

March 18, 2016

TO: Wayne Davis, City Manager

FROM: Tracy Roblero, Community Development Director

SUBJECT: Forward Request for Expansion of Conditional Use and Approval of Equivalencies on the Property Located 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 and the General Development Plan with equivalencies to allow for the construction of an addition to the Main Campus.

### **Background**

The applicant is proposing to construct a three story 42,500 square foot addition on the northwest side of the existing Main Campus. The new addition would add up to 45 independent living units, an additional dining venue and a community center. The proposed addition would also include a lower level 61 space parking garage. The new addition will match the existing building in regards to building materials as well as scale and massing. As part of the addition, there will also be modifications to the parking lot and access from Montgomery Road.

The applicant is also proposing a new retail building at 9856 Montgomery Road. The building is a one-story 13,000 square foot building of which 8,000 square feet of the building would be used for a restaurant use with the remaining 5,000 square feet being a retail use. This building is a permitted use in the 'GB' – General Business District and would require Development Plan Approval from the Planning Commission. This application does not include any approvals of the retail building; however it is included on the site plan due to the need for shared parking between the Main Campus and the future retail building.

The proposed addition is located on two parcels. Parcel 603-0008-0011 is zoned 'D-2' – Multi Family and is used for Twin Lakes Main Campus. Parcel 603-0008-0009 is currently vacant and was recently rezoned from 'GB' – General Business and to 'D-2' – Multi Family in order to accommodate the expansion of the conditional use and the addition to the Main Campus. This addition to the Main Campus requires an expansion of the existing conditional use permit for the property as retirement villages are a conditional use in the 'D-2' District.

### **Planning Commission Recommendation**

The Planning Commission met to consider the expansion of the conditional use permit as well as the General Development Site Plan for the addition on January 25, 2016 and February 1, 2016.

## Memorandum

Notices were sent to neighbors within a 300' radius of the property. Staff only received one call regarding the application from Camargo Cadillac with questions regarding the proposal.

The applicant is requesting an equivalency in regards to building and parking setbacks for the new addition due to the configuration of the lot, the need to maintain separate parcels for tax purposes and the desire for shared parking between the Main Campus and the future retail building. The equivalency for the addition to allow for the parking lot to cross the property line would also apply to the rear yard parking setback for the retail building. The Planning Commission recommended approval of the equivalencies with the condition that the proposed covenant be added to the parcel that would allow the City to treat the parcels as a single parcel for the purposes of the Building, Fire and Zoning Code, thus allowing the proposed addition to cross the property lines. The covenant would require that Twin Lakes could not sell or otherwise transfer the parcels separately from one another. An access and shared parking easement would be required to be recorded.

The applicant has proposed a shared parking lot between the Main Campus and the proposed retail building. 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 applicant provided a shared parking analysis based on the projected parking demand during weekday daytime, weekday evening, weekend daytime and weekend evening. The shared parking analysis which was provided by the applicant and approved by the Planning Commission illustrates that the parking demand is being met with the proposed mix of 61.5% restaurant and 38.5% retail when the daily and hourly variations in the parking demand are taken into account. Section 151.3205 allows for The Planning Commission and/or City Council to accept a development plan that satisfies the off-street parking requirements by use of off-site shared parking with the City or another non-residential user. In determining whether to accept such proposed plan, Planning Commission and/or City Council may consider the proximity and accessibility of the off-site location to the proposed development site, the hours of operation of the two users, the number of spaces available and required for each business and the compatibility of uses. Staff believes that the proximity and accessibility of the off-site parking lends itself quite nicely to a shared parking solution and is supportive of the concept of the Planning Commission's approval of shared parking for the site.

After hearing the testimony presented at the meetings and discussing the application, the Planning Commission voted unanimously to recommend approval of the expansion of the conditional use permit and the equivalencies associated with the General Development Plan at their meeting on February 1, 2016 with the following conditions:

- The draft covenant that will allow the building expansion on, over and across the parcel lines in lieu of officially consolidating the parcels by plat be appropriately approved and recorded prior to application for a building permit.
- A shared parking and access easement between the future retail parcel and the Main Campus be reviewed, appropriately approved and recorded prior to the application for a building permit.

- A shared parking analysis be submitted and approved for the Main Campus as the future retail component as part of the Final Development Site Plan approval process.

At their meeting on March 7, 2016, the Planning Commission met to consider the Final Development Site Plan for the addition to the Main Campus and the proposed retail building at 9856 Montgomery Road. There were some concerns with the photometric plan as well as the building design for the retail building which were discussed in detail. After hearing the testimony presented at the meetings and discussing the application, the Planning Commission voted unanimously to approve the Final Development Site Plan with conditions; however, the Planning Commission did not approve the final building design and signage plan for the retail building, which will be required to come back to the Planning Commission for approval.

### **Staff Recommendation**

Staff supports the recommendation of the Planning Commission to allow for the expansion of the conditional use permit and the General Development Plan with equivalencies to allow for the construction of an addition to the Main Campus 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 significant expansion to the Main Campus of Twin Lakes; however, it will be setback approximately 345' from Montgomery Road and be located behind a future retail building; therefore, will not have a large visual impact on Montgomery Road. The only impact of this expansion would be on the property to the north that is currently used for Camargo Cadillac; however, Staff does not believe the addition will negatively impact the Camargo Cadillac property due to the comparatively low intensity of use on the Twin Lakes property and the separation between the buildings. The proposed addition along with the reconfiguration of the site layout as well as the modification of the curb cuts on Montgomery Road provides for better internal circulation on the campus and better access management along Montgomery Road. The applicant has also spent significant time and effort to ensure that all the appropriate provisions are provided to allow for emergency access to the Main Campus. There were some

## Memorandum

questions that arose in regards to parking due to the uncertainty of the end user for the future retail component; however, these details have been worked through during the Final Development Plan approval process with the Planning Commission. There are some zoning issues that arise due to the need to keep PIN 603-0008-0009 separate due to tax purposes and the desire for a shared parking lot between the Main Campus and the future retail lot that require equivalencies. While these equivalences make the zoning process more complicated, Staff believes that they are rational and meet/exceed the intent of the Zoning Code.

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**CITY OF MONTGOMERY  
PLANNING COMMISSION REGULAR MEETING  
October 19, 2015**

1  
2  
3  
4

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

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## **Planning Commission Meeting**

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

### **Staff Update**

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

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

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

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

### **Guests and Residents**

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

### **Communications**

33 There were no communications to share.

### **Old Business**

37 Chairman Harbison explained the process for this evening's meeting to all guests and residents:  
38 "Ms. Roblero reviews her Staff Report, and the Commission asks any questions they might have.  
39 The applicant presents their application, and the Commission then asks any questions. The floor  
40 is opened to all residents for comments. If a resident agrees with a comment that was previously  
41 stated, they could simply concur, instead of restating the entire comment (to save time).  
42 The Commission discusses the application, and residents are not permitted to comment or  
43 question during this discussion. The Commission will then decide to table, approve or deny the  
44 application.

46 *Ms. Steinebrey moved to take this application off of the table.*

47 *Mr. Niehaus seconded the motion.*

48 *All members unanimously approved.*

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50 *Ms. Roblero reminded all applicants (as she had contacted them earlier today to advise of this)*  
51 *that with 5 members, it would take 4 Board members voting affirmative for an approval of any*  
52 *motion. She stated that the applicant also had the option to table their application if they*  
53 *would rather be heard in front of the full commission.*  
54

55 *An Application from Camden Homes for the redevelopment of approximately 7.87 acres of*  
56 *property formerly used for the Montgomery Swim and Tennis Club at 9441 Orchard Club*  
57 *Drive, Montgomery, OH 45242.*  
58

59 **Staff Update**

60 Ms. Roblero reviewed the Staff Report dated October 8, 2015, "Application for Rezoning,  
61 Planned Development and General Development Plan Approval for Single Family Residential  
62 Planned Development at 9941 Orchard Club Drive." She explained that the applicant has made  
63 several changes to the application that was submitted on September 28 and referred to the  
64 drawing on the screen monitor.  
65

66 Regarding the removal of the sidewalk on the north side of the proposed street, Staff stated that  
67 she discussed this with the Public Works Director and he had no objection to this.  
68

69 Ms. Roblero stated that the traffic study was received on Friday afternoon. She gave a brief  
70 summary to all, noting that the intersection received a Level of Service rating of "F" for a.m.  
71 peak, with no building taking place. With the building of the proposed homes, the intersection  
72 would still be at a Level of Service "F" for the a.m. peak and a Level of Service "F" for the p.m.  
73 peak time. If no building occurred, the p.m. peak would receive a Level of Service "E".  
74

75 Staff reported that the current count on Orchard Club indicated 49 trips, 32 in and 17 out during  
76 the morning peak time, and 59 trips, with 22 in and 37 out during the evening peak time.  
77 She noted that the applicant took into account the fact that there was still 9,300 square feet of  
78 space available for lease in the existing office building. When this building meets capacity, it is  
79 expected to generate an additional 22 trips for a.m. peak time, and 33 trips at p.m. peak time.  
80

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

- 83 • A Rating determined the traffic to be free-flowing, with little or no delay
  - 84 • A-D Rating is acceptable
  - 85 • E -F rating is a poor level of service
- 86

87 Ms. Roblero reported that the traffic study also investigated if the intersection warranted a traffic  
88 signal. She stated that the intersection did not warrant a signal even with the addition of the  
89 proposed homes. The applicant looked into possible ways to mitigate traffic and based on the  
90 existing conditions of Orchard Club and the high traffic volume on Montgomery Road, the City  
91 Engineer has stated that there is no practical mitigation for this development.  
92

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

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- 95 restrict left turns onto Montgomery Road and then provide for a U-turn-around area on  
96 Montgomery Road. There was no analysis done on this, it was just a suggestion.  
97
- 98 With regard to safety, the traffic study suggested that the City look into removing the on-street  
99 parking in front of the medical office along Orchard Club Drive due to the narrow roadway. Ms.  
100 Roblero stated that she contacted the Police Chief and the Public Works Director and they were  
101 both in agreement with this -- if Planning Commission were to make the suggestion.  
102
- 103 Staff stated that there was also an evaluation of adding another lane, exiting onto Orchard Club  
104 Drive. The traffic study showed that the results do not improve the level of service significantly  
105 and did not suggest it the improvement. The City Engineer agreed with this assessment.  
106
- 107 Mr. Niehaus asked if any consideration was given to address entry/exit between the Medical  
108 Office Building and Montgomery Road versus Orchard Club Drive. He asked if it was even  
109 possible. Ms. Roblero deferred this to the applicant. She was not sure if this would be possible,  
110 due to the topography or if the City would consider adding another curb cut on Montgomery  
111 Road.  
112
- 113 Mr. Dong asked why a traffic light would not be warranted there. Ms. Roblero stated that traffic  
114 lights have to meet warrants which are established by the Ohio Department of Transportation  
115 (ODOT). The City of Montgomery has jurisdiction over Montgomery Road in its jurisdictional  
116 boundaries and follow ODOTs warrants in terms of placing the traffic lights. She explained that  
117 the traffic engineer stated they would need about 100 trips during peak hour in order to warrant a  
118 traffic light. She noted that, at maximum, we have only about 75 cars at peak hour.  
119
- 120 Mr. Dong concluded (after reading the traffic report) that there was no resolution given to fix this  
121 problem. Ms. Roblero confirmed - there is no practical mitigation for this issue.  
122
- 123 Staff pointed out that this was not the only location in the City with this situation, where there  
124 are cul-de-sacs that access directly onto Montgomery Road: she cited Forestglen Drive and  
125 Hartfield Place as well as Mayfair of Montgomery.  
126
- 127 Mr. Dong asked if the rezoning would help the traffic situation or makes it worse than it  
128 currently is today. Ms. Roblero stated that today it is zoned C and D-3. Depending on the  
129 configuration, if they were to maximize the number of buildings, they would be allowed to build  
130 38 units, which could include multi-family units under straight zoning. This would increase the  
131 traffic and wait-time and make traffic worse than the current proposal. Ms. Roblero stated if you  
132 rezoned completely to D-3 and did not put in an Overlay, a developer could put in all multi-  
133 family, which would make traffic worse than the current proposal.  
134
- 135 Mr. Niehaus asked if it was Planning Commission's purview to determine the on-street parking  
136 conditions on the street. Ms. Roblero confirmed.  
137
- 138 Ms. Steinebrey referred to the traffic study and felt that probably empty nesters would not be a  
139 part of the peak hour traffic. She wondered if that would be an advantage of the current proposal

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140 for the traffic situation. Ms. Roblero stated that the traffic study was based on a typical  
141 subdivision of single family owners, not empty-nesters. It is possible that the numbers could be  
142 lowered if the subdivision were all empty nesters; however, the study was not based on that.  
143

144 Mr. Stull asked for the reasoning behind why the property had to be rezoned. Ms. Roblero  
145 preferred that the underlying zoning be changed, to a D-3, so it is all consistent. She explained  
146 that it is a significant issue when you have lots that are split between two districts. She was also  
147 in favor of D-3 zoning because the proposed lot size and setbacks are similar to those in the D-3  
148 District.  
149

150 Mr. Stull asked about the front yard 15 foot setback. He asked if the sidewalk was included in  
151 that calculation. Ms. Roblero stated that the 15 feet was from the right-of-way, which is  
152 typically about 13 feet from the back of the curb. She noted that there would be about 15 feet  
153 from the back of the curb and then the 15 foot front-yard setback, for a total of about 30 feet.  
154

155 Staff explained that on the north side of the street, where no sidewalk was proposed, the  
156 applicant proposed a 20 foot front-yard setback. She gave reference, noting that the Planning  
157 Commission allowed an exception in the Vintage Club Courtyard Section to allow the front yard  
158 setback to be 25 feet from the back of curb.  
159

