



CITY OF MONTGOMERY
10101 Montgomery Road • Montgomery, Ohio 45242
• (513) 891-2424 • Fax (513) 891-2498

Public Hearing Agenda

September 2, 2020
Montgomery City Hall
10101 Montgomery Road

6:45 P.M.

City Council Work Session will commence in City Hall observing social distancing guidelines and also by teleconference immediately following the conclusion of the Public Hearing. To phone in please use the following phone number: 1-866-228-9900 with access code 204938.

1. Call to Order
2. Roll Call
3. Guests and Residents
4. Old Business
5. New Business
 - a. Application for a conditional use permit for Cincinnati Institute of Esthetics and Nails at 10700 Montgomery Road
6. Other Business
7. Adjournment

August 28, 2020

TO: Brian Riblet, City Manager

FROM: Tracy Roblero, Assistant City Manager/Acting Community Development Director *JMR*

SUBJECT: Forward Request for Expansion of Conditional Use Permit

Request

It is requested that City Council hold a public hearing to consider a request from Cincinnati Institute of Esthetics and Nails for a conditional use permit to allow for a school to be located in 4,524 square feet of the office building at 10700 Montgomery Road. Public and private schools are a conditionally permitted use in the Office District.

Background

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

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

Planning Commission Recommendation

The Planning Commission heard the case on August 3, 2020. After hearing testimony for the applicant and discussing the application, the Planning Commission voted to recommend approval of the conditional use permit with conditions

unanimously. The conditions as recommended by the Planning Commission are shown below:

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

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

Staff Comments and Recommendation

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

PLANNING COMMISSION

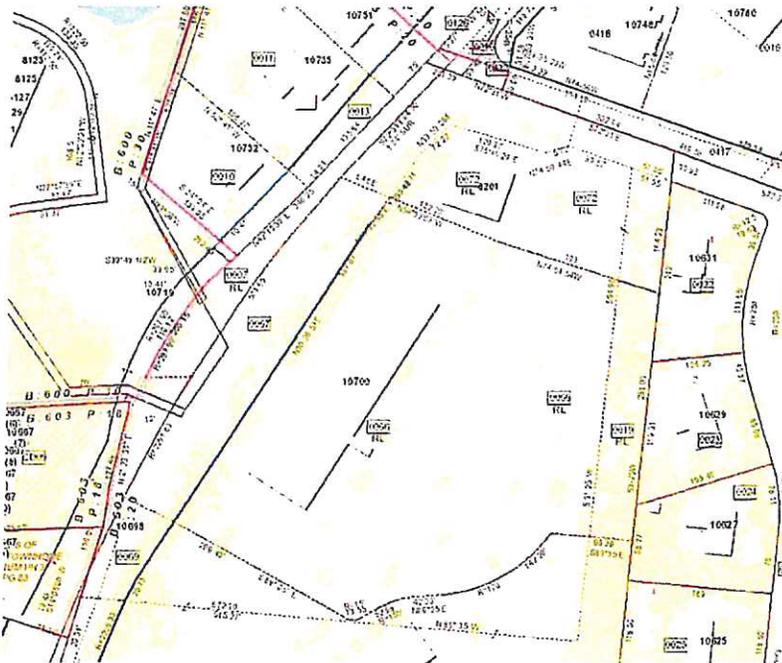
Application for Conditional Use Permit
Cincinnati Institute of Esthetics and Nails
10700 Montgomery Road

July 28, 2020

Applicant: Cincinnati Institute of Esthetics and Nails
10700 Montgomery Road
Montgomery, OH 45242

Property Owner(s): Genoa Property Group
713 WSW Loop 323 #145
Tyler, Texas 75701

Vicinity Map:



Zoning:

This property is zoned 'O' Office. The adjoining properties to the south and west are zoned 'O' used for offices. The properties to the east are zoned 'A' single family residential and used for single family residences. The property to the north on the east

side of Montgomery Road is located in Sycamore Township and zoned 'E' Retail and used for various retail uses.

Nature of Request:

The applicant is requesting a conditional use permit to allow for a school to be located in 4,524 square feet of the office building at 10700 Montgomery Road. Public and private schools are a conditionally permitted use in the Office District.

