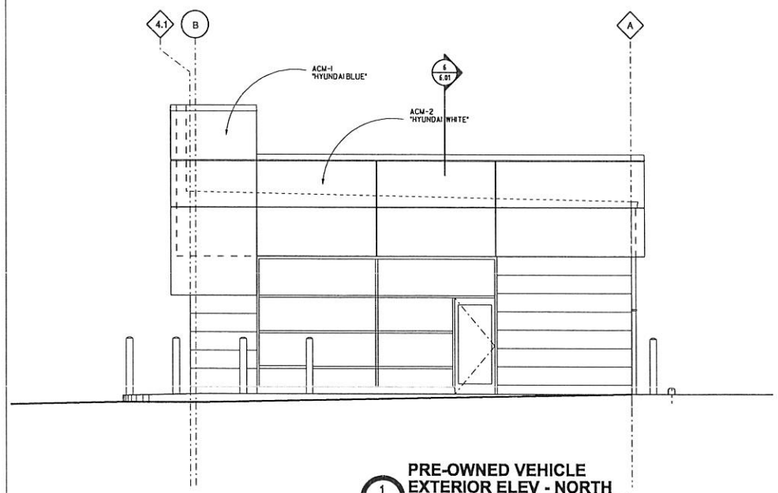

PRE-OWNED VEHICLE EXTERIOR ELEV - NORTH

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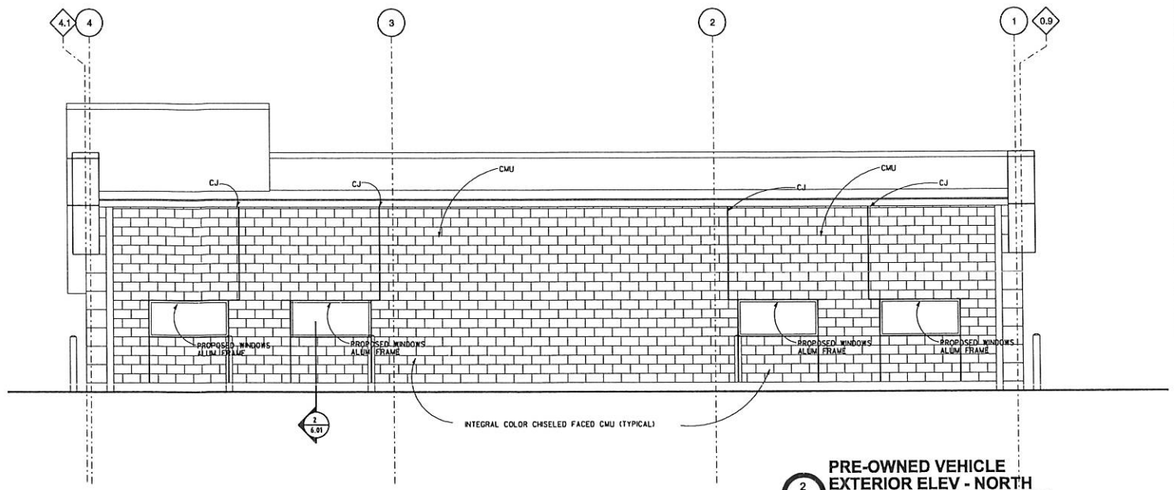

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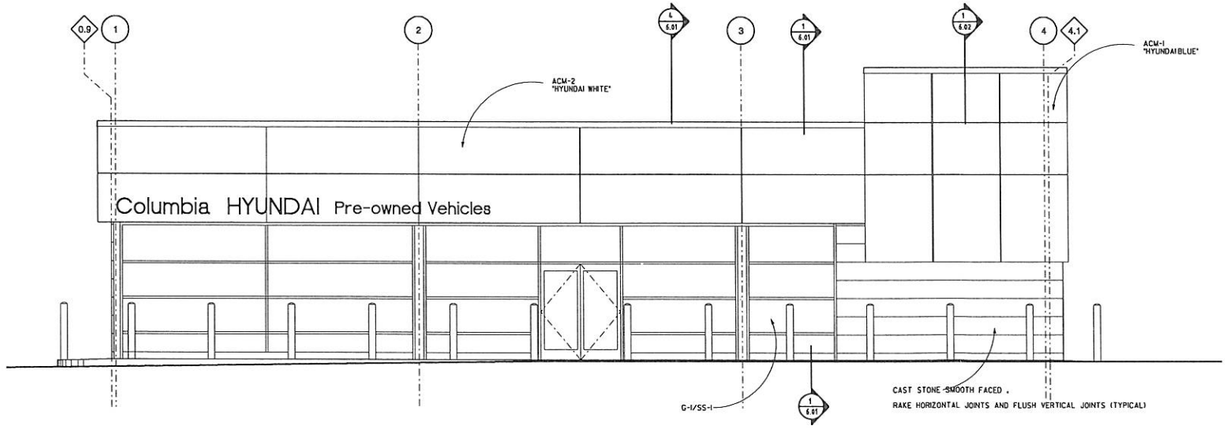