160 Mr. Stull asked about the easement and patio allowance. He asked how close the people would  
161 be on their patio to the back of the homes on Orchard Lane. Ms. Roblero stated there is the  
162 perimeter buffer of 30 feet and the rear-yard setback is 20 feet. Patios would be permitted to  
163 encroach into the rear-yard setback; therefore, they would be allowed to have a patio or  
164 unenclosed deck up to 30 feet from the property line. She explained that if there is a  
165 conservation easement and the Planning Commission decided to not to allow patios to encroach  
166 into the easement, then they would have to maintain a 50' setback (30' buffer plus 20' rear yard  
167 setback).  
168

169 Mr. Stull asked who controlled and maintained the green space and buffer zone. Ms. Roblero  
170 explained that because of the way the applicant is proposing the lot lines, each individual  
171 property owner will be responsible for maintaining it the buffer and conservation easement on  
172 their own property. She believed that they would have covenants in place so that the Home  
173 Owners Association(HOA) can enforce these standards. She pointed out that there are some  
174 open space parcels which are dedicated as such which would be the responsibility of HOA.  
175

176 Mr. Niehaus asked about patios in the conservation easement. He would like to consider putting  
177 restrictions on the size and nature of the patios. Ms. Roblero suggested that they could make this  
178 an additional item in the Statement of Conditions and Exceptions.  
179

180 Mr. Stull asked about lighting on the homes and around the property lines. Ms. Roblero stated  
181 that the Zoning Code does not have any restrictions on residential lighting.  
182

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

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185 Mr. Wayne Davis, City Manager and to City Council. Ms. Roblero stated that Ms. Imoff,  
186 expressing her concerns about the property development of the back of the Montgomery Swim  
187 Club. She asked that the City not change the current 150-foot wide tree buffer that the developer  
188 proposes to reduce to 30 feet. Ms. Roblero read the entire email for all attendees.  
189

190 Mr. Dong asked for Ms. Roblero to show him the 150-foot buffer that Ms. Imoff referred to.  
191 Ms. Roblero stated the 150 feet was an agreement between the Montgomery Swim and Tennis  
192 developer and the residents of that neighborhood. She explained that after extensive research,  
193 there is no evidence that this buffer was ever recorded. The applicant did a title search and did  
194 not find any evidence of it being recorded either. The City has no record of this and it wasn't in  
195 any minutes. She noted that some of the residents that have lived there for years believe that  
196 City Council approved that condition, but Staff cannot find it anywhere in the minutes. One of  
197 the residents has a drawing that shows the 150-foot buffer that was done by a local surveyor, but  
198 that cannot be used as evidence. She noted that the applicant is now proposing that the perimeter  
199 buffer be 30 feet, which is required by code.  
200

201 **Mr. Dutch Cambruzzi, owner of Camden Homes, 4565 E. Galbraith Rd., Cincinnati, OH**  
202 **45236** noted that they have built other communities such as Hartfield Hill and Stonemeadow.  
203 He stated that in this modified proposal, they have incorporated many of the changes that were  
204 requested from the guests and residents attending the September 28 Planning Commission  
205 meeting.  
206

207 He explained that the concept they are proposing is a single-family detached community; an  
208 empty-nester life-style product, similar to the Courtyard in the Vintage Club. He noted the  
209 difference is that this will be a public street, versus the private streets at the Vintage Club. He  
210 explained that they could have designed a private street, but this public street is wider and allows  
211 more space.  
212

213 He pointed out that they have incorporated some of the suggestions made by guests and residents  
214 at the September 28 meeting: 1) they have incorporated the existing walking path, and  
215 committed an entire open space area along with it; 2) while the zoning would have allowed them  
216 to build up to 38 single and/or multi-family homes, they suggested only 30, and have now  
217 lowered it to 29.  
218

219 Mr. Cambruzzi introduced Mr. Bob Garlock of Bayer Becker to detail many other items.  
220

221 **Mr. Bob Garlock, Planner, of Bayer Becker, 6900 Tylersville Road, Suite A, Mason, OH**  
222 **45040**, concurred that they have made many changes to this proposal, based on the residents'  
223 comments from the September 28 meeting.  
224

225 He pointed out that a traffic study was done and approved by the City's consultant, CT  
226 Consultants. He introduced Ms. Kate Dillenberger, Engineer, noting that she authored this study,  
227 and would be happy to answer any questions.  
228

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229 Mr. Garlock referred to an earlier question from this evening, confirming that they used a  
230 standard, single-family trip generation, which would be the worst case scenario you would  
231 expect for traffic on this site for peak morning and evening hours. Mr. Garlock believed that the  
232 traffic would be less than projected as they are marketing to empty-nesters.  
233

234 He explained that Jay Korros, City Traffic Engineer, had some ideas about potential things that  
235 could be done to eliminate some of the traffic issues. Mr. Garlock explained that they will  
236 continue to work with Staff to try to find some other ideas that may be possible to make the free-  
237 flow of traffic a little better at peak times. He noted that at the Final Development Plan approval  
238 stage, they will come back with additional ideas.  
239

240 Mr. Garlock clarified some questions and concerns that members had brought up in September.  
241

- 242 • Previously, there were 4 homes that backed up to the homes in the Wild Orchard  
243 subdivision. By putting in the walking path, they reduced this by one lot.  
244
- 245 • The buffer requirement minimum is 30 feet, but Lot 15 is actually about 95 feet from the  
246 property line, Lot 14 is 45 feet from the property line, and Lot 13 would be 35 feet from  
247 the property line. The actual measurement taken from the back of the pad of Lot 15 and  
248 the existing home that backs up to it, to the west, is about 150 feet, about 135 feet for  
249 Lot 14, and Lot 13 is further away, also.  
250
- 251 • He noted that the open space should generally be 20%. He explained that they were  
252 asking for an equivalency on this. In the previous proposal, they were under an acre of  
253 actual open space, as a parcel outside the buffer area, and now they have increased it to  
254 1-1/3 acres.  
255
- 256 • Previously they proposed .500 of an acre toward the conservation easement, and now  
257 they are proposing 1/3 of an acre.  
258

259 Mr. Garlock explained that when you added those two together, it is above the 20%  
260 requirement, excluding the buffer. If you added in the buffer, this accounts for about 35% of  
261 the property in open space. They believe this meets the intent of the requirement.  
262

263 He pointed out the high quality open space in the pocket park, accounting for and providing  
264 landscaping and connection to the path.  
265

266 Mr. Garlock addressed the concern for allowing patios to encroach in the conservation easement.  
267 They anticipate that there would be a notch set into the home, and the patio will be placed in the  
268 notch, but it may extend out behind the back of the house. This is what they meant by allowing a  
269 patio area in the conservation easement --just a paved surface at grade level, but they would not  
270 allow for any structure to extend above the ground. There could be no pergolas, no decks or  
271 walls, or anything of that nature – so it would still appear to be open.  
272

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273 Mr. Garlock stated that they were in concurrence with Staff's Statement of Conditions and  
274 Exceptions.  
275

276 Chairman Harbison asked if there were any questions.  
277

278 Mr. Stull asked if parking would be permitted on the street. Mr. Garlock stated that Staff  
279 recommended that parking be limited to one side of the street, away from the fire hydrants.  
280

281 Mr. Niehaus asked what size they were thinking of, for the ground surface of patios.  
282 Mr. Garlock stated that these would all be custom homes, but noted that it couldn't extend more  
283 than 10 feet into the conservation easement. Mr. Cambuzzi stated that they may not have any  
284 patios there, as they haven't actually designed these homes yet. He hoped to have the patios  
285 mostly covered. He didn't envision them to be concrete squares or rectangles out into the yard.  
286 He explained that they would follow the lead of the Planning Commission.  
287

288 Mr. Dong asked about street lighting. Mr. Cambuzzi stated that they had street lighting planned  
289 – there would be custom street signs and light fixtures, similar to what has been done in the  
290 Vintage Club. Mr. Becker stated that they would have coordinated poles, mailboxes and street  
291 signs.  
292

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

295 "The Planned Unit Development shall provide for preservation within the tract to be developed  
296 with a significant amount of land that is common, public, open space.  
297 (He reiterated – common and public open space.) This may include such areas as pedestrian  
298 corridors, (which qualifies between Lots 12 and 13), public gathering places, park land or  
299 sensitive environmental areas. (the environmental easement may count). This common Open  
300 Space shall be conveyed to a legally established property owner, association or trust. The area  
301 shall be in a composition and configuration that has to be desirable as a gathering place or  
302 passageway and should not consist of isolated or fragmented pieces of land that provide no  
303 public use."  
304

305 Chairman Harbison pointed to the site plan on the screen, showing a few places where there were  
306 conservation easements. He pointed out that the person in Lot #4 would have to go through  
307 people's yards to get to one of these open spaces. It was not common or public. It is  
308 fragmented. He asked the applicant to reconfigure this to provide access to everyone and to meet  
309 the code.  
310

311 Mr. Garlock showed public open space points on the large screen, noting some areas that they  
312 could interconnect. Chairman Harbison explained that the 30 foot buffer is not considered as  
313 open space; it is simply part of the required setbacks. The open space should be over and above  
314 that. Mr. Garlock stated that they would record the buffer as part of the open space, but it would  
315 not be calculated as the amount of open space provided.  
316

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317 Chairman Harbison questioned the 20% figure noted in Item 8 of Mr. Garlock's letter.  
318 Mr. Garlock explained that none of the buffer is included in the 20% open space calculation.  
319 Chairman Harbison stated that there were conservation easements and open spaces in individual  
320 backyards – which is not considered as public and common.  
321

322 There was discussion and Mr. Garlock and Mr. Cambuzzi showed Chairman Harbison and  
323 members how they determined the buffers and the easement space. Mr. Garlock suggested they  
324 all refer to the table explanation on the drawing, as some of the points on the drawing were very  
325 small and difficult to see.  
326

327 Chairman Harbison stated that the 0.33 acres (which is 4.26% of the 20.4% total) of open space  
328 included the conservation easements, but not the buffers. Mr. Cambuzzi confirmed.  
329

330 Chairman Harbison noted that the 4.26% of the open space required an equivalency and the  
331 Commission would need to make a finding for this.  
332

333 Mr. Cambuzzi also noted some complications of this site – the parking lot area that they own  
334 but can't be used, because it was leased to the people next door.  
335

336 Chairman Harbison asked about the question of the 1989 agreement. On the existing plan,  
337 Chairman Harbison wanted to see where that 150 foot buffer was. Mr. Garlock showed him,  
338 noting that it would impact about 4 of the lots. Mr. Garlock found a Plat survey noting the 150  
339 foot buffer starting at their property line and going 150 feet to the east. It was not a dedication  
340 Plat, and he cannot find any record that it was recorded or imposed on the property. He  
341 understood this was probably a gentlemen's agreement between the developers of the Swim Club  
342 and the property owners to the west. He believes that same agreement also included Mayfair, to  
343 the south. They did no title report on this section, so they don't know if there is an easement on  
344 Mayfair.  
345

346 Chairman Harbison asked what the chances were of Mr. Cambuzzi obtaining the parking lot  
347 from the medical office building. Mr. Cambuzzi did not feel confident about this, stating that  
348 his attorneys confirmed that they did not have rights to it, even though they still own it.  
349

350 Chairman Harbison asked if there were any guests or residents who wished to speak.  
351

352 **Mr. Brian Monk, 9834 Orchard Club Drive, Montgomery, OH 45242**, represented his  
353 family. He cited the issues he was concerned with: 1) traffic, 2) density and 3) livability.  
354

- 355 1) On the date of the traffic study, there was a massive traffic accident on Montgomery  
356 Road. He noted that Ms. Roblero is looking into this issue. His contention is that the  
357 traffic was stopped for 1 and ½ hours on Montgomery and he felt that would render the  
358 study invalid (probably lower numbers represented).  
359 2) Comparing Orchard Club Drive with other streets like Forestglen Drive as being within  
360 100 feet of a traffic light is not accurate. He stated that Orchard Club Drive is much  
361 further than 100 feet to a traffic light – it is downhill, and about 1/5 of a mile to the

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- 362 nearest traffic light. He stated that it is near impossible to get out of their street now, and  
363 if you add more traffic, it is just unlivable.
- 364 3) He explained that an assumption of empty-nesters not using the street during peak times  
365 is not a fair assumption.
- 366 4) He asked that the Commission insist that the developer adhere to the 20% open space  
367 requirement - in the strictest sense of the word – and not use an equivalency to defer from  
368 it. He did not feel that fragmented pieces, including a drainage ditch should qualify.  
369 He asked that they please deny the equivalency request.
- 370 5) He felt that 29 homes was still too many for the site.
- 371 6) He asked the Commission require the developer to meet the open space requirement and  
372 to support speculation that empty nesters will need room for their grandchildren to play,  
373 along with the 15 school-age children that currently live in the neighborhood. If the  
374 appropriate number of lots were reduced, this would allow for an appropriate amount of  
375 open space, in a safe environment.
- 376 7) He requested that they do not allow patios to be built in the backyards of their neighbors.  
377 He gave an example, noting that they would be sitting too close to their neighbors.  
378

379 Mr. Monk re-emphasized and encouraged the developer to consider further compromise, at the  
380 developer's expense, and for the Planning Commission, and ultimately, City Council to weigh  
381 heavily the concerns of the embedded, committed homeowners currently living on Orchard Club  
382 Drive and in the Wild Orchard neighborhood located immediately behind. He asked that the  
383 Planning Commission protect their neighborhood as best they can.  
384

385 **Jeffrey Buka, 9842 Orchard Club Drive, Montgomery, OH 45242**, lives right across the  
386 street, where all of the construction equipment will be going in and out. He asked if the homes  
387 would they have 2 car garages. He was very concerned with the traffic. He stated that he is an  
388 empty nester and still works. He believes that they are making incorrect assumptions about  
389 peak-time traffic. He was happy to have Camden Homes put in their development, but felt that  
390 the number of homes would be detrimental to the traffic. He felt that unless they could find  
391 another access, this was not feasible.  
392

393 He noted that he was previously told that it would take about 4 years to build these homes – and  
394 he couldn't imagine the delays and traffic issues during that peak-time, especially with school  
395 busses.  
396

397 Mr. Buka asked if they were considering the drainage basin as open space; he hoped not – it is  
398 definitely unusable. He stated they currently have a large drainage space behind their homes,  
399 and it fills up with water. It is very hilly terrain there. He stated that if they were considering  
400 that as useful space, it is not.  
401

402 Mr. Buka suggested that if they were going to rezone this property, they shouldn't zone for  
403 multi-family homes. He suggested 15-20 more-expensive homes, with bigger lots on this street;  
404 that 29 was too many homes for such a small area.  
405

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

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

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

412  
413 Chairman Harbison explained that a 2-car garage [or 2 parking spaces] were permitted (and  
414 required) in the code.