Findings:

1. The existing building sits on a parcel of property totaling approximately 4.87 acres. The property fronts on Montgomery Road; however, is accessed off of Weller Road.
2. The existing building is 67,577 square feet and was built in 1980.
3. Cincinnati Institute of Esthetics and Nails is a small, private trade school. The class size is limited to 10 students maximum with two classrooms. Therefore, a maximum of 23 people (20 students, 2 teachers and 1 front desk coordinator) would be in the space at one time.
4. The school offers two schedules between 9 a.m. to 3 p.m. and 5 p.m. to 9 p.m. The applicant has stated that the majority of the students attend during the day with only five students attending in the evening.
5. All of the practical work is performed student to student and therefore, there is no retail component, which is not permitted in the Office District.
6. Schedule 151.3204 of the Montgomery Zoning Code requires a minimum of 193 spaces for a 67,577 square foot office building with a maximum of 386 spaces permitted. The building currently has 241 spaces. A parking analysis was provided and is included in your packet. Currently, 143 parking spaces are being utilized for the existing tenants and therefore, the use can be adequately parked.
7. Schedule 151.3204 states that the minimum parking for a trade school is 1 space for every 2 employees plus one space for every 2 students (12 spaces) and the maximum is 1 space per every employee plus 1 space for every student (23 spaces).
8. The existing parking lot is separated from the adjacent residential land by a drive aisle and existing vegetated buffer.

9. The existing building is located 29 feet from the right-of-way of Montgomery Road.

Staff Comments:

Chapter 151.2007(V) lists the specific conditions for schools, public and private. 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.*

The property fronts on Montgomery Road; however, is accessed off of Weller Road, which is a collector street.

2. *All access drives shall be located as far as practicable from an existing intersection in order to maximize traffic safety and minimize congestion and constricted turning movements.*

The entrance to the building already exists and the applicant is not proposing any changes to the access point.

3. *In any district, the Planning Commission and/or Council may require all outdoor children's activity areas to be enclosed by a fence at a height approved by the Planning Commission and/or Council. An entry gate shall be securely fastened.*

The school is for adult learners and will not require outdoor children's activity area.

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

There will be no outdoor activity areas associated with the school.

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

The school is located in an existing building two story building with no mechanicals visible from the street.

6. *When located in a residential district, the design of new structures or modifications to existing structures shall be visually compatible with the surrounding residential neighborhood character.*

The existing building is not located in a residential district; however, the building is compatible with the architecture of the surrounding office district.

7. *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.*

8. *A designated on-site drop-off/pickup area shall be provided at the facility.*

The school is for adult learners and therefore a designated on-site drop-off/pickup area is not needed.

9. *All activities, programs and other events shall be directly related to the conditional use permit so granted and shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or the community in general.*

All classes will be inside the building and no outdoor activities or programs are being proposed that would cause a disturbance to surrounding properties.

10. *Associated uses such as a stadium, cafeteria, and other similar uses shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this chapter.*

The applicant has not proposed any associated uses.

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

Staff Recommendation

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

1. The conditional use permit is limited to the operation of the school with a maximum daily attendance of 20 students. The applicant will need to

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



CITY OF
MONTGOMERY
 A CHARMING PAST. A GLOWING FUTURE.

APPLICATION FORM

Meeting (Circle): Board of Zoning Appeals Planning Commission Landmarks Commission

Project Address (Location): 10700 Montgomery Road

Project Name (if applicable): Cincinnati Institute of Esthetics and Nails

Auditors Parcel Number: 603-0020-0019-00

Gross Acres: 4.87 Lots/Units _____ Commercial Square Footage 68,200

Additional Information: _____

PROPERTY OWNER(S) GENOA PROPERTY GROUP LLC
Matthew Cody Cowan Contact Matthew Cody Cowan

Address 713 WSW Loop 323 # 145 Phone: _____

City Tyler State Texas Zip 75701

E-mail address carrie@patriarchre.com

APPLICANT Cincinnati Institute of Esthetics and Nails Contact Adam Rath - Property Manager
Candace Matsuda - Tenant