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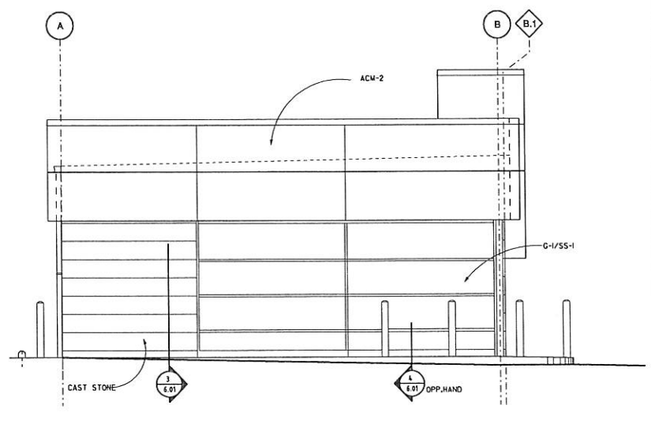

PRE-OWNED VEHICLE EXTERIOR ELEV - SOUTH

4 / 5.01 — 1/4" = 1'-0"

pdt architects, LLC
always going beyond
T - 513 . 891 . 4605
F - 513 . 891 . 0530
www.pdtarchitects.com

FINAL DEVELOPMENT PLAN
APRIL 3, 2016

PROPOSED COLUMBIA HYUNDAI
PRE-OWNE VEHICLE BUILING
10981 MONTGOMERY ROAD
MONTGOMERY, OHIO 45249

NOT FOR CONSTRUCTION

ISSUED	DATE

SHEET TITLE

SCALE	COMM. NO.
AS NOTED	P-548
DRAWN BY	DATE
MI	

SHEET #
5.01

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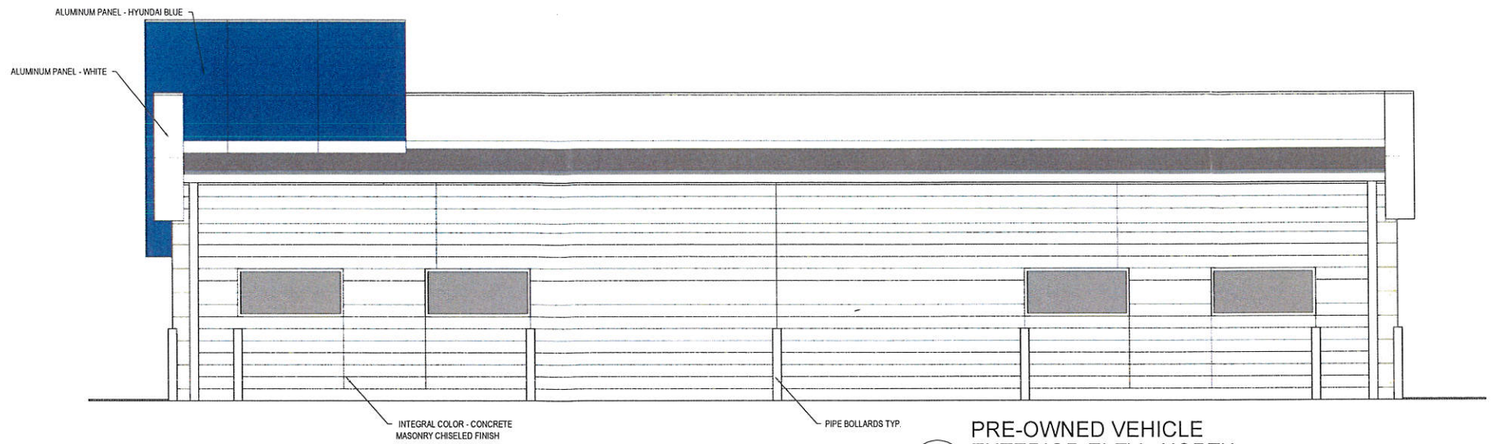