415  
416 **Jim Kokenge, 10121 Woodfern, Montgomery, OH 45242**, lives in the Forestglen  
417 neighborhood, and concurs with the traffic issues. He served as the president of the Montgomery  
418 Swim & Tennis Club. He gave some background, noting that when the bids came in, Camden  
419 was the third highest bidder. The highest bidder was for multi-story apartment and town houses.  
420 There were many bids of residency – one was for 38 buildings. As a Board, they decided on  
421 Camden because they have built in Montgomery before, and build a good quality product,  
422 showing the best use of the property. He stated that he attended the September 28 meeting.  
423 He pointed out that many of his friends are rebuilding and moving into empty-nester homes,  
424 trying to stay in Montgomery.

425  
426 Mr. Kokenge stated that Camden Homes has a little over 30 days in their agreement, to come to a  
427 conclusion, otherwise there is a potential for the Board to open this back up. He did not feel that  
428 the other bidders would make an offer as nice as this proposal.

429  
430 There were no more comments from guests or residents.

431  
432 Mr. Niehaus stated that he is generally supportive of this revised plan. He is not comfortable  
433 with the patios encroaching the conservation easement, as it seems to counter the purpose of a  
434 conservation area. He feels there is enough of an un-exact equivalence for open space, and that  
435 if we allow patios to go further into this, it becomes even harder to defend. He wants to prohibit  
436 the on- street parking outside the medical facility on Orchard Club Drive.

437  
438 Mr. Dong felt that traffic was a real concern; he appreciated having the traffic report. He liked  
439 the proposed development of Camden Homes versus apartments in this area. He concurred with  
440 Mr. Niehaus to restrict patios from encroaching into the conservation area. Overall, Mr. Dong  
441 favored this proposal.

442  
443 Mr. Stull was also supportive of upscale homes versus apartments. He wished they could reduce  
444 the number and still make a profit. He was not in favor of the patio encroachment. He liked the  
445 idea of taking out the north sidewalk to give more space, and was in favor of the path back to  
446 Wild Orchard.

447  
448 Ms. Steinebrey stated that she felt the applicant had tried hard to meet some of the conditions  
449 requested by local residents. She felt this would be a nice addition to the City and that it would  
450 fulfill a niche in the market.

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

456  
457 Chairman Harbison asked Commission members about their thoughts on the 16% versus 20%  
458 open space, and wanted to define a finding to meet the equivalency. He explained that this must  
459 be determined now, because it was part of the General Development Plan approval. This  
460 recommendation will go to City Council and they have to approve the equivalency and Planned  
461 Development Overlay.

462  
463 Chairman Harbison read from Section 150.1414 regarding equivalency:

- 464 1. Planning Commission may consider elements of the [General] or Final Development  
465 Plan to be equivalent to a requirement [16% versus 20% of open space] if the proposed  
466 general plan substantially complies with all specific requirements and with the purpose  
467 and intent and basic objectives of the zoning district through imaginative and skillful  
468 design of the arrangement of buildings, open space, streets, access drives and other  
469 features, as disclosed by the application.
- 470  
471 2. The proposal will result in the development of equivalent or higher quality, in that which  
472 could be achieved through strict application of such standard and requirement.
- 473  
474 3. The development, as proposed, shall have no adverse impact upon the surrounding  
475 properties or on the health, safety or general welfare of the community.”

476  
477 Ms. Roblero read from her Staff Report dated September 25, 2015, “Application for Rezoning,  
478 Planned Development, and General Development Plan Approval for Single-Family Residential  
479 Planned Development at 9441 Orchard Club Drive” which was given to Commission members at  
480 the September 28, 2015 meeting. She noted that, at that time, Mr. Garlock of Bayer Becker had  
481 provided a letter dated September 3, 2015 regarding an equivalency request (also received by  
482 Commission members). She stated that at that time, the first proposal did not meet the 20% open  
483 space. She explained that this revised proposal shows increased open space and they would like  
484 to include the conservation easement to be considered as open space, in order to meet the 20%.  
485 She noted that before they were asking for less open space and now they are asking to have the  
486 conservation easement to count as open space.

487  
488 Staff would support this request for equivalency, for several reasons:

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

494

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495 Staff wanted to remind the Commission that if they do not believe an equivalency is justified, the  
496 applicant will have the option to apply for a variance from the Board of Zoning Appeals (BZA).  
497

498 Mr. Dong clarified that the equivalency vote was to determine if the Commission felt that the  
499 0.33 acre of the conservation easement was equivalent to a dedicated, open space parcel, and  
500 should be considered and included as open space.  
501

502 Chairman Harbison asked for comments.  
503

504 Mr. Dong felt it was a stretch that the conservation easement could be considered as open space  
505 because it was in everyone's backyard and would not be considered a "common, public area."  
506 He had a problem counting this as open space and suggested they get a variance. Another option  
507 would be for the applicant to create more open space that would be in a more common area.  
508

509 Mr. Niehaus was willing to consider the conservation easement as open space, due to the parking  
510 lot and the topography. As another option, he suggested that they could take out another home,  
511 to create open space.  
512

513 Mr. Stull had no problem including it. He also wanted to keep the buffer landscaping space  
514 maintained around the perimeter.  
515

516 Ms. Steinebrey would also like to consider the conservation equivalency as open space. She felt  
517 that part of the reason for open space was for the people who lived behind this neighborhood.  
518 She believed that the sidewalk and the walking path allowed good common connectivity for the  
519 residents.  
520

521 Chairman Harbison agreed that the conservation easement was open space, that it meant the  
522 intent. He was not in favor of using the conservation easement for patios. He agreed that the  
523 BZA might grant a variance. He was in general agreement with the plan, given the parking lot  
524 and topography issues.  
525

526 Mr. Dong stated that they could take out one house and use that as a common area.  
527

528 Chairman Harbison asked members to now determine the general conditions for the Planned  
529 Development.  
530

531 Chairman Harbison reviewed the October 8, 2015 "Draft Statement of Conditions & Exceptions  
532 Established as the Standards in the Planned Development District", noting the following  
533 modifications:  
534

535 3) Street trees will be provided at intervals of 65 feet or less along all of the streets, as part of the  
536 landscape plan

537 4) Sidewalks on the south side of the street...and will be connected to the walking path

538 6) There will be 1.57 acres of open space...

539 7) ...In addition, patios shall not be permitted to encroach into the conservation easement.

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540 8d) CDS Associates is now CT Consultants

541 12) Add: At the northwest corner of Orchard Club Drive at Montgomery Road, no on-street  
542 parking in front of and up to the west driveway of the Medical Building.

543

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

547

548 Mr. Monk asked if the Commission decided to go ahead with this today, would this all come  
549 back to the Planning Commission, with a final drawing that they would vote on again.

550 Chairman Harbison stated that tonight they will vote on changing this property from being 3  
551 zones, to making them all one zone. The Planned Development Overlay will go over the top of  
552 that. This is the General Development Plan that goes with the PD application. Once Council  
553 approves this, then the applicant will come back with a Final Development site plan approval  
554 with building footprints, landscaping, grading and more.

555

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

557

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

565

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

- 568 1) Approve the recommendations
- 569 2) Override the decision
- 570 3) Remand it to Planning Commission

571

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

574

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

582

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



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632 Mr. Dong asked why we would rezone now before we see any General Development Plan.  
633 Staff stated that the applicant is requesting the rezoning now, in the interest of time, because this  
634 will take 3 readings before City Council, and there is a one month notice in between, for  
635 notification to property owners. She explained that it is typically a 6 month process to get a  
636 property rezoned. She noted that the applicant has had discussion about their future plans, but  
637 they were not ready to move forward at this time. Staff has no opposition to this rezoning  
638 without a plan at this time.  
639

640 Chairman Harbison explained that it is land-locked; it is right in front of their existing building,  
641 and a retirement village is not a permitted use in the GB zone.  
642

643 **Mr. John Homer, Director of Business Development, Life Enriching Communities,**  
644 **9876 Montgomery Road, Montgomery, OH 45242.** Mr. Homer introduced Jim Mayer,  
645 Executive Director and Mike Willenbrink, Engineer, from Bayer Becker. Mr. Homer stated that  
646 their future plan is to construct up to 45 additional independent living apartments, to meet  
647 exterior and interior demands. They will also add amenities to the campus that will serve their  
648 current and future residents – this will include an additional dining venue, an auditorium, and an  
649 entertainment center.  
650

651 Mr. Dong asked what additional benefits this rezoning would bring to the community.  
652 Mr. Homer stated that they have an existing external (and internal) demand. They have a  
653 Diamond Club List, where people put down a deposit until accommodations becomes available.  
654 He believes this is an opportunity to serve additional residents in the community. He noted that  
655 there would also be additional staff employed to fulfill the skilled nursing requirements and  
656 service the dining facility. He pointed out that their residents also pay taxes to the city.  
657

658 Chairman Harbison asked if there were any guests or residents who wished to speak.  
659

660 **C. Francis Barrett, 105 E. 4<sup>th</sup> Street, Suite 500, Cincinnati, OH 45202** stated that Camargo  
661 Cadillac has enjoyed a great relationship with Twin Lakes over the years.  
662

663 He asked if they planned to provide buffering that may be needed when they build their facility  
664 closer to Camargo Cadillac, so that residents are not upset by noise, being so close to an  
665 automobile dealership.  
666

667 Chairman Harbison asked about the car storage way in the back of Camargo. He asked if there  
668 was any trouble / issues from anyone about the cars, trucks moving about. Mr. Barrett was not  
669 aware of any issues from neighbors on any side of the dealership. He understood that if there  
670 were ever any questions or issues, the plant management has been very responsive to  
671 immediately address them.  
672

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

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677

678 *Ms. Steinebrey seconded the motion.*

679

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

681

682 *AYE: Mr. Stull, Ms. Steinebrey, Mr. Niehaus, Mr. Dong, Chairman Harbison (5)*

683 *NAY: (0)*

684 *ABSENT: Mr. Matre, Mrs. White (2)*

685 *ABSTAINED: (0)*

686

687 *This motion is approved.*

688

689 **New Business (2)**

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

693

694 **Staff Update**

695 Ms. Roblero reviewed the Staff Report dated October 7, 2015, "Application for Expansion of a  
696 Conditional Use Permit and Final Development Site Plan for Camargo Cadillac at  
697 9880 Montgomery Road." She stated that as of 4:00pm today, the applicant has agreed to work  
698 with Staff and the city arborist to bring the front landscaping into compliance, per  
699 Section 151.34. Staff is in support of this application. She did not receive any letters, but did  
700 receive one call from Life Enriching Communities, requesting clarification.

701

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

704

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

711

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

714

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

720

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

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

728  
729 Mr. Dong inquired as to the process. Ms. Roblero stated that the applicant is requesting approval  
730 of a Final Development Site Plan, as well as expansion of a conditional-use. The applicant would  
731 not need to come forward to Planning Commission, if Planning Commission recommends  
732 approval by City Council and Council confirms.

733  
734 Mr. Dong asked the applicant if he had sample materials and colors. Mr. Pandzik stated that they  
735 will match their current materials, and all of these materials meet code. He explained that the  
736 color is similar to what is there now – it is a light, cream (off-white) color, which will be on the  
737 metal and masonry.

738  
739 Staff noted that the design of the building does not necessarily meet the Montgomery Road  
740 Corridor Design Guidelines, but it matches the existing, and it is a legal, non-conforming  
741 building. She pointed out that this same approach had been taken with the Lincoln dealership.

742  
743 Mr. Dong asked if any painting would be done in that building, and if so, would that require any  
744 special exhaust system. Mr. Pandzik stated that it would be body work, not painting, and there  
745 would be an exhaust system.

746  
747 Chairman Harbison noted that all of the windows on the south side, that would be exposed to  
748 Twin Lakes are not available to be opened, and there is only one garage door, as opposed to  
749 several.

750  
751 Mr. Pandzik introduced Roger Wade.

752  
753 **Roger Wade, President of Cintech Construction, Inc., 4865 Duck Creek Road 45229**, spoke  
754 on behalf of Mr. Joseph, noting that this is something that Montgomery residents have been  
755 requesting, as all of the products from the Chevrolet and Audi dealerships come here for their  
756 body work and repairs.

757  
758 Mr. Wade noted that they didn't move forward with this in 2006, as there were issues with GM  
759 at the time, as far as their contribution.

760  
761 Chairman Harbison stated that the zoning code states there is no parking of cars on the  
762 sidewalks. He noted that Camargo was not complying with the code on the landscaping and  
763 parking on the sidewalks. Mr. Wade was not familiar with this. Mr. Wade stated that he would  
764 address this with the Josephs.