Address 10700 Montgomery Phone: 513-888-8669 - Adam
513-203-1868 - Candace

City Cincinnati State OH Zip 45242

E-mail address Adam@RathEquity.com Candacematsuda@yahoo.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature

[Signature] _____ FOR DEPARTMENT USE
 ONLY

Print Name
Matthew Cody Cowan

Date 7/8/2020

Meeting Date:	<u>8/3/20</u>
Total Fee:	
Date Received:	<u>7/20/20</u>
Received By:	<u>[Signature]</u>



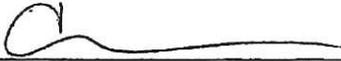
CONSENT OF OWNER(S) TO INSPECT PREMISES

To: City of Montgomery Planning Commission and Staff
City Hall
10101 Montgomery Road
Montgomery, Ohio 45242

Re: Review Subject Site

Dear Members and Staff:

As owner(s) of the property located at 10700 Montgomery Rd., Cincinnati OH 45242, we hereby grant permission to Members of the Planning Commission and City of Montgomery Staff to enter the property for visual inspection of the exterior premises. The purpose of said inspection is to review the existing conditions of the subject site as they relate to the application as filed to the Planning Commission.

Property Owner(s) Signature 

Print Name Matthew Cody Cowan

Date 7/8/2020

Planning Commission Members:

Vince Dong

Michael Harbison

Dennis Hirotsu

Darrel Liebson

James Matre

Barbara Steinebrey

Patrick Stull

Tracy Roblero

From: Candace Matsuda <candacematsuda@yahoo.com>
Sent: Tuesday, July 28, 2020 1:59 PM
To: Tracy Roblero
Subject: Re: Conditional Use Regulations and Cover Letter

Hi Tracy,

Thank you for being patient with me. I am sorry but the letter would not attach as a document so I had to copy and paste here.

Also, will you confirm the date and time for the meeting next week.

Define Institute of Beauty, also known as Cincinnati Institute of Esthetics and Nails was established in 2017. We are a small, private trade school that offers a licensing program which allows students to gain the educational hours to take the Ohio State Board of Cosmetology exam to then become licensed estheticians and/or licensed nail technicians. We only allow 10 students per class at a time for a total of 20 students maximum attending our school at one time. We have just two teachers and one front desk coordinator so we will never exceed 23 people maximum with both students and staff included in the building at once.

The Institute caters to adult learners only, so we will not need a play area or on-site drop off/pickup area. We have two class schedules 9 am to 3 pm and 5 pm to 9 pm. The majority of the students attend the daytime classes and our evening class only has 5 students attending. All of our practical work is performed on students themselves so we do not need to have clients coming and going or the ability to provide retail services. In addition, all of these services are performed with odder-free products so therefor we will not be a nuisance to any other business or person nearby.

Sincerely,

Candace Woods
Owner and Instructor
Thank you!

Please let me know if I missed anything.

Thanks!

Candace Matsuda

Co-founder/Lead Makeup Artist

Style Squad Studio

Property = 10700 Montgomery Road
 Rent Roll - For Parking Analysis
 Month = 07/2019