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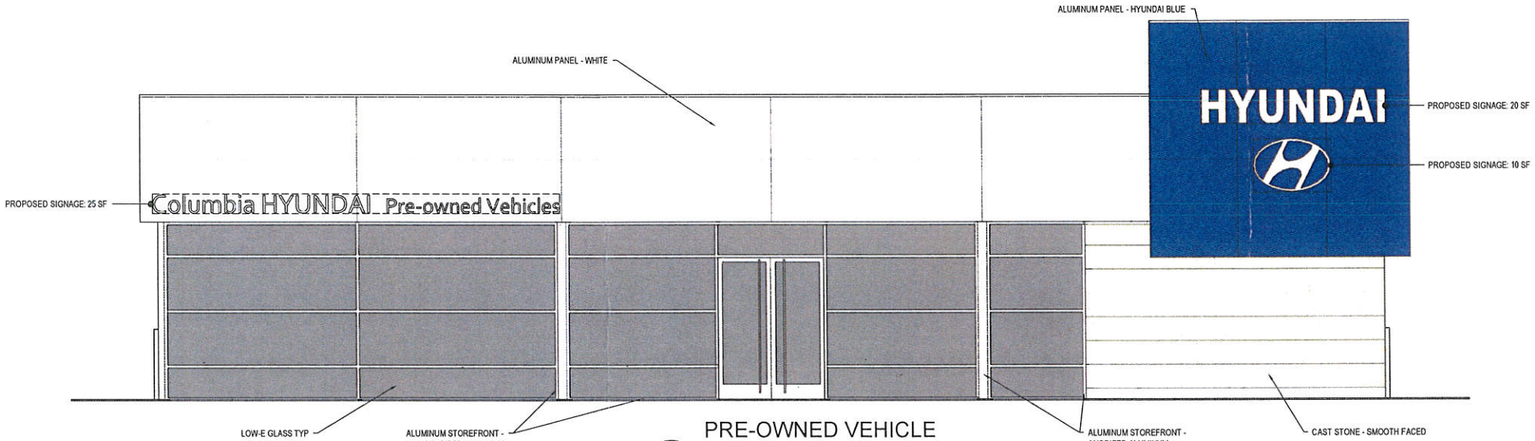

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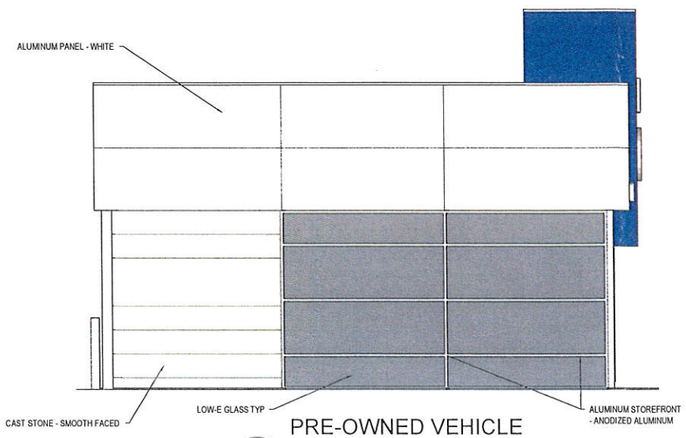

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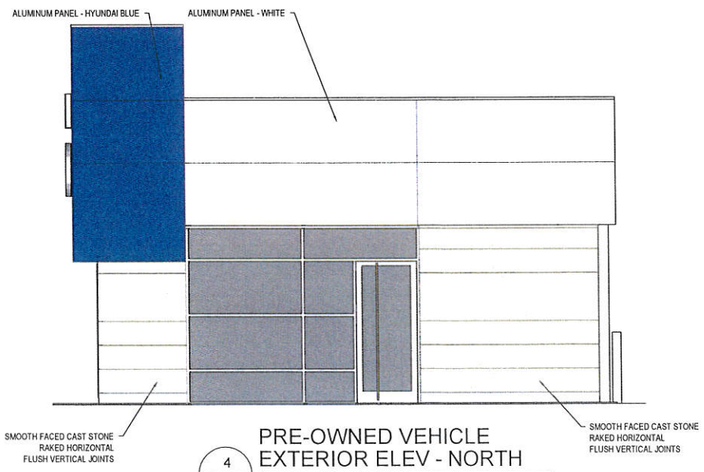