765  
766 Mr. Niehaus asked for clarity on this specific location. Ms. Roblero showed a 2015 aerial photo,  
767 on the large screen and pointed to the concrete area on the front facade of the principal

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

771  
772 She did not have the original plan with her, to determine how they were originally specified.  
773 Mr. Dong noted that they were called concrete walks on the drawing. Staff noted that Camargo  
774 does not have a dedicated pad display area that some of the other car dealerships have.  
775 She showed Audi and Lincoln, as comparisons, on the large screen. Lincoln's display area  
776 looked very similar to Camargo's.

777  
778 Mr. Wade stated that there were no entry ways in the front of Camargo Cadillac, and that was not  
779 intended as a sidewalk; but there were entrance ways in front of Audi and Chevrolet.  
780 He explained that there weren't any doorways in the front of the Lincoln dealership either.  
781 Chairman Harbison explained that the Lincoln dealership had two pads in the front, and they did  
782 not wrap around, like Camargo's. There was more discussion.

783  
784 Mr. Wade noted that the one side had an entranceway to the showroom, and the other side was  
785 an entrance to the service department. He noted that he would address this issue with cars being  
786 parked on the sides.

787  
788 Ms. Steinebrey offered the idea that the walkway in front of the building would really be to see  
789 the cars on display in the front. Mr. Wade would not call it a walkway; he would call it a  
790 display.

791  
792 Mr. Dong asked what changes they were making to bring this building closer to conformance.  
793 Mr. Wade stated they would put in landscaping. He explained that they were not changing the  
794 building, they were just expanding.

795  
796 Mr. Dong was disappointed that the applicant didn't follow through with the landscaping earlier.  
797 He would like to see the applicant offer some type of water detention. Ms. Roblero gave history,  
798 explaining that this applicant had made some significant changes from the first application to be  
799 more compliant with the code. Staff has recommended that the applicant investigate rain barrels  
800 and/or downspout retention, and the applicant stated that they would be agreeable to this.

801  
802 Mr. Wade explained that in 2005, there were many comments made on that application, and  
803 Camargo made a lot of changes. Staff noted that the Josephs took the extra steps to put In LED  
804 lighting.

805  
806 There was more discussion.

807  
808 A brief history: Ms. Roblero stated that in 2006, the application of the addition to the body shop  
809 was approved, with the landscaping condition, and it had to be completed by November, 2006, or  
810 the façade upgrade, whichever came first. In January of 2007, the facade change and the  
811 addition had not occurred; therefore, the approval and all of the conditions expired. So, they  
812 were not required by a previous application to complete the landscaping. Unfortunately, the

## **Planning Commission Meeting**

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

815  
816 Ms. Roblero stated that the only way that Planning Commission could require this landscaping,  
817 is that this condition has to be tied to an application, and if that application were to lapse because  
818 the applicant chooses not to do it, then the condition also lapses.  
819

820 Mr. Niehaus suggested that we inject all of the conditions that Staff has written in the  
821 Staff Report, as well as the restricted parking on the sides of the building.  
822

823 Chairman Harbison asked when they planned to start on construction. Mr. Wade stated that,  
824 with approval tonight, they would meet with the landscape architect to get the detailed drawing,  
825 and start on the architectural plans for the building. He would like to have their plans ready to go  
826 by the next City Council meeting, and if ratified, they could submit their building permit the next  
827 day. Mr. Wade stated that they were not planning to wait until spring, hopefully they could start  
828 in December.  
829

830 Chairman Harbison would like to see some landscaping movement before he would give his  
831 approval. There was more discussion about the landscaping condition. Mr. Wade stated that the  
832 landscape would be in place no later than May 15, 2016, regardless of the application.  
833

834 Mr. Dong referred to Page 5 of the Staff Report, Item #7: he would like to change it to say,  
835 "The applicant *shall utilize* rain barrels and/or downspout detention on the new addition."  
836 Mr. Wade stated that typically rain barrels are used in residential facilities, not in commercial  
837 construction. Mr. Dong asked for a list of items from the applicant as to 1) what they would do  
838 differently now, and 2) when, to bring this building more into compliance.  
839

840 Ms. Roblero stated that she had written Item #7, using the word "investigate" because if the  
841 applicant were to find that it was not practical or it would not make a major impact on storm  
842 water detention, then it would not be appropriate. She did note that, with the addition, they were  
843 not adding any impervious surface. She felt that the change in the amount of run-off would be  
844 negligible. She felt that asking them to look at options was reasonable. Mr. Dong felt there  
845 should be some improvement to storm water – it didn't necessarily need to be rain barrels.  
846

847 It was agreed that they could add an item to say, "The applicant shall implement a storm water  
848 best management practice, as approved by the City Engineer." This could be a multitude of  
849 things. Members agreed with this.  
850

851 It was proposed by Staff that since there were no door entrances at the front of Camargo's  
852 building, that concrete could be used as a display, but since both sides had doorways, the  
853 sideconcrete would be considered sidewalks. Parking should be restricted from the sides.  
854 Chairman Harbison agreed with this.  
855

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

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858 Staff felt that this discussion gave her the interpretation of the sidewalks and display area, and  
859 she would proceed forward to discuss and enforce this with Mr. Joseph. She did not feel this  
860 needed to be part of this application. Members agreed.  
861

862 Ms. Steinebrey moved that we approve this application, based on the conditions listed on Page 5,  
863 with the alteration of Item 7 of the Staff Report dated October 7, 2015. All members agreed.  
864

865 *Mr. Dong moved to approve the modifications to the Final Development Site Plan, with*  
866 *received-date of October 6, 2015 and to approve the application from Camargo Cadillac,*  
867 *9880 Montgomery Road, for the expansion of a conditional use to allow for the construction*  
868 *of an addition to the body shop at the rear of the property, based on the Staff Report dated*  
869 *October 7, 2015, with the following conditions:*

- 870 1) *Staff Report, Page 5, 1through 8, with modification to Item #7, as suggested above.*  
871 2) *Landscaping installation to be completed by May 15, 2016.*  
872

873 *Mr. Stull seconded the motion.*  
874

875 *The roll was called and showed the following vote:*  
876

877 *AYE: Ms. Steinebrey, Mr. Niehaus, Mr. Dong, Mr. Stull, Chairman Harbison (5)*  
878 *NAY: (0)*  
879 *ABSENT: Mr. Matre, Mrs. White (0)*  
880 *ABSTAINED: (2)*  
881 *(0)*

882 *This motion is approved.*  
883

### **Minutes**

885 The minutes of August 3, 2015 will be approved at the next meeting, as  
886 Mr. Dong, and Mr. Stull were not present at that meeting.  
887

888 The minutes of September 28, 2015 will be approved at the next meeting, as  
889 Chairman Harbison, Mr. Dong, and Ms. Steinebrey were not present at that meeting.  
890

### **Adjournment**

892 Mr. Dong moved to adjourn. Mr. Niehaus seconded the motion.  
893 The meeting adjourned at 11:15 p.m.  
894  
895  
896  
897  
898  
899  
900

901 \_\_\_\_\_  
Karen Bouldin, Clerk

901 \_\_\_\_\_  
Michael Harbison, Chairman Date

902 /ksb  
903

ORDINANCE NO. 2 , 2016

**AN ORDINANCE REZONING PROPERTY AT 9876 MONTGOMERY ROAD  
MONTGOMERY, OHIO TO THE D-2 MULTI-FAMILY RESIDENTIAL DISTRICT**

**WHEREAS**, Twin Lakes, operating in the City as a retirement community, has petitioned the City to rezone a portion of the property which it owns at 9876 Montgomery Road, Montgomery, Ohio, being Hamilton County Auditor's parcel number 603-0008-0009, to the D-2 Multi-Family Residential District; and

**WHEREAS**, such lot currently is situated in the GB General Business District, however the property to the east of the subject lot is owned by Twin Lakes and is similarly zoned within the D-2 Multi-Family Residential District; and

**WHEREAS**, rezoning the subject lot will facilitate the expansion of the retirement campus onto such lot, and it will not disrupt the Montgomery Road Commercial Corridor as the companion lot frontage will remain in the GB General Business District; and

**WHEREAS**, Council did hold a public hearing on December 2, 2015 to consider the recommendation and findings from the Planning Commission after appropriate public notice was completed as required by the Montgomery Zoning Code; and

**WHEREAS**, Council did accept the recommendations and findings of the Planning Commission which support rezoning the property to the D-2 Multi-Family Residential District; and

**WHEREAS**, Council does find that the zoning amendment, as proposed and accepted at the public hearing, will be consistent with the Comprehensive Community Plan for the City.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** Property currently owned by Twin Lakes, being Auditor's parcel number 603-0008-0009, more commonly known as 9876 Montgomery Road, Montgomery, Ohio 45242, as more particularly described on Schedule A attached hereto and incorporated herein by reference, shall be rezoned to the D-2 Multi-Family Residential District.

**SECTION 2.** The Community Development Director is hereby directed to make a change in the Zoning Map to reflect the new residential zone and the boundaries for such zone and District.

**SECTION 3.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: February 3, 2016

ATTEST: Connie M. Gaylor  
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi  
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:  
Terrence M. Donnellon  
Terrence M. Donnellon, Law Director

**CITY OF MONTGOMERY  
 PLANNING COMMISSION REGULAR MEETING  
 January 25, 2016**

<u>PRESENT</u>		
<u>GUESTS &amp; RESIDENTS</u>		<u>STAFF</u>
<b>C. Francis Barrett</b> Barrett & Weber LPA 105 E. 4 <sup>th</sup> Street, Suite 500 Cincinnati, OH 45202	<b>Craig Margolis</b> 8270 Mellon Drive, 45242	<b>Tracy Roblero, Community Development Director</b> <b>Karen Bouldin, Secretary</b>  <u>BOARD MEMBERS</u> <b>Chairman Mike Harbison</b> <b>Vince Dong</b> <b>Jim Matre, Vice Chairman</b> <b>Pat Stull</b>
<b>Mike Cope</b> Director of Facilities Twin Lakes 9840 Montgomery Rd, 45242	<b>Jim Mayer</b> Executive Director Twin Lakes 9840 Montgomery Rd, 45242	<u>BOARD MEMBERS NOT PRESENT</u> <b>Jim Niehaus</b> <b>Barbara Steinebrey</b> <b>Barbara White</b>
<b>Peter Dauenhauer</b> 9599 Ross Ave, 45242	<b>Caroline Shon (student)</b>	
<b>Jon Homer</b> Director of Business Development Twin Lakes 9840 Montgomery Rd, 45242	<b>Mike Willenbrink, Engineer</b> <b>Bayer Becker</b> 1404 Race Street, Suite 204 Cincinnati, OH 45202	

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

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 in essence of 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 Planning Commission member Mr. Jim Niehaus has decided not to renew his term, which will end on January 31, 2016. Staff stated that City Council plans to recommend a new member at the February 3 City Council meeting.

Ms. Roblero stated that the city is currently working with the Ohio Department of Transportation (ODOT) regarding traffic solutions for the Gateway Redevelopment Area. Mr. Dong asked if Staff had an idea when this would come to the Planning Commission. Staff felt that she might bring the plan to the Planning Commission for input in May.

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27 Ms. Roblero stated that they are working with the developers of the Vintage Club and are getting  
28 close to the submittal of a revised General Development Plan for the Planning Commission to  
29 review.

30  
31 The Camden Homes project at the Montgomery Swim & Tennis Club site will be going for the  
32 third and final reading before City Council on February 3.

33  
34 Twin Lakes will also have their third and final reading on February 3 before City Council for the  
35 rezoning to D2 from GB.

36  
37 Ms. Roblero noted that due to a partnership change, Great Traditions has changed their name to  
38 Traditions Building & Development Group.

39  
40 **Communications**

41 Ms. Roblero explained that she and a few members of City Council and Planning Commission  
42 toured the grand opening of the new Fifth Third Bank building earlier this month.

43  
44 She was also joined by four members of the Board of Zoning Appeals at the David Allor Zoning  
45 Conference hosted by the Cincinnati Chapter of the Ohio Branch of the American Planning  
46 Association on January 22. Chairman Harbison asked for more detail on this conference. Ms.  
47 Roblero stated there was interesting information about the millennials and the baby boomers, and  
48 the trends in housing demands, which parallel Montgomery's Strategic Plan on housing. She  
49 explained that legally, there are landmark cases regarding signage that came out this year,  
50 particularly for church temporary signage. Ms. Roblero pointed out a new trend, called  
51 "Airbnb". There was also discussion about how zoning would handle marijuana dispensaries,  
52 should this become legal in Ohio.

53  
54 **Guests and Residents**

55 There were no guests or residents who wished to speak about items that were not on the agenda.  
56 He welcomed the four students present at tonight's meeting.

57  
58 **Old Business**

59 There was no old business to discuss.

60  
61 **New Business**

62 *An application from Twin Lakes, 9840 Montgomery Road, for the expansion of a conditional*  
63 *use to allow for the construction of an addition to the Main Campus.*

64  
65 **Staff Update**

66 Ms. Roblero reviewed the Staff Report dated January 21, 2016, "Application for Expansion of a  
67 Conditional Use Permit and General Development Site Plan for Twin Lakes Main Campus,  
68 9840 Montgomery Road." She often referred to the TV monitor to point out particular parcels  
69 and explain information from the Staff report. She explained that there were two parcels –  
70 Parcel 9 and Parcel 11. Mr. Dong asked if the previous Honda Dealership site had 2 parcels, and  
71 Ms. Roblero stated that the former Honda dealer had three parcels.