Address	Tenant Name	Use	SF	Required Spaces	Calculation	Code	Code	Code	Code	Current	Actual
100	VACANT	Wax Medical / Otolaryngology School	4,537.00	18.00	4/1000	-	-	-	-	-	-
101	VACANT	Office	1,498.00	5.00	4/1000	-	-	-	-	-	-
110	VACANT	Office	810.00	3.00	4/1000	-	-	-	-	-	-
120	Bethesda Hospital, Inc	Medical	2,662.00	14.00	5/1000	-	-	-	-	-	14 6 employees & 5 Patients tops (Max number)
150	TriHealth, OS, LLC	Medical	6,892.00	31.00	5/1000	-	-	-	-	-	35 20 employees & 10 Patients (Max number)
206	Catholic Charities of Southwest Ohio	Office	1,044.00	4.00	4/1000	-	-	-	-	-	0 Shut down site
209	VACANT	Office	6,402.00	22.00	4/1000	-	-	-	-	-	-
210	Hogan Financial	Office	1,288.00	5.00	4/1000	-	-	-	-	-	-
211	Think COV	Office	1,248.00	6.00	4/1000	-	-	-	-	-	-
217	Head LLC	Office	379.00	2.00	4/1000	-	-	-	-	-	-
220	Connect & Family Dentistry	Medical	1,982.00	10.00	5/1000	-	-	-	-	-	2
221	Eye Style Of America	Office	500.00	4.00	4/1000	-	-	-	-	-	-
222	Protek Staffing Services, LLC	Office	865.00	3.00	4/1000	-	-	-	-	-	-
223	Diane Boarder	Office	827.00	3.00	4/1000	-	-	-	-	-	-
226	Protek Staffing Services, LLC	Office	5,129.00	16.00	4/1000	-	-	-	-	-	-
230	Protek Staffing Services, LLC	Office	755.00	3.00	4/1000	-	-	-	-	-	-
240	VACANT	Office	10,177.00	40.00	3/1000	-	-	-	-	-	-
311	VACANT	Wax Medical	6,533.00	20.00	4/1000	-	-	-	-	-	-
125-A	Protek Staffing Services, LLC Suite 319	Office	7,291.00	22.00	4/1000	-	-	-	-	-	-
125-B	C. Kordis & Associates	Office	572.00	2.00	4/1000	-	-	-	-	-	-
125-C	Harvest Book Keeping	Office	755.00	3.00	4/1000	-	-	-	-	-	-
Total	18700 Montgomery Road		62,992.00	244.00		7,2 being Van	59	154,317	152,244	86	143

NO.	REVISION	DATE	BY	CHKD.	APP.
1	ISSUED FOR PERMITS	08/11/10	J. J. ...	J. J. ...	J. J. ...
2	ISSUED FOR PERMITS	08/11/10	J. J. ...	J. J. ...	J. J. ...

- DOOR SCHEDULE LEGEND**
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DRAWING INDEX

1-10 GENERAL NOTES, KEY PLAN, BEAMS & FLOOR PLANS, PARTITION TYPES

11-12 REFLECTED CEILING PLAN

PROJECT DEFINITION

PROJECT NAME: PROPOSED OFFICE BUILDING

PROJECT LOCATION: 1000 MONROE ROAD, SUITE 100, CINCINNATI, OH 45202

PROJECT NUMBER: 1000

PROJECT USE CLASS: OFFICE

CONSTRUCTION TYPE: 1-10 CONCRETE

NUMBER OF STORIES: 2

BUILDING HEIGHT: 10 FT

SEWER AREA: 0.00

WATER AREA: 0.00

NUMBER OF OCCUPANTS: 100

SMALLER: 100

BUILDING CODE: 2009 IBC CODE 2010

GENERAL NOTE

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS INDICATED OTHERWISE.

2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL BUILDING CODE (IBC) AND THE 2010 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC).

3. ALL MATERIALS SHALL BE OF THE QUALITY AND TYPE SPECIFIED IN THE SCHEDULES AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.

4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2009 INTERNATIONAL ELECTRICAL CODE (IEC) AND THE 2009 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).

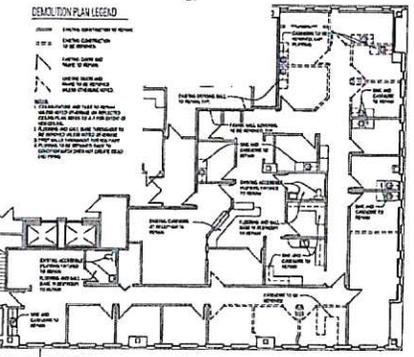
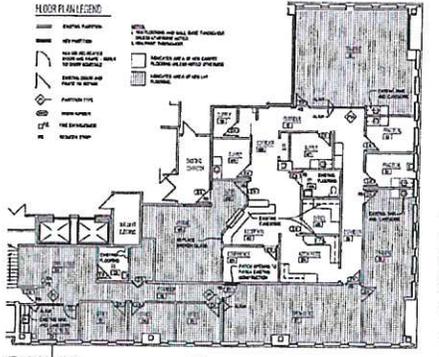
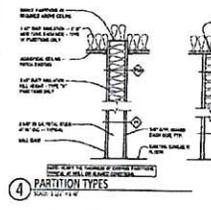
6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2009 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC) AND THE 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC).