4 / 5.01a — PRE-OWNED VEHICLE EXTERIOR ELEV - NORTH
NTS

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FINAL DEVELOPMENT PLAN
APRIL 3, 2016

PROPOSED COLUMBIA HYUNDAI
PRE-OWNE VEHICLE BUILING
10881 MONTGOMERY ROAD
MONTGOMERY, OHIO 45249

NOT FOR CONSTRUCTION

ISSUED	DATE

SHEET TITLE

SCALE	COMM. NO.
AS NOTED	P-549
DRAWN BY	DATE
MI	

SHEET #
5.01a

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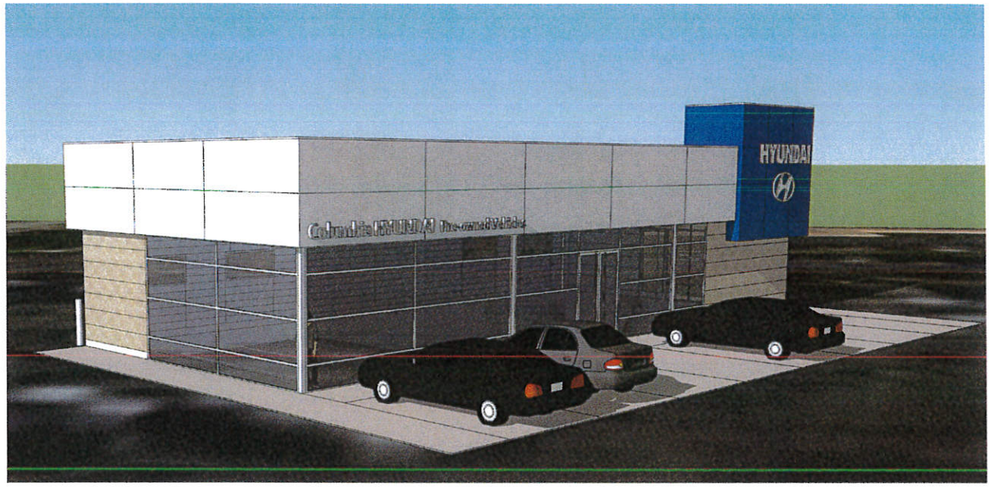
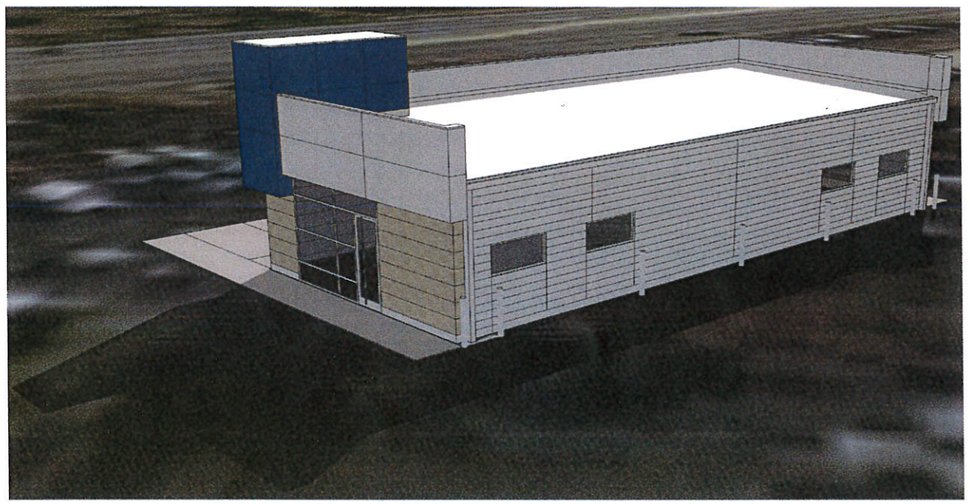