**Planning Commission Meeting**

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72  
73 Chairman Harbison felt that if these parcels were consolidated, it would eliminate the setback  
74 issues. Ms. Roblero confirmed that it would eliminate the equivalency requests for side and rear-  
75 yard building setbacks and also the equivalency request for the side-yard parking setback.  
76  
77 Ms. Roblero explained that the applicant did not want to consolidate Parcel 9 for tax purposes.  
78 She stated that the applicant would address this later. She noted that the Law Director has  
79 reviewed the Covenant and believes that we can accept it in lieu of the consolidation, if the  
80 Planning Commission is agreeable.  
81  
82 Mr. Dong asked for the pros and cons of this; he understood how it would benefit Twin Lakes,  
83 but asked if there was a benefit for the city. Ms. Roblero stated that there was no benefit for the  
84 city to keep this parcel separate, but there was also no hindrance, in her opinion.  
85  
86 Chairman Harbison stated this would be a variance from the code. Ms. Roblero stated that  
87 Covenant would allow the City to treat the parcels as if they are one parcel for Zoning and  
88 Building Code purposes.  
89  
90 Mr. Matre felt that one benefit might be that the auditor may value Parcel 9 higher than if it was  
91 consolidated into Parcel 11.  
92  
93 Ms. Roblero stated that the applicant would probably not want to consolidate the retail parcel.  
94 Twin Lakes currently wants to maintain ownership of it and lease back whatever that future retail  
95 would be. In the future, it could be sold off for retail use, if Twin Lakes did not want to continue  
96 to be landlords.  
97  
98 Mr. Matre asked if Parcel 9 was currently subject to a covenant where it cannot be sold  
99 separately without the other parcel. Ms. Roblero did not believe so.  
100  
101 **Mike Willenbrink, Engineer, Bayer, Becker, 1404 Race Street, Suite 204, Cincinnati, OH**  
102 **45202** stated that the previous Honda site used to be 3 separate parcels; Parcel 9 was one of the 3  
103 parcels. It was consolidated at one time and since then has been split back apart. One of the  
104 reasons is that the property line for Parcel 9 follows zoning district boundary line.  
105  
106 Mr. Willenbrink expressed that their intent was to consolidate the 2 retail parcels as one "retail  
107 parcel". In total, you would have Parcel 9 and Parcel 11 (joined by the Covenant) and a retail  
108 parcel.  
109  
110 Chairman Harbison still had issue with the fact that the Zoning Code calls for all of the parcels to  
111 be consolidated. He stated they would need to discuss this issue later. Ms. Roblero stated that  
112 the Law Director believes that the Covenant meets the intent of the code, in terms of  
113 consolidation.  
114  
115 Ms. Roblero explained that there is another portion of the Zoning Code which we have never  
116 used, under the definition of "lot". There is also the ability to look at a "zoning lot", which

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117 consists of several lots that make up the project boundary. We have also looked at this point of  
118 view, in terms of this project. Ms. Roblero pointed out, however, that it is much cleaner for us to  
119 utilize the Covenant, which effectively makes it consolidated, for purposes of zoning.  
120

121 Mr. Dong asked if they would be using some of the parking lot in the retail area for the Parcel 9  
122 area. Ms. Roblero noted that they would be sharing - they would put an easement in place to  
123 allow shared access and have a parking agreement between the future retail building and  
124 Parcel 9; so that people that were coming to Parcel 9 would be able to park in the retail area, and  
125 vice-versa.  
126

127 Ms. Roblero explained that currently, with just pure zoning code, there were 105 spaces above  
128 and beyond what is required for the addition. Some of these spaces are located in the retail area.  
129 Mr. Dong pointed out that Parcel 9 would need to use some parking from the retail parcel for  
130 Parcel 9. Ms. Roblero confirmed.  
131

132 Mr. Dong would like to see this entire area consolidated, so they could plan as one development,  
133 versus multiple developments.  
134

135 Ms. Roblero noted that if Twin Lakes were to consolidate, they would likely want to keep the  
136 retail portion separate, to allow for future decisions that have yet to be made about the retail.  
137

138 Mr. Stull asked how many parking spaces they would need just for the building, to meet the  
139 code. Ms. Roblero stated that they would need a total of 376 spaces for the Twin Lakes main  
140 campus, including the addition.  
141

142 Mr. Matre felt the applicant was taking a risk. Ms. Roblero agreed, stating they were limiting  
143 themselves on the type of retail uses that could go in the new building based on the smaller  
144 parking amount. She pointed out that the applicant will have to analyze this in detail at the time  
145 of Final Development Plan, and prove to the Planning Commission that they have adequate  
146 parking for whatever use will go in there.  
147

148 Mr. Dong asked if the current storm water system has any stormwater best management  
149 practices. Staff stated that the current site meets Hamilton County stormwater regulations,  
150 because at the time it was put in there was no best management practice requirement written into  
151 Montgomery's Zoning Code. She noted that best management practices will be taken into  
152 consideration for the new building.  
153

154 Mr. Dong asked for the process of the General Development Plan and the Final Plan.  
155 Staff explained that the applicant would first request approval of the expansion of a conditional  
156 use and approval of the General Development Site Plan with equivalences. If the PC were to  
157 recommend approval, this would go forward to City Council, along with the equivalencies. The  
158 applicant would then return to the Planning Commission with the Final Development Plan,  
159 which does not go on to City Council.  
160

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161 Mr. Dong asked if the future retail was part of the General Development Plan. Ms. Roblero  
162 stated that it was not, at this time. She explained that the applicant hopes to have this established  
163 at the time of the Final Development Plan; however, they do not have an end user, as of now.  
164

165 Mr. Matre believed the new addition was totally on Parcel 9, and questioned why the draft  
166 Covenant stated that it will allow the building expansion on, over and across parcel lines.  
167 Ms. Roblero stated that it connects to the old building in the rear, so it crosses the rear property  
168 line.  
169

170 **Jon Homer, Director of Business Development, Twin Lakes, 9840 Montgomery Road,**  
171 **45242** reviewed a PowerPoint presentation of Parcel 9 for Twin Lakes, on the TV monitor.  
172

173 He introduced his team: Jim Mayer, Executive Director of Twin Lakes, Mike Cope, Director of  
174 Facilities / Project Manager, and Mike Willenbrink, Engineer, of Bayer Becker.  
175

176 Mr. Homer gave Twin Lakes' 10 year history in the City of Montgomery. He explained they  
177 wanted to add a community center, additional dining venues and 45 more independent living  
178 apartments.  
179

180 Mr. Homer applauded Scott McQuinn, CEO of Life Enriching Communities for recognizing the  
181 advantage of controlling your front door-- and when properties became available (from 2012 to  
182 2015), he made sure that Twin Lakes acquired these parcels and land.  
183

184 Mr. Homer noted that Parcel 11 has a partial tax exemption, which gave Twin Lakes some  
185 favorable tax treatment. The bank and certain areas in the independent living apartments do not  
186 fall under this tax bracket.  
187

188 Mr. Homer explained that the reason they want to process this through a Covenant is because if  
189 they consolidate it all, it introduces an uncertainty that they have not modeled or considered in  
190 their projections. You would have to go back and re-apply, go through the entire process again,  
191 so the timing is an uncertainty. The current financial projection model that they have put together  
192 does not account for that. To avoid that uncertainty, to use the Covenant, was a feasible way to  
193 avoid the uncertainty.  
194

195 Mr. Homer stated that their plan was to be the owner of any future retail, but it is not their true  
196 business. They envision keeping it separate, in the event of a future resale. They are showing a  
197 placeholder for the retail on the General Development Plan, but they don't have tenants, nor have  
198 they determined rent. They hope to have more detail on this at Final Development.  
199

200 **Mike Willenbrink, Bayer, Becker, 1404 Race Street, Suite 204, Cincinnati, OH 45202**  
201 showed the General Development Plan on the TV monitor, pointing out Parcel 9, which is in  
202 process for the rezone of D2. He explained that the issue tonight was to gain approval for the  
203 addition on Parcel 9 and the expansion of a conditional use.  
204

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205 He gave an overview of the Plan, showing the access and traffic flow. He showed members  
206 where the new building addition connected to the existing building, and crossed over the  
207 property line. He pointed out the courtyard and the parking garage – with about 58 parking  
208 spaces, under the building. There will also be a dock located underneath the building.  
209

210 He explained that they met with the Fire Chief; there will be a fire lane, which will give the Fire  
211 Department access to the second and third story units of the existing building. There will also be  
212 a retaining wall, because right now it is a hillside from the main building down towards the patio  
213 home.  
214

215 Mr. Willenbrink stated that they are interested in creating a corridor within the parking lot, to  
216 allow connectivity between the residents and the retail.  
217

218 Mr. Dong did not feel it would be possible to approve Parcel 9, and not the retail parcel, when  
219 Parcel 9 required some of the parking spaces in the retail area, in order to meet the zoning code.  
220

221 There was more discussion.  
222

223 Mr. Dong stated that for 376 parking spaces, they will need some parking spaces in the retail  
224 area, to satisfy the parking requirement for Parcel 9. Mr. Willenbrink agreed, and noted that  
225 Twin Lakes' intent is to show that the retail parking can be parked only on the retail parcel.  
226

227 The Commission wanted to know how many parking spaces were needed for Parcel 9.  
228 Ms. Roblero clarified that on Parcel 9, the new addition required 127 more parking spaces, for  
229 straight zone. She stated that there are currently 98 parking spaces on Parcel 9, so 29 more  
230 spaces would be required on the retail parcel, per straight zone. Mr. Willenbrink confirmed.  
231

232 Ms. Roblero also stated that Twin Lakes did not feel they would need as many of the parking  
233 spaces as straight zone requires, especially for the Community Facility, because it will be used  
234 mostly by the residents – who would not be coming offsite to use the Community Facility. She  
235 also stated that Twin Lakes does not believe they will need as many spaces as required by the  
236 Zoning Code because the residents of the Independent Living Apartments do not demand as  
237 much parking as called for by the Zoning Code (2 spaces per unit). She explained that this  
238 would be a discussion of the shared parking with retail in the Final Development Plan.  
239

240 Chairman Harbison stated that this does not abide by the code, and would set a precedent.  
241 The shared parking is too vague. This will also impact Parcel 11 parking. He was not in favor of  
242 this plan, until he knew more information.  
243

244 Mr. Dong stated that the vision they have for Montgomery is mixed use. He understood that  
245 retail was difficult to deal with. He would like to have commitment of the retail, so that the retail  
246 and building addition could be put in at the same time. He had concerns that if it was not, the  
247 land would sit empty for years, as experienced in the Vintage Club. Mr. Stull agreed.  
248

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- 249 Chairman Harbison would like a clean drawing, clean package, and would like to see a more  
250 concrete solution.  
251
- 252 Mr. Matre agreed that this is very complicated. He felt that there were too many moving parts,  
253 and he would not be ready to make a decision. The parking issue needs to be resolved.  
254
- 255 Mr. Matre asked if Twin Lakes could give some examples of the most parking spaces they would  
256 need and what they currently have or propose to have. He suggested that the applicant show a  
257 particular type of use, and how much parking would be required for it – to give the Commission  
258 an idea of what could possibly go in there.  
259
- 260 Mr. Stull asked if the property line could be moved, to include the required parking.  
261
- 262 Responding to Mr. Dong, Ms. Roblero stated that because these were 2 separate parcels, we  
263 cannot force the development of a second parcel.  
264
- 265 Ms. Roblero noted that Twin Lakes could not move the parcel line to include the required  
266 parking from the retail because that property is not zoned to allow for a retirement village. Staff  
267 would also prefer to have that parcel remain GB, to preserve the commercial corridor in the city.  
268
- 269 Staff suggested doing a shared parking analysis to allow the applicant to move forward. A  
270 shared parking easement would ensure that the parking would be able to be used by Twin Lakes  
271 even if the retail parcel was sold off.  
272
- 273 Mr. Willenbrink stated that it would be challenging to move the line, but that they would run  
274 scenarios to show at the next PC meeting. He asked members if they were open to the concept of  
275 shared parking. Chairman Harbison confirmed that they were, but that there was not enough  
276 information.  
277
- 278 There was discussion about the next Planning Commission meeting being held on February 1.  
279 Ms. Roblero stated that she would invite Mr. Donnellon, the Law Director, to attend to explain  
280 the Covenant.  
281
- 282 Mr. Willenbrink went on to review the information about the equivalencies, to include  
283 Parcels 9 and 11. Mr. Willenbrink explained the first equivalency for the front, noting that this  
284 equivalency was not related to the Covenant. Mr. Willenbrink described the equivalencies for  
285 the rear and side yard setbacks, pointing out that they were related to the Covenant. Mr.  
286 Willenbrink detailed the third equivalency, noting that it was related to the parking setbacks.  
287
- 288 Mr. Stull clarified that if the Covenant was acceptable and approved, the rear and the side yard  
289 equivalencies would go away, and you would only have the issues with the front building and the  
290 parking equivalency. Ms. Roblero stated that the equivalencies would still be required because  
291 the lot lines still existing, but that the Covenant allows the City to review the project as if the lot  
292 lines do not exist.  
293

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294 Mr. Willenbrink asked members if there was any discussion or feedback on the equivalency  
295 requests. Ms. Roblero explained that in the case of setback or dimension equivalencies, the  
296 applicant has to meet or exceed the dimensional requirement established in the Zoning Code.  
297

298 Mr. Matre did not have any issues with this, and could support the equivalencies.  
299

300 Chairman Harbison pointed out that the goal was to have the Final Development Plan detail the  
301 retail lot and show the parking analysis.  
302

303 Mr. Dong asked about the building size. Mr. Homer stated that is still to be determined; they just  
304 needed a placeholder.  
305

306 Mr. Dong did not understand the pros and cons of the Covenant. Ms. Roblero stated that from  
307 the City's perspective, it was neutral. Mr. Willenbrink stated that the Covenant travels with the  
308 property; however the lots would not be consolidated with a plat. Mr. Matre stated that the  
309 Covenant is a recorded document that stays with the land, no matter who owns the land, not just  
310 Twin Lakes. Ms. Roblero pointed out that the Covenant needs to be recorded before the building  
311 permit is filed.  
312

313 **Mr. C. Francis Barrett, Barrett & Weber LPA, 105 E. 4th Street, Suite 500, Cincinnati, OH**  
314 **45202** stated that he represented Camargo Cadillac, who was notified regarding this public  
315 hearing, as an adjacent property owner. He stated that Camargo has enjoyed a great neighborly  
316 relationship over the years, and is very supportive of Twin Lakes' efforts. He voiced 2 areas of  
317 concern:

- 318 1) Regarding the property to the north, Camargo asks that they sufficiently buffer and  
319 protect their new development from Camargo's existing operations.
- 320 2) Regarding the retail parcel in the front, Camargo asks that the new development does not  
321 detract from Camargo, i.e., sufficient setback, so that there is no impediment to  
322 Camargo's visibility and that the building be completed in very attractive manner.  
323

324 Ms. Roblero stated that in terms of process, the next PC meetings were Feb 1 and 15. Mr. Dong,  
325 Mr. Stull and Chairman Harbison stated that they would not be available on February 15<sup>th</sup>.  
326

327 *Mr. Matre moved to table this the application submitted by Twin Lakes, 9840 Montgomery*  
328 *Road, for the expansion of a conditional use to allow for the construction of an addition to the*  
329 *Main Campus.*  
330

331 *Mr. Dong seconded the motion.*  
332

333 *The roll was called and showed the following vote:*  
334

335 *AYE: Mr. Stull, Mr. Matre, Mr. Dong, Chairman Harbison* (4)

336 *NAY:* (0)

337 *ABSENT: Mr. Niehaus, Ms. Steinebrey, Mrs. White* (3)

338 *ABSTAINED:* (0)  
339

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Formal adoption is noted by signature of the Clerk within the Minutes.*

**Planning Commission Meeting**

January 25, 2016

340 *This motion is approved.*

341

342 **Minutes**

343 Because there were not enough members present to approve any of the 3 sets of minutes  
344 scheduled to be approved, these minutes will be approved at the next meeting: August 3, 2015,  
345 September 28, 2015 and October 19, 2015.