7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC) AND THE 2009 INTERNATIONAL ELECTRICAL CODE (IEC).

8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC) AND THE 2009 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).

9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC) AND THE 2009 INTERNATIONAL ELECTRICAL CODE (IEC).

10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2009 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC) AND THE 2009 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).



Proposed Office Building for:
Cincinnati Institute of Esthetics and Nails
1000 MONROE ROAD, SUITE 100
CINCINNATI, OH 45202

DESIGNED BY:
BRS COMMERCIAL ARCHITECTURE
1000 MONROE ROAD, SUITE 100
CINCINNATI, OH 45202
WWW.BRSARCHITECTURE.COM

DATE: 08/11/10

PROJECT NUMBER: 1000

GENERAL NOTES:
1. SEE DRAWING INDEX FOR ALL DRAWINGS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2009 INTERNATIONAL BUILDING CODE (IBC) AND THE 2010 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC).

A-1



R. S. J. COMMERCIAL ARCHITECTURE
ARCHITECTS
13100 Montgomery Road, Suite 100
Cincinnati, OH 45244
www.rsja.com

Prepared Office Build-out for:
**Cincinnati Institute
of Esthetics and Nails**
13100 Montgomery Road, Suite 100
Cincinnati, OH 45244

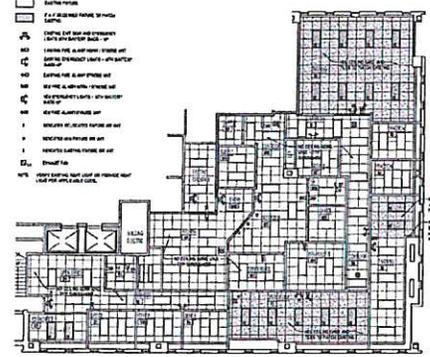
DATE: 01.20
SHEET NO.: 2
REVISED:

REFLECTED CEILING PLAN

A-2
PROJECT: 12202

REFLECTED CEILING PLAN LEGEND

- 6" x 6" GRID
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- 96' x 96' GRID
- 98' x 98' GRID
- 100' x 100' GRID



1 REFLECTED CEILING PLAN
DATE: 01.20

These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission. Formal adoption is noted by signature of the Chair, within the Minutes.

**CITY OF MONTGOMERY
PLANNING COMMISSION MEETING**

Due to the Stay at Home Order issued by Governor DeWine, this meeting was held as a videoconference via Zoom Video Conferencing, as well as in-person at City Hall.

August 3, 2020

<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Lynn Gottschalk 7933 Cooper Rd., 45242	Steve Silverman 7504 Golf Green Dr, 45242	Tracy Roblero, Assistant City Manager / Acting Community Development Director Karen Bouldin, Secretary
Lisa Lerner 7930 Cooper Road, 45242	Candace Woods Owner and Instructor Cincinnati Institute of Esthetics and Nails 10700 Montgomery Road, 45242	<u>ALL COMMISSION MEMBERS PRESENT</u> Chairman Mike Harbison Vince Dong Dennis Hirotsu Darrell Leibson Jim Matre, Vice Chairman Barbara Steinebrey Pat Stull
Craig Margolis City Council Member 8270 Mellon Drive, 45242		

Call to Order

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

Roll Call

The roll was called and showed the following attendance:

- AYE: Mr. Dong, Mr. Hirotsu, Mr. Leibson, Mr. Matre, Ms. Steinebrey, Mr. Stull, Chairman Harbison* (7)
- NAY:* (0)
- ABSENT:* (0)
- ABSTAINED:* (0)

All members were present.

Guests and Residents

Chairman Harbison asked if there were any guests or residents who wished to speak about items that were not on the agenda. There were none.

These minutes are a draft of the proposed minutes from the Planning Commission meeting. They do not represent the official record of proceedings until formally adopted by the Planning Commission. Formal adoption is noted by signature of the Chair, within the Minutes.

Planning Commission Meeting
August 3, 2020

31 **Old Business**

32 ***Application from Casto for Final Development Plan Approval for Phase 3 of the Montgomery***
33 ***Quarter.***

34
35 Chairman Harbison stated that at the July 20, 2020 Planning Commission meeting, this
36 application was tabled. No further information has been provided, therefore this item will
37 remain tabled.