1 5.01b PRE-OWNED VEHICLE SOUTH PERSPECTIVE
NTS

2 5.01b PRE-OWNED VEHICLE EAST PERSPECTIVE
NTS



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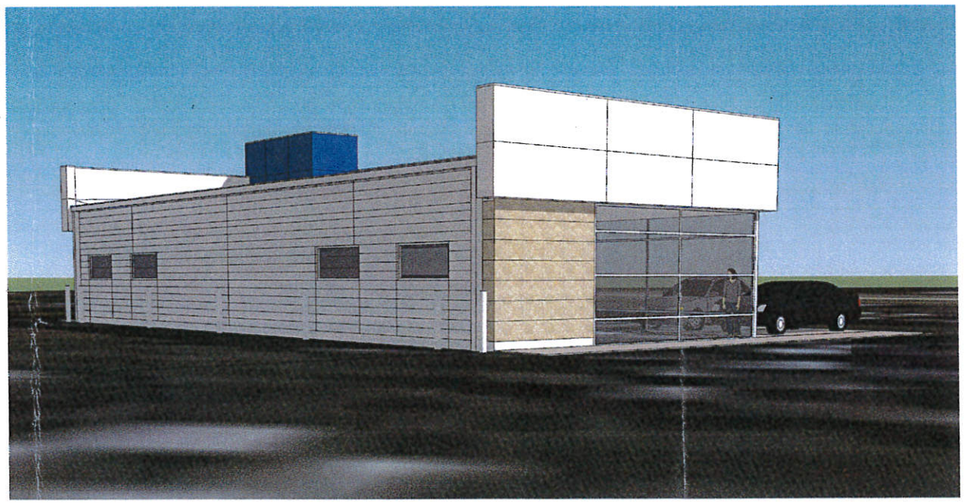
NTS



4 5.01b PRE-OWNED VEHICLE WEST PERSPECTIVE
NTS

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F - 513 . 891 . 0330
www.pdtarchitects.com