346

347 **Adjournment**

348 Mr. Matre moved to adjourn. Mr. Dong seconded the motion.

349

350 The meeting adjourned at 9:30 p.m.

351

352

353

354

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357

358 \_\_\_\_\_  
Karen Bouldin, Clerk

359

360 /ksb

\_\_\_\_\_ Date  
Michael Harbison, Chairman

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**CITY OF MONTGOMERY  
PLANNING COMMISSION ANNUAL MEETING  
February 1, 2016**

<u>PRESENT</u>		
<u>GUESTS &amp; RESIDENTS</u>		<u>STAFF</u>
<b>C. Francis Barrett</b> <b>Barrett &amp; Weber LPA</b> 105 E. 4 <sup>th</sup> Street, Suite 500 Cincinnati, OH 45202	<b>Monica Donath Kohnen</b> <b>Graydon Head</b> 1900 Fifth Third Center 511 Walnut Street Cincinnati, OH 45202	<b>Tracy Roblero, Community Development Director</b> <b>Terry Donnellon, Law Director</b> <b>Karen Bouldin, Secretary</b>  <u>BOARD MEMBERS</u> <b>Chairman Mike Harbison</b> <b>Vince Dong</b> <b>Jim Matre, Vice-Chairman</b> <b>Pat Stull</b>
<b>Mike Cope</b> <b>Project Manager</b> Twin Lakes 9840 Montgomery Rd, 45242	<b>Craig Margolis</b> 8270 Mellon Drive, 45242	<u>BOARD MEMBERS NOT PRESENT</u> <b>Barbara Steinebrey</b> <b>Barbara White</b>
<b>Jon Homer</b> <b>Director of Business Development</b> Twin Lakes 9840 Montgomery Rd, 45242	<b>Jim Mayer</b> <b>Executive Director</b> Twin Lakes 9840 Montgomery Rd, 45242	
	<b>Mike Willenbrink, Engineer</b> <b>Bayer Becker</b> 1404 Race Street, Suite 204 Cincinnati, OH 45202	

**Election of Officers**

Mr. Matre moved to nominate Mr. Harbison as Chairman for a period of one (1) year, beginning February 1, 2016.

Mr. Dong seconded the motion.

No other nominations were brought to the floor.

Mr. Matre moved to close nominations. Mr. Dong seconded.

The Commission unanimously approved the motion to close all nominations.

The Commission unanimously approved Mr. Harbison as Chairman.

Mr. Dong moved to nominate Mr. Matre as Vice Chairman for a period of one (1) year, beginning February 1, 2016.

Mr. Stull seconded the motion.

No other nominations were brought to the floor.

Mr. Matre moved to close nominations. Mr. Dong seconded.

The Commission unanimously approved the motion to close all nominations.

The Commission unanimously approved Mr. Matre as Vice-Chairman.

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**Planning Commission Meeting**

February 1, 2016

23 Chairman Harbison presented the Rules of Order and Procedure governing the Planning  
24 Commission of the City of Montgomery, Ohio, originally adopted March 18, 2002.  
25 He asked all members for any discussion or changes. There was none.  
26 Mr. Matre moved to affirm the Rules, as presented.  
27 Mr. Dong seconded.  
28 The Commission unanimously approved.  
29

30 **Election of Municipal Representative to the Hamilton County Regional**  
31 **Planning Commission**

32  
33 Chairman Harbison stated that the Commission members needed to vote for one member only.  
34 The two choices are: David L. Okum, CR, from the City of Springdale Planning Commission,  
35 and Mark Tilsley, AIA, from the City of Madeira.  
36

37 Chairman Harbison referred members to the information about each nominee, which was  
38 included in member's packets. Chairman Harbison was familiar with Mr. Okum; however, not  
39 as familiar with Mr. Tilsley. He asked if there was any discussion.  
40

41 Mr. Matre did not know either of them. He asked for Staff's opinion. Ms. Roblero stated that  
42 she knew Mr. Okum, as he attended many of the conferences she attended and that he has always  
43 done a nice job on the Hamilton County Regional Planning Commission.  
44

45 *Mr. Matre moved that the Planning Commission of the City of Montgomery vote for*  
46 *David L. Okum to be appointed to the Hamilton County Regional Planning Commission to*  
47 *serve a five-year term, expiring on March 6, 2021.*  
48

49 *Mr. Stull seconded the motion.*  
50

51 *The roll was called and showed the following vote:*  
52

53 *AYE: Mr. Dong, Mr. Stull, Mr. Matre, Chairman Harbison (4)*  
54 *NAY: (0)*  
55 *ABSENT: Mrs. Steinebrey, Mrs. White (2)*  
56 *ABSTAINED: (0)*  
57

58 *This motion is approved.*  
59

60 Chairman Harbison called the meeting to order at 7:35 p.m. He reminded all guests and  
61 residents to sign in.  
62

63 **Staff Update**

64 Staff stated that she has upcoming meetings with the Vintage Club and the Gateway  
65 Redevelopment Area.  
66

**Planning Commission Meeting**

February 1, 2016

67 Ms. Roblero stated that City Council will meet on February 3, and will vote on the new Planning  
68 Commission member to replace Jim Niehaus. She will send members an email to announce the  
69 new member.  
70

71 **Communications**

72  
73 Ms. Roblero stated that the Community Leadership Forum will be held this Saturday at Bethesda  
74 North Hospital. She asked any interested member to please RSVP to Faith Lynch or herself.  
75

76 Chairman Harbison stated that Bastille Day will be held on Saturday, July 16, 2016. He will  
77 bring the sign-up sheet for the beer booth to the March meeting.  
78

79 **Guests and Residents**

80 There were no guests or residents who wished to speak about items that were not on the agenda.  
81

82 **Old Business**

83 *An application from Twin Lakes, 9840 Montgomery Road, for the expansion of a conditional*  
84 *use to allow for the construction of an addition to the Main Campus.*  
85

86 *Mr. Matre moved to take this application off of the table; it was tabled on January 25, 2016.*  
87 *Mr. Stull seconded the motion.*  
88

89 *The Commission unanimously approved.*  
90

91 **Staff Update**

92 Ms. Roblero reviewed the Staff Report dated January 29, 2016, "Application for Expansion of a  
93 Conditional Use Permit and General Development Site Plan for Twin Lakes Main Campus at  
94 9840 Montgomery Road". It was noted that on page 1 of the Staff Report, the second to the last  
95 line should read Scenario 4 and 5, not 3 and 4.  
96

97 Mr. Dong asked if either 1 or 1.5 parking spaces per unit for the Independent Living units would  
98 work for Scenario 4 or 5. Staff stated that she did not run the numbers for either and reiterated  
99 that the applicant was not asking for this, but Staff wanted to bring it to the attention of the  
100 Commission that it would be possible that some spaces would be open. This may be something  
101 that will be discussed at the Final Development stage, and Staff wanted to mention this, so that  
102 the Commission could be thinking about it.  
103

104 Mr. Matre asked if that would require a zone change or just a potential variance. Staff stated this  
105 would be either a variance or an equivalency, depending on how the Planning Commission  
106 looked at it.  
107

108 There was discussion among the Commission members about the shared parking issue.  
109

110 Referring to the first page of the Staff Report, Mr. Dong asked if there was a preference of  
111 percentages that the city had – for retail / restaurant buildings to be constructed. Staff stated that

**Planning Commission Meeting**

February 1, 2016

112 there was not; she was quite comfortable that Scenario 1, 2 or 3 would work, even without the  
113 Planning Commission lowering the standards for the Independent Living or the Community  
114 Room.

115  
116 **Mr. Terry Donnellon, Law Director, City of Montgomery, Donnellon, Donnellon & Miller**  
117 **9079 Montgomery Road, Kenwood, OH 45242** wanted to comment on the Covenant, relative to the  
118 Twin Lakes expansion.

119  
120 He gave background on this situation. The lot that exists for Twin Lakes right now has a tax  
121 exemption on it. If they were to consolidate Lot 11 with Lot 9, they would have to reapply for  
122 that exemption, which could take several years – this could be 5 to 7 years.

123  
124 Because of this, the City did not object to having a Covenant, because, while we require lots to  
125 be consolidated, particularly for setback requirements, the Covenant is actually an equivalency  
126 from the consolidation requirement, saying that we can meet the setbacks through a Covenant by  
127 requiring the lot to be developed as one, requiring it to be transferred or sold as one, and then  
128 meeting the setback requirements from the project boundary lines, instead of artificially from the  
129 lot lines.

130  
131 Given the fact that Twin Lakes has been a very good corporate resident all of these years, the  
132 City did not want to hamper their development by insisting on the strict adherence of the  
133 consolidation requirement that would ruin their tax exemption. The City believes that the  
134 specific requirement of the code for consolidation is justified because the Covenant gives us just  
135 as good or better a project. The equivalency for the setback requirements is due to the allowance  
136 for the use of a Covenant. Mr. Donnellon stated that the Covenant satisfied the setback  
137 requirements. Mr. Donnellon noted that it is important to have the Covenant properly recorded  
138 prior to Twin Lakes beginning to build; prior to the building permit. He stated that the  
139 Commission should attach a condition that the Covenant be recorded first.

140  
141 Relative to the parking issue, Mr. Donnellon stated that they must have a shared parking  
142 agreement because that is what is required by the code. He stated that before the applicant  
143 begins construction of the project there must be an approved shared parking arrangement.  
144 Mr. Donnellon stated that the shared parking arrangement right now is operating under certain  
145 assumptions – being what they could build on the front, and what the uses might be. When they  
146 get into more detail on the analysis, we can make some of those assumptions relative to the  
147 shared parking arrangement that we would approve. A shared parking arrangement must talk  
148 about where it will be located and maintained, how it will be maintained. It should also show the  
149 access points between the two lots.

150  
151 Mr. Donnellon noted that, as a potential developer of the site, Twin Lakes will never be able to  
152 develop it, if they overuse the parking for the Independent Living section. For the retail out  
153 front, Mr. Donnellon felt that the applicant had a strong incentive to find a shared parking  
154 arrangement that would work with their campus and the retail user.

**Planning Commission Meeting**

February 1, 2016

156 Chairman Harbison asked for clarity about the Covenant. Mr. Donnellon stated that the City is a  
157 party / beneficiary of that Covenant. It will stay with the land. Twin Lakes could never untie it  
158 on their own – they would have to have the City’s agreement.  
159

160 Mr. Stull asked if there was any issue with the school system objecting to the fact that the parcel  
161 is tax exempt and the school would lose tax revenue. Mr. Donnellon stated that it does not  
162 automatically become exempt. Twin Lakes will still have to make their application relative to  
163 Lot 9. He also noted that Lot 9 would not entirely be exempt (only portions of it), because some  
164 uses qualify and some do not.  
165

166 Mr. Dong asked why our Zoning Code doesn’t have a Covenant written into it. Mr. Donnellon  
167 stated that our Code lightly talks about consolidation in terms of the requirements of certain  
168 setbacks to the property line. When we talk about a Covenant, we are recognizing that it is an  
169 effective consolidation through meeting the lot requirement. Mr. Donnellon did not feel that we  
170 would want to give a blanket Covenant in our zoning code; he believed that this was an unusual  
171 situation due to the tax exemption.  
172

173 Mr. Dong asked who had the authority, for the City, to dissolve the Covenant. Mr. Donnellon  
174 stated that it would be City Council. At this time, we would authorize the City Manager to sign  
175 the Covenant on behalf of the City.  
176

177 **Mike Willenbrink, Engineer, Bayer Becker, 1404 Race Street, Suite 204, Cincinnati, OH 45202**  
178 reviewed his PowerPoint presentation on the TV monitor. He showed shared parking scenarios,  
179 based on the feedback received from the meeting last Monday, January 25.  
180

181 He stated that their intent was to have a total of 3 Parcels. He explained: Parcel 11 is the  
182 existing campus – the main campus; Parcel 9 is what is currently in process with the proposed  
183 D2 rezoning; and the Retail Parcel –is currently a handful of small parcels, intended to be 1  
184 parcel.  
185

186 Mr. Willenbrink stated that the 3 parcels provide 481 parking spaces --that are shown on the  
187 plan, and used in the analysis. He reviewed the scenarios for shared parking.  
188

189 Mr. Willenbrink referred to Mr. Dong’s earlier question if either 1 or 1.5 parking spaces per unit  
190 for the Independent Living units would work for Scenario 4 or 5. Mr. Willenbrink stated that  
191 when it is all together, there are 140 units. At 2 spaces per unit, it would equal 280. For 1.5  
192 spaces per unit, you would need 210 parking spaces.  
193

194 Chairman Harbison confirmed that, according to zoning code regulations, without shared  
195 parking, they are 66 spaces short for Parcels 9 and 11. Mr. Willenbrink confirmed.  
196

197 Chairman Harbison wanted to know if they were planning on building the entire parking lot on  
198 the future Retail Parcel at the same time as the addition to the Independent Living or will these  
199 be built in separate phases? He was concerned that Parcels 9 and 11 would be built prior to the  
200 retail parking lot and the shared parking would not exist.