38
39 ***Mr. Matre moved to continue to table the application from Casto for Final Development Plan***
40 ***Approval for Phase 3 of the Montgomery Quarter.***

41
42 ***Mr. Dong seconded the motion.***

43
44 ***All members unanimously approved.***

45
46 ***This motion is approved to continue to table this application.***

47
48 **New Business**

49 ***Application from Cincinnati Institute of Esthetics and Nails for a conditional-use permit to***
50 ***allow for a school in an office district.***

51
52 Chairman Harbison explained the process for this evening's meeting to all guests and residents:
53 "Ms. Roblero reviews her Staff Report, and the Commission asks any questions they might
54 have. The applicant presents their application and the Commission then asks any questions.
55 The floor is opened to all residents for comments. If a resident agrees with a comment that
56 was previously stated, they could simply concur, instead of restating the entire comment to
57 save time. The Commission discusses the application, and residents are not permitted to
58 comment or question during this discussion. The Commission will then decide to table,
59 approve or deny the application."

60
61 **Staff Report**

62
63 Ms. Roblero reviewed the Staff Report dated July 28, 2020, "Application for Conditional-Use
64 Permit for Cincinnati Institute of Esthetics and Nails at 10700 Montgomery Road." She stated
65 that she had not received any phone calls or emails regarding this application.

66
67 Mr. Dong asked if the building was out of compliance with any regulations, as of today.
68 Ms. Roblero stated they were not. She explained that there was a variance granted by the Board
69 of Zoning Appeals for this building for restriping some of the parking spaces, to allow for more
70 compact spaces than the Zoning Code currently allows.

71
72 Mr. Stull asked if this application's approval would be viable as long as the tenant was in the
73 building. Ms. Roblero stated this application would apply for as long as this tenant continued to

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74 operate the business. If it were to change ownership, they would need to come back before the
75 Planning Commission (PC).

76

77 Mr. Matre referred to the Staff Report, and asked about the condition for minimum and
78 maximum parking. If there is a huge parking lot, how is that able to be checked or enforced.

79 Ms. Roblero stated that condition was put in here to help the City with enforcement in the future.

80 She stated that there were no issues with parking right now, as there were still open tenant spaces

81 in that building. When a new tenant comes in, even if it is permitted, the City will go back to the

82 building owner to find out who the existing tenants are and what their parking requirements are,

83 to make sure that the Zoning Code requirements will be met. This can also sometimes limit a

84 future use, if that tenant happens to require heavy parking.

85

86 Mr. Matre asked Staff if the owners tell the City when a new tenant comes in. Ms. Roblero

87 stated that most of the time, the City hears about it -either via sign permits or registration with

88 the tax department. She did note that a few times it has gone unnoticed, but most of the time,

89 they were aware.

90

91 **Candace Woods, Owner and Instructor, Cincinnati Institute of Esthetics and Nails,**

92 **10700 Montgomery Road, 45242** referred to her email of July 28, 2020 and an attached letter

93 that all Commission members had in their packets. She stated that Staff covered the information

94 accurately in her Staff Report. Ms. Woods stated that they do not provide any hair services, all

95 of their work has to do with skin-care and nail services. Their products are all natural; they do

96 not use any products that smell or cause any kind of nuisance.

97

98 Mr. Dong asked if there was any noise associated with this school, especially at night. Ms.

99 Woods stated there was none, noting that skin care therapies were meant to be very relaxing and

100 quiet.

101

102 Mr. Dong asked if any construction would be needed, prior to opening the school. Ms. Woods

103 confirmed that some things needed to be changed and that permits have been applied for.

104

105 Mr. Dong asked when she planned to open. Ms. Woods would like to open as soon as possible,

106 anticipating 2-3 weeks.

107

108 Ms. Steinebrey asked if they were moving from another location. Ms. Woods confirmed that

109 they were, where they had been open for 2 years.

110

111 Ms. Steinebrey asked what the typical number of students was, that she has had in the past.

112 Ms. Woods stated that usually a class consists of 5 to 10 students per class, with a maximum of

113 20 total.