FINAL DEVELOPMENT PLAN
APRIL 3, 2016

PROPOSED COLUMBIA HYUNDAI
PRE-OWNE VEHICLE BUILING
10981 MONTGOMERY ROAD
MONTGOMERY, OHIO 45249

NOT FOR CONSTRUCTION

ISSUED	DATE

SHEET TITLE

SCALE	COMM NO
AS NOTED	P-549
DRAWN BY	DATE
MI	

SHEET #
5.01b

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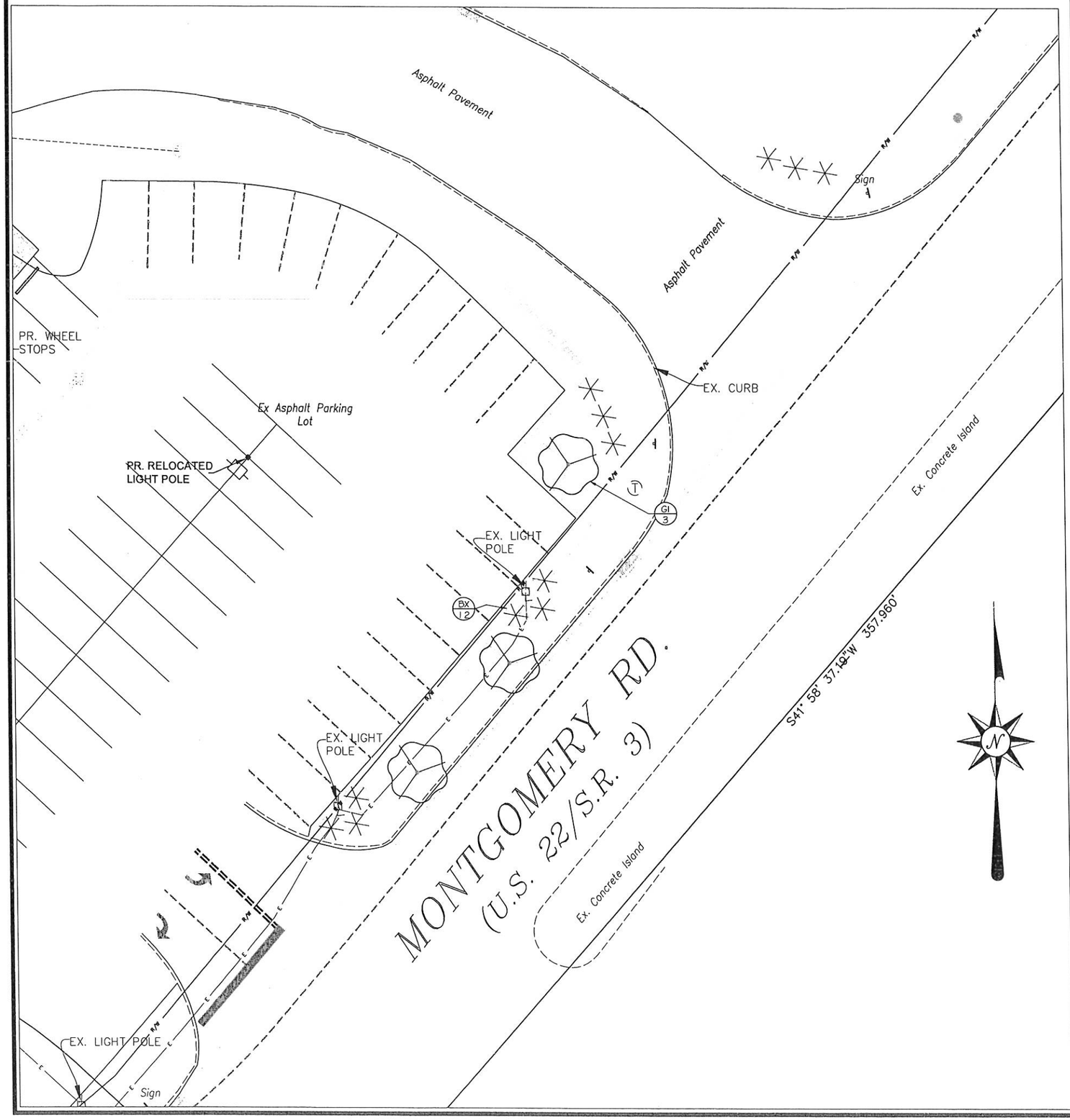
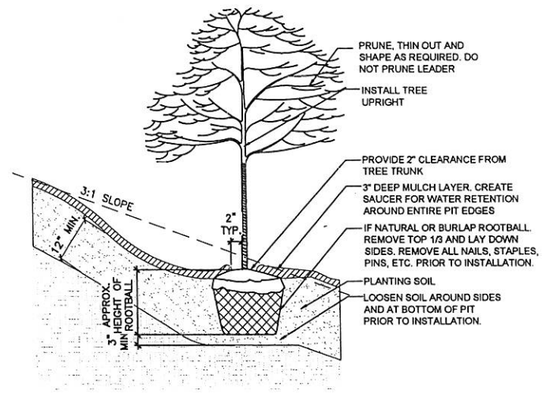
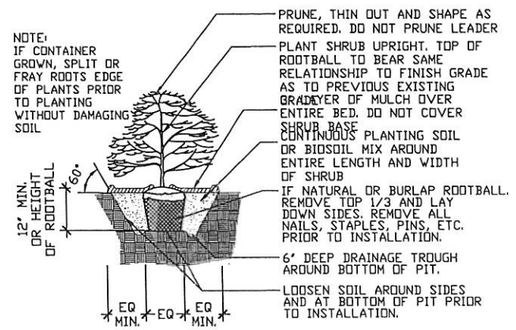


PLANT_SCHEDULE

TREES/SHRUBS	CODE	QTY	COMMON NAME	BOTANICAL NAME	CONT	CAL	SIZE
✳	BX	12	Green Velvet Boxwood	Buxus sinica var. insularis x B. sempervirens 'Green Velvet'			2-4'
	GI	3	Skyline Thornless Honey Locust	Gleditsia triacanthos inermis 'Skyline' TM	B & B	1.75"Cal	



1 L-1 L-1 TREE PLANTING DETAIL
SCALE: Not To Scale



2 L-1 L-1 SHRUB PLANTING DETAIL
SCALE: Not To Scale

REVISIONS

DATE	BY	NO. & DESCRIPTION

EVANS ENGINEERING
4240 AIRPORT ROAD, SUITE 108
CINCINNATI, OHIO 45226
(513) 321-2168
(513) 321-2173 FAX
ATTN: JONATHAN R. EVANS, P.E.

HYUNDAI - MONTGOMERY RD.

LANDSCAPE PLAN

CITY OF MONTGOMERY, HAMILTON COUNTY, OHIO

SCALE:	HORIZ.	VERT.
	1"=10'	N/A
JOB. NO.	16-123	
DATE	APRIL 5, 2016	

SHEET NO.

L-1