**Planning Commission Meeting**

February 1, 2016

201 **Mr. Mike Cope, Project Manager, Twin Lakes, 9840 Montgomery Rd, 45242** stated that the  
202 intent now is that once they have the Final Development Plan, Phase 1 will include an early site  
203 work package – all of the utilities will be done, then the entire parking area and the entrances  
204 will be done – so that they have access. Mr. Cope stated that they will not be in a deficit of  
205 shared parking spaces, as all of the parking will be done first.  
206

207 Mr. Matre asked if this was covered in the Covenant or done separately. Ms. Roblero stated that  
208 will be covered by an easement between the retail parcel and the Main Campus parcels. The  
209 shared parking easement will need to be recorded prior to any building permit issuance.  
210

211 Mr. Dong asked what we would see in the front of the retail parking – sidewalk and landscaping?  
212 He asked if it would be a finished site before the retail building goes in place. He asked about  
213 the intent of the phases. Mr. Cope stated that they have not figured it all out yet. It will be for  
214 the contractors, at first, for the laydown area and then they will first build the expansion area.  
215 They plan to finish the entire site before the contractors leave.  
216

217 Mr. Dong wondered what the community would see, if the retail didn't get leased out. Mr. Cope  
218 stated that the aesthetics of the site was very important to Twin Lakes, for future prospects, and  
219 as this will be their front door.  
220

221 Mr. Dong asked if the 13,444 square feet was locked down, or will it change? Mr. Willenbrink  
222 stated that it could change, but the access and the driveway were locked in.  
223

224 Chairman Harbison asked if there were any questions about the Covenant. There were none.  
225

226 Chairman Harbison asked if there were any questions about the equivalencies. Mr. Dong wanted  
227 to hear what the equivalencies were.  
228

229 Ms. Roblero stated that there was an equivalency for the building and parking setbacks  
230 contingent on the Covenant being approved.  
231

232 Ms. Roblero asked Mr. Donnellon to address the voting process for this evening, with regards to  
233 quorum. Mr. Donnellon explained that the Charter states that the Planning Commission quorum  
234 is four members; and there is nothing in the Code that has an affirmative vote requirement, for  
235 example, the Board of Zoning Appeals must have an affirmative vote requirement of four in  
236 order to approve a variance. So, for tonight, with only four Planning Commission members  
237 present, Robert's Rules of Order state that the majority of votes carry the motion; which means  
238 that if three of the four members agree, the motion carries.  
239

240 Mr. Donnellon explained that this would be the same for minutes. He understood that, as a  
241 courtesy, if a member was not present, he/she did not vote to approve the minutes because he/she  
242 wouldn't really know if the minutes were reflective of what happened; but in these  
243 circumstances, if three of the four members were present for the previous minutes, you can  
244 approve them.  
245

**Planning Commission Meeting**

February 1, 2016

246 **Mr. C. Francis Barrett, Barrett & Weber LPA, 105 E. 4th Street, Suite 500, Cincinnati, OH**  
247 **45202**, represented the Joseph Auto Group. He stated that his primary interest at this meeting  
248 was on behalf of Camargo Cadillac, the major abutting property owner to Twin Lakes. He stated  
249 that Camargo was very supportive of Twin Lakes and their expansion. He explained that their  
250 only concern was that the new lots would be sufficiently protected and buffered so there was  
251 nothing negative about their existing ongoing uses, which are lawful and conforming. He stated  
252 that they also wanted to be sure that the retail frontage did not detract from the frontage of  
253 Camargo Cadillac. He understood that this would be properly attended to at the time of the Final  
254 Development Plan.

255  
256 Regarding the Covenant issue, Mr. Barrett stated that he has had experience with this in the past,  
257 and he concurs with Mr. Donnellon's comments completely. He stated that they did not have  
258 any objections to the shared parking arrangements.

259  
260 Chairman Harbison asked for each member's comments.

261  
262 Mr. Dong had only one concern, and that was to be certain that the frontage looked like a  
263 finished property; he did not want it to look like an empty lot for several years.

264  
265 Mr. Matre was in favor of this, as was Mr. Stull & Chairman Harbison.

266  
267 *Mr. Matre moved that the Planning Commission recommend that City Council approve the*  
268 *application submitted from Twin Lakes, 9840 Montgomery Road, for the expansion of a*  
269 *conditional use to allow for the construction of an addition to the Main Campus, and*  
270 *recommend the approval of the General Development Plan, with equivalencies, as outlined on*  
271 *the drawings submitted by Bayer Becker and the two staff reports of January 21 and January*  
272 *29, 2016, with the following conditions:*

- 273  
274 *1) the draft Covenant to be approved by the Law Director*  
275 *2) the draft Covenant be recorded prior to any building permit issuance*  
276 *3) the shared parking access easement between a future retail parcel and the Main*  
277 *Campus be reviewed and approved by the Law Director*  
278 *4) the shared parking access easement between a future retail parcel and the Main*  
279 *Campus be recorded prior to any building permit issuance*  
280 *5) the shared parking analysis be submitted and approved for the Main Campus and the*  
281 *future retail parking component, as part of the Final Site Development Plan process*  
282

283 *Mr. Stull seconded the motion.*

284  
285 *The roll was called and showed the following vote:*

286  
287 *AYE: Mr. Dong, Mr. Stull, Mr. Matre, Chairman Harbison* (4)  
288 *NAY:* (0)  
289 *ABSENT: Ms. Steinebrey, Mrs. White* (2)  
290 *ABSTAINED:* (0)  
291

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**Planning Commission Meeting**

February 1, 2016

292 *This motion is approved.*

293

294 **New Business**

295 There was no new business to discuss.

296

297 **Minutes**

298 Mr. Stull moved to approve the minutes of October 19, 2015, as submitted.

299 Mr. Dong seconded the motion. The Commission unanimously approved the minutes.

300

301 Mr. Matre moved to approve the minutes of January 25, 2016, as submitted.

302 Mr. Stull seconded the motion.

303

304 It was decided that the next Planning Commission meeting would be on March 7, 2016.

305

306 **Adjournment**

307 Mr. Dong moved to adjourn. Mr. Matre seconded the motion.

308 The meeting adjourned at 8:45 p.m.

309

310

311

312

313

314

315

316 \_\_\_\_\_  
Karen Bouldin, Clerk

\_\_\_\_\_  
Michael Harbison, Chairman

\_\_\_\_\_  
Date

317

318 /ksb

319

320

321

**CITY OF MONTGOMERY  
CITY PLANNING COMMISSION**

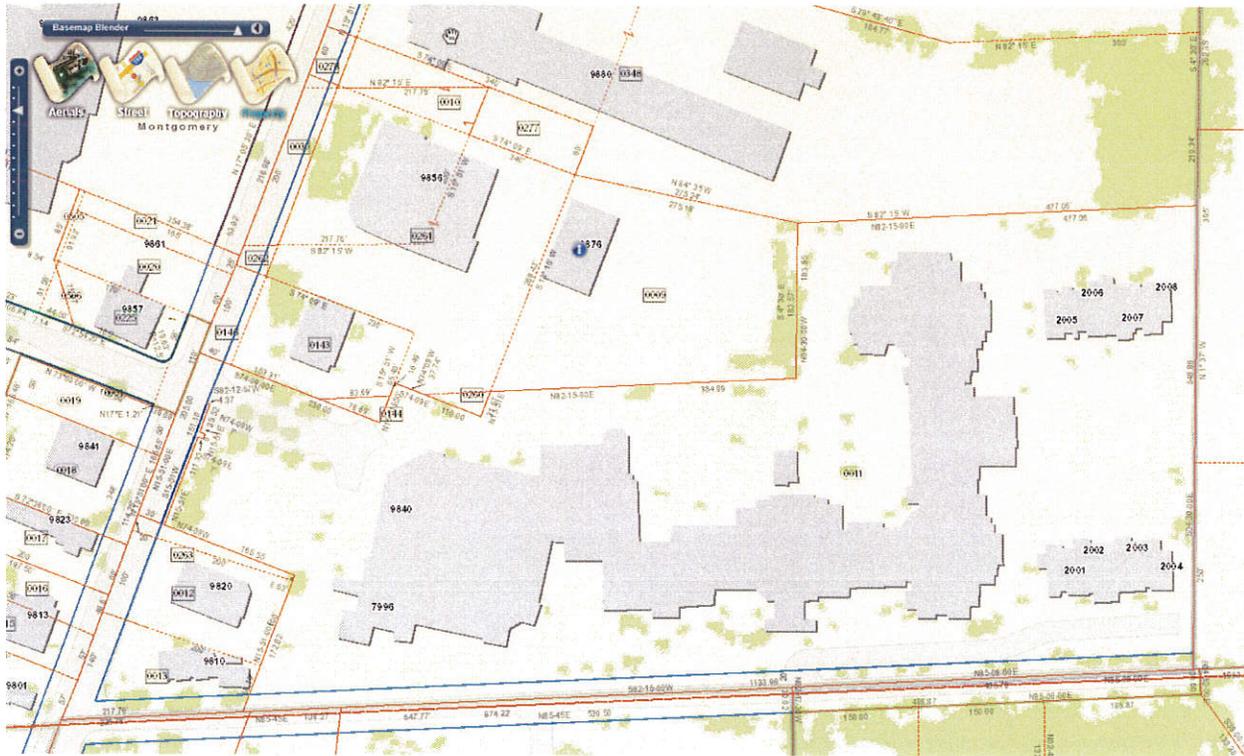
**Application for Expansion of a Conditional Use Permit and General Development Site Plan  
Twin Lakes Main Campus 9840 Montgomery Road**

**January 21, 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 the General Development Site Plan with equivalencies. The applicant is proposing to construct a three story 42,500 square foot addition on the northwest side of the existing building. The new addition would add up to 45 independent living units, an additional dining venue and a community center. The proposed addition would include a lower level 58 space parking garage.

The new addition would match the existing building in regards to building materials as well as scale and massing. As part of the addition, there will also be modifications to the parking lot and access from Montgomery Road.

### **ZONING:**

The proposed addition is located on two parcels. Parcel 603-0008-0011 is zoned 'D-2' – Multi Family and is used for Twin Lakes Main Campus. Parcel 603-0008-0009 is currently vacant and is in the process of being rezoned from 'GB' – General Business and to 'D-2' – Multi Family in order to accommodate the expansion of the conditional use and the addition to the Main Campus. The third reading of the rezoning ordinance is scheduled for February 3, 2016. 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 'GB' and is used for Steak 'n Shake. 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.

### **FINDINGS:**

The applicant submitted an application for rezoning of the property located at 9876 Montgomery Road and received a favorable recommendation from the Planning Commission on October 19, 2015. The rezoning application is scheduled for the third reading before City Council on February 3, 2016.

*Setbacks:* The applicant is requesting an equivalency in regards to building setbacks for the front, south side-yard and rear yard setbacks for the new addition due to the configuration of the lot and the need to maintain separate parcels for tax purposes. For the front yard setback, the applicant is proposing a 45' setback where 50' is required. Due to the fact that the proposed addition is behind the former used Honda dealership site, the building setback would be approximately 345' from the right-of-way of Montgomery Road, which meets the intent of the Zoning Regulation and would not negatively impact the surrounding properties. The applicant has stated that granting the equivalency would allow for flexibility in design while meeting the project criteria and building programming that enhances the overall development with integrated design that blends the retirement village with the future retail use along Montgomery Road. Staff is in support of the front yard equivalency request as it meets/exceeds the intent of the Zoning Regulation and allows for flexibility in design while meeting the needs of the applicant and does not negatively impact the surrounding neighborhood.

The applicant is also requesting an equivalency in regards to the building setbacks for the south side-yard setback and the rear yard setback. The applicant would like to keep PIN 603-0008-0009 a separate parcel from the Main Campus parcel for tax purposes. The applicant owns both parcels and is proposing a covenant be added to the parcel that would allow the City to treat the parcels as a single parcel for the purposes of the Building, Fire and Zoning Code, thus allowing the proposed addition to cross the property lines. In effect, the covenant would eliminate the east

and south property lines for PIN 603-0008-0009 for zoning and building purposes and would allow the Planning Commission to review the setbacks from the project boundary for the entire project. The covenant would require that Twin Lakes could not sell or otherwise transfer the parcels separately from one another. The Law Director has been in contact with the applicant's legal counsel, has reviewed the draft covenant and has found it to be acceptable. Staff supports this equivalency request with the condition that the covenant be recorded. Staff believes that the covenant allows the Planning Commission to establish setbacks from the project boundary line instead of the property lines as they exist today. The proposed addition is set back in excess of the required 20' side yard setback and the required 50' rear yard setback when established from the project boundary line. Staff believes that the location of the proposed addition meets the intent of the setback regulations when the covenant is taken into consideration and does not believe that any surrounding properties would be negatively impacted by the granting of the equivalency.