114

115 Ms. Steinebrey asked about the odorless nail service, as the smell can sometimes be a problem.

116 Ms. Woods stated that they only educate on natural nails, and use odorless products, other than

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117 the smell of nail polish. She stated that they also have professional ventilation systems that suck
118 the smell into a container.

119
120 Mr. Dong asked if there were any additive wastes coming from their school. Ms. Woods stated
121 not.

122
123 Mr. Hirotsu asked about any solvents -- and any regulations, in terms of concentrations and
124 amounts with what is put into the water stream. Ms. Woods stated that there were no regulations
125 required for the small amount that they use, noting that they would use nail polishing, once a
126 week, with 5 to 10 students. She stated that was a very minimal amount, much less than a salon
127 would have.

128
129 Mr. Hirotsu asked her about the Board / law that limits this school to 10 students. Ms. Woods
130 stated that it was not a law that regulated her student capacity; she set the limit due to the amount
131 of equipment that she has and the space. This is simply her choice of capacity. Mr. Hirotsu
132 wanted to clarify that if they had one more student apply, they would have to decline that
133 student. Ms. Roblero confirmed, that if they wanted to add more than 20 total (10 in each
134 classroom), they would need to come back before the PC.

135
136 Chairman Harbison asked for discussion among the Commission.

137
138 Mr. Dong was in favor of this application, but would like to add a condition that the property
139 owner inform the City when there were any changes in tenants, so that we could be sure to
140 monitor and assure reasonable parking for all. Mr. Leibson believed that this was not legal to
141 request this; stating that the building owner had no obligation to do this. Mr. Matre agreed with
142 Mr. Leibson.

143
144 Ms. Roblero stated that there was mandatory registration of businesses with the tax department,
145 because the City has a 1% income tax. This was one way that they were able to monitor the
146 tenants in the building. Ms. Roblero stated that most of the property owners were very willing to
147 work with the City on the parking issue. She felt confident that they would continue their open
148 dialogue with this property owner, who has been very open and honest and willing to work with
149 the City regarding the parking.

150
151 Mr. Stull felt that the building owner was aware that the parking could be an issue with current
152 and future tenants and would work with the City. He did not see a need to put an additional
153 condition on this motion.

154
155 There was more discussion among the Commission about this additional condition. Mr. Dong
156 was in agreement with no additional condition, and just wanted it noted that he was concerned
157 with the parking issue.

158
159 Mr. Leibson was in full support of this application.

160

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161 Mr. Matre and Mr. Stull agreed with the other Commission members. Mr. Stull felt that the fact
162 that the tenant and the owner obviously knew the rules and came forth to request this change,
163 showed good faith evidence that they will continue to monitor the situation if it changes.

164
165 Ms. Steinebrey was in agreement, and felt that it was a great business to have in Montgomery.

166
167 Mr. Hirotsu wanted to confirm that the reason that this was a conditional-use was because it was
168 a school and not a business. Staff confirmed. He asked about signage. Staff stated that in the
169 Office District, signs were much more limited than in the General Business District. Staff noted
170 that the property is only permitted one monument sign. This applicant is not able to have any
171 extra signage. Staff pointed out that most of that building's signage for their tenants is inside the
172 building.

173
174 Mr. Hirotsu was in agreement with this application.

175
176 Chairman Harbison also agreed with this application.

177
178 ***Mr. Leibson made a motion to recommend to City Council that they approve the application***
179 ***from Cincinnati Institute of Esthetics and Nails for a conditional-use permit to allow for a***
180 ***school in an Office District, to include the conditions listed in the Staff Report dated***
181 ***July 28, 2020.***

182
183 ***Mr. Matre seconded the motion.***

184
185 ***The roll was called and showed the following vote:***

186
187 ***AYE: Mr. Dong, Mr. Hirotsu, Mr. Leibson, Mr. Matre, Mr. Stull, Ms. Steinebrey,***
188 ***Chairman Harbison*** (7)

189 ***NAY:*** (0)

190 ***ABSENT:*** (0)

191 ***ABSTAINED:*** (0)

192
193 ***This motion is approved.***

194
195 Ms. Roblero informed Ms. Woods that because this was a conditional-use permit, the
196 recommendation will now move forward to City Council. At the City Council meeting this
197 Wednesday, August 5, Ms. Roblero will request a date for a public hearing for this application,
198 and then Ms. Roblero will email the date and time of when that meeting will take place to the
199 applicant. Ms. Roblero stated that would be the final step for the zoning process. Ms. Woods
200 had no further questions or comments.