*Building Materials:* The applicant will submit building materials during the Final Development Site Plan approval process; however, the applicant has indicated that the building materials and construction will match the existing building and will be consistent with the residential character of Montgomery. The rendering provided by the applicant shows that the design and building materials will be consistent and the applicant will bring the building design and materials for review at the Final Development Site Plan approval process.

*Lighting:* Lighting will be addressed during the Final Development Site Plan approval process. Staff anticipates some alterations to parking lot and building lighting due to the addition that will be required to be in compliance with the Zoning Code.

*Parking:* The applicant is proposing a shared parking lot between the Main Campus and the future retail use. The potential end user of the retail parcel has not yet been identified and therefore parking calculations will need to be carefully scrutinized at the time of the Final Development Site Plan approval process to ensure that the shared parking will meet the needs of both Twin Lakes Main Campus and the future retail use. At this time, the applicant is showing approximately 105 spaces above and beyond what would be required by the Zoning Code for the Main Campus that would serve the future retail. This does not take into account any sharing of parking between the uses. Section 151.3205 allows for The Planning Commission and/or City Council to accept a development plan that satisfies the off-street parking requirements by use of off-site shared parking with the City or another non-residential user. In determining whether to accept such proposed plan, Planning Commission and/or City Council may consider the proximity and accessibility of the off-site location to the proposed development site, the hours of operation of the two users, the number of spaces available and required for each business and the compatibility of uses. Staff believes that the proximity and accessibility of the off-site parking lends itself quite nicely to a shared parking solution and is supportive of the concept as long as the amount of parking for the future retail use can be justified using the Urban Land Institute's shared parking analysis at the Final Development stage. Therefore, it will be necessary for the applicant to find an end user which can occupy the future retail building that does not create a parking demand that cannot be accommodated by the site.

The applicant is requesting an equivalency in regards to front and south side yard parking setbacks on PIN 603-0008-009 due to the configuration of the lot, the need to maintain separate parcels for tax purposes and the need for shared parking between the Main Campus and the future retail lot. In regards to the south side parking lot setback, the applicant would like to keep PIN 603-0008-0009 a separate parcel from the Main Campus parcel for tax purposes with a covenant that would allow the City to treat the parcels as a single parcel for the purposes of the Building, Fire and Zoning Code, thus allowing the proposed parking lot to cross the property line. In effect, the covenant would eliminate the east and south property lines for PIN 603-0008-0009 for zoning and building purposes and would allow the Planning Commission to review both the building and parking setbacks from the project boundary for the entire project. Therefore, Staff is supportive of the requested equivalency for the south side yard setback as the parking setback far exceeds the 20' side yard setback when measured from the project boundary along Perin Road and would not negatively impact any surrounding properties.

In regards to the front yard parking setback for PIN 603-0008-0009, the applicant is requesting an equivalency to allow for the parking to cross the shared property line between the future retail parcel and the Main Campus. Twin Lakes owns the future retail parcel and if the equivalency were to be approved, a parking and access easement would need to be recorded to ensure that the parking can be accessed by the retail component should Twin Lakes sell off this parcel in the future. While the Zoning Code allows for and even encourages shared parking, it does not specify if said parking may cross property lines. The proposed parking lot will be located between the future retail building and the Main Campus thus buffering the visual impact of the parking and maintaining a street wall along Montgomery Road. The final configuration of the parking will need to be carefully analyzed during the Final Development Site Plan approval process for both the Main Campus and the future retail use; however, Staff believes that in this scenario, the sharing of parking is desirable and should be encouraged. Due to the lot configuration, the distance from Montgomery Road, the fact that the future retail building will visually buffer the parking lot and due to the desirability of the sharing of parking, Staff is in support of this equivalency request.

*Landscaping:* Landscaping will be addressed during the Final Development Site Plan approval process.

*Circulation:* With the purchase and demolition of the former Honda buildings, Twin Lakes will be able to improve circulation within the site and reduce the number of curb cuts on Montgomery Road. Currently, there are three curb cuts on Montgomery Road accessing the property. With the proposed addition and future retail, Twin Lakes will be reducing the number of curb cuts to two, one at Mitchell Farm Lane and one along the northern project boundary. The location of the second curb cut will allow access to the future retail as well as maintain truck and emergency vehicle access to the north side of the Main Campus. The location of the proposed curb cut has been reviewed by the Public Works Director and found to be in compliance with Montgomery Code of Ordinances and the ODOT Access Management Manual. The internal circulation of the site has also been reviewed by the Fire Department and all concerns for access to the building expressed by the Fire Chief have been addressed.

*Stormwater:* The existing site is in compliance with the Hamilton County Stormwater Regulations and the new addition will be required to meet the Hamilton County Stormwater Regulations as well. The design of the stormwater system will be addressed during the Final Development Site Plan approval process.

*Utilities:* It is anticipated that the gas, water and fire protection for the proposed addition will be serviced from the existing Twin Lakes services. A new underground electric service is anticipated for the proposed addition extending from Montgomery Road. It will also be necessary to make modifications to the existing sanitary sewer lift station and fire line to serve the addition. Final location of the utilities will be included in the Final Development Site Plan.

### **CONDITIONAL USE SPECIFIC CONDITIONS:**

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 and accessed from Montgomery Road with 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.*

The proposed addition meets the building setback requirements established by the Zoning Code when measured from the project boundary. Due to the need to keep PIN 603-0008-0009 separate from the Main Campus, the covenant and equivalencies must be approved in order for the building addition to cross the rear property line and to meet the minimum south side yard setback. Furthermore, the building addition does not meet the required 50' front yard setback; however, the applicant is requesting an equivalency to allow for the addition to be setback 45' from the front property line which Staff believes meets and/or exceeds the intent of the Zoning Regulation as the addition is setback approximately 345' from the right-of-way of Montgomery and will be located behind a future retail building.

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. Furthermore, the applicant and the applicant's engineer has met with the Fire Department

and the Public Works Department to ensure that emergency access as well as the curb cuts on Montgomery Road are appropriately designed.

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 expansion of the Main Campus meets all of the conditions.

### **Staff Comments and Recommendation**

The project is a significant expansion to the Main Campus of Twin Lakes; however, it will be setback approximately 345' from Montgomery Road and be located behind a future retail building; therefore, will not have a large visual impact on Montgomery Road. The only impact of this expansion would be on the property to the north that is currently used for Camargo Cadillac; however, Staff does not believe the addition will negatively impact the Camargo Cadillac property due to the comparatively low intensity of use on the Twin Lakes property and the separation between the buildings. The proposed addition along with the reconfiguration of the site layout as well as the modification of the curb cuts on Montgomery Road provides for better internal circulation on the campus and better access management along Montgomery Road. The applicant has also spent significant time and effort to ensure that all the appropriate provisions are provided to allow for emergency access to the Main Campus. There are some questions that arise in regards to parking due to the uncertainty of the end user for the future retail component; however, Staff is confident that these questions will be worked through during the Final Development Site Plan approval process for the retail component and a shared parking analysis. There are also some issues that arise from a zoning perspective due to the need to keep PIN 603-0008-0009 separate due to tax purposes and the desire for a shared parking lot between the Main Campus and the future retail lot that require equivalencies. While these equivalences make the zoning process more complicated, Staff believes that they are rational and meet/exceed the intent of the Zoning Code.

Staff is in support of the expansion of the conditional use permit and the approval of the General Development Site Plan with equivalences with the following conditions:

- The draft covenant that will allow the building expansion on, over and across the parcel lines in lieu of officially consolidating the parcels by plat be appropriately approved and recorded prior to application for a building permit.
- A shared parking and access easement between the future retail parcel and the Main Campus be reviewed, appropriately approved and recorded prior to the application for a building permit.
- A shared parking analysis be submitted and approved for the Main Campus as the future retail component as part of the Final Development Site Plan approval process.

**CITY OF MONTGOMERY  
CITY PLANNING COMMISSION**

**Application for Expansion of a Conditional Use Permit and General Development Site Plan  
Twin Lakes Main Campus 9840 Montgomery Road**

**January 29, 2016  
Staff Update**

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

**Property Owner:** Same as above

**Update of Request:**

Based on the comments provided by the Planning Commission at the January 25<sup>th</sup> meeting, the applicant has submitted a parking analysis that looks at several different parking scenarios for the potential uses on the retail parcel and the addition for Twin Lakes Main Campus. For the analysis, the future retail building was assumed to be a 13,440 square foot building. The potential uses for the retail parcel analyzed were as follows:

- Scenario #1 – 100% retail building
- Scenario #2 – 75% retail with 25% restaurant
- Scenario #3 – 50% retail with 50% restaurant
- Scenario #4 – 25% retail with 75% restaurant
- Scenario #5 – 100% restaurant building

The applicant provided a shared parking analysis based on the projected parking demand during weekday daytime, weekday evening, weekend daytime and weekend evening. On the summary table provided by the applicant, the total zoning parking requirement reflects the 249 existing parking spaces plus the additional spaces that would be required for the addition to the Main Campus and the spaces that would be required for different scenarios for the retail building. The total number of parking spaces being proposed for the project is 481.

The summary table illustrates that Scenario 1 and Scenario 2 could be parked using the proposed 481 parking spaces without taking into account the daily or hourly variations in the parking demand. The table also illustrates that Scenario 1, Scenario 2 and Scenario 3 could be parked using the proposed 481 parking spaces when the daily and hourly variations in parking demand are taken into account. This assumes that a shared parking agreement is in place between the effected parcels that would run in perpetuity with the land. Scenario 3 and 4 show a deficit of parking even when the variations in the daily and hourly parking demand are taken into account.

Additional information and background was provided by the applicant that supports the argument that this situation lends itself quite nicely to the sharing of parking as the peak demand times would vary quite dramatically. For instance, Twin Lakes parking demand is lowest in the evenings and on weekends, when a retail and/or restaurant use would have its' highest demand. Based on the parking analysis and the additional information provided regarding the parking demand by Twin Lakes, Staff is quite comfortable that a retail/restaurant building could be constructed on the retail parcel and have adequate parking utilizing shared parking with the Main Campus. Staff believes that the proximity and accessibility of the off-street parking coupled with the daily and hourly differences in parking demand lends itself quite nicely to a shared parking solution and is supportive of the concept as long as the amount of parking for the future retail use can be justified using the Urban Land Institute's shared parking analysis when end users are identified. It will be necessary for the applicant to find end users whose parking demands can be accommodated by the site. Staff believes the applicant has shown that several different scenarios for the use of the retail building are viable.

Another important aspect to consider is that this analysis is based on the Zoning Code requirement and not on market analysis. Typically, parking requirements tend to take a conservative approach regarding parking which may lead to a site being over-parked. Staff brings this to your attention because it has an effect on the overall parking for Twin Lakes. The Zoning Code treats the independent living apartments as a typical apartment and therefore requires 2 spaces per unit; however, market analysis and Twin Lakes' own experience show that only one space per unit is necessary for their residents, as many no longer drive. If the Planning Commission would be amenable to requiring 1 or 1.5 spaces per unit for the Independent Living units, additional parking would be opened up which may make Scenario 4 and 5 feasible. Additionally, the Zoning Code requires 1 space for every 100 square feet of floor area for the Community Room; however, the applicant does not believe that the parking demand will be that great due to the fact that the majority of the events held in the Community Room will be internal to the Main Campus. To be clear, the applicant is not asking for the Planning Commission to consider reducing the number of spaces required for the Independent Living Units or the Community Room at this time; however, Staff believes it is important to consider when discussing parking on the site and may need to be revisited during the Final Development Plan approval process once end users have been identified for the retail building.

#### **Staff Comments and Recommendation:**

Staff believes that the applicant has shown that several different mix of uses for the retail building can be adequately parked on the site and is supportive of the use of shared parking between the Main Campus and the retail parcel. While Staff recognizes that a final parking analysis cannot be conducted at this time, Staff is comfortable approving the General Development Plan for the addition to the Main Campus based on the data presented by the applicant which illustrates that a retail building with multiple uses can be parked utilizing shared parking. The applicant is aware that the potential users for the retail building will be contingent on the site being able to accommodate the parking demand.

There are some issues that arise from a zoning perspective due to the need to keep PIN 603-0008-0009 separate due to tax purposes and the desire for a shared parking lot between the Main

Campus and the future retail lot that require equivalencies. While these equivalences make the zoning process more complicated, Staff believes that they are rational and meet or exceed the intent of the Zoning Code. Staff has asked the Law Director to be present at the meeting to discuss the proposed covenant and to answer any questions that the Planning Commission has in regards to the covenant.

Staff believes that the proposal is in compliance with the conditional use regulations and meets the Montgomery Code of Ordinances in regards to access and circulation both within and on/off the site. The issues that will need to be reviewed prior to a vote are listed below:

- Discussion of proposed covenant
- Discussion of equivalency requests
- Review and discussion of the shared parking analysis

The Planning Commission will need to vote to make a recommendation on two items for this application. The votes could be combined into one motion or taken individually. The votes include a vote to recommend approval of the expansion of a conditional use. A vote to recommend approval of the General Development Plan with equivalencies. As a reminder, the applicant would need to submit a Final Development Site Plan for review and approval by the Planning Commission at which time more detailed information regarding drainage, grading, stormwater, landscaping, lighting, parking etc. would be provided and reviewed.

Staff is in support of the expansion of the conditional use permit and the approval of the General Development Site Plan with equivalences with the following conditions:

- The draft covenant that will allow the building expansion on, over and across the parcel lines in lieu of officially consolidating the parcels by plat be appropriately approved and recorded prior to application for a building permit.
- A shared parking an access easement between the future retail parcel and the Main Campus be reviewed, appropriately approved and recorded prior to the application for a building permit.
- A shared parking analysis be submitted and approved for the Main Campus as the future retail component as part of the Final Development Site Plan approval process.