201
202

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203 **Staff Update**

204

205 Ms. Roblero stated that work continues on the roundabout. She stated that there was a recently
206 released video on the rules of the roundabout. She noted that Main Street will be shut down for
207 the next couple of weeks.

208

209 Regarding the Montgomery Quarter, she noted that Casto was reevaluating the plan, based on
210 comments received at the July 20, 2020 PC meeting. She just received a message today from
211 Casto, asking her to set up a meeting with some of the interested, adjacent property owners to
212 discuss some of their issues. After the meeting with the residents takes place, Casto will likely
213 return before the PC, probably sometime in September.

214

215 Ms. Roblero informed members of an application going forward for the Historic Preservation
216 Matching Grant, for Clarity Tea House and Bakery, which will be located in the Jonathan Crain
217 House Landmark.

218

219 Ms. Roblero noted that City Council held a public hearing related to the DORA (Designated
220 Outdoor Refreshment Area), which is proposed for the portions of the Heritage District that are
221 zoned 'Old Montgomery' in the Old Montgomery Gateway District and at The Marketplace.
222 She stated that the City Manager will now apply to the State for the DORA.

223

224 Staff explained that the DORA will allow the businesses within the limits of the District that
225 have a "D" liquor license, to participate in this program. The participants purchase a reusable
226 cup that is branded with the City's information and the DORA. People are able to purchase an
227 alcoholic beverage from that location, take it outside and sit, or go to the park and sit on the
228 bench. There are specific dates and timeframes for this, and physical boundaries.

229

230 She noted that many other cities are doing this, and she has been in contact with them:
231 Wyoming, Milford and Loveland. It is a highly successful program, particularly in the COVID
232 situation of limited capacity indoors.

233

234 Mr. Dong asked for an update on the Tree of Life application. Ms. Roblero stated that they have
235 indicated that they will move forward, but as of now, they have not raised the funds needed to
236 build the addition. She stated that they are working on a letter requesting an extension on the
237 motion approval, which was originally approved for recommendation to City Council at the
238 May 6, 2019 PC meeting. Ms. Roblero told Tree of Life that they must get the request to her
239 within the next few weeks (allowing for delays due to COVID situation). A Staff approval of
240 their request would provide them with a 6-month extension. After that, they would need to come
241 before PC for any additional extension; PC has the ability to extend the approval for an
242 additional 6 months. After that, the applicant would need to start the process all over again -
243 from the beginning.

244

245 Mr. Hirotsu noticed that the Church was holding services. He asked if masks were required or
246 just recommended now, given the COVID state regulations. Ms. Roblero was unsure – that

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247 would fall under the Public Health umbrella. She stated that some cities (Cincinnati) have their
248 own Department of Health; Montgomery contracts with Hamilton County Public Health.

249

250 Ms. Roblero did not have any agenda items scheduled for August 17, and there will be not be a
251 meeting. There was discussion about the September meeting date, as September 7 was a holiday,
252 as well as the 28th. Ms. Roblero stated that September 21 will be the next and only September
253 PC meeting, as of now. She noted that if an item came up, we could certainly call a special
254 meeting.

255

Council Report

256
257 Mr. Margolis wanted to acknowledge that the Montgomery Quarter was a difficult, yet very
258 important project. He wanted to share a past project:

259

260 The tale of 4 buildings: Key Bank, at the south end of the Kroger Shopping Center.
261 He noted that 4 iterations of that had come before PC. The first iteration was a modern,
262 glass and steel building. The bank told the Commission that it was their building
263 standard, what they put everywhere – and the Commission said that it was not quite right
264 for our community. The second and third iterations still did not meet our approval.
265 The fourth iteration is what you see now. This Commission stayed true to our
266 community standard and what was good for the residents.

267

268 Mr. Margolis complimented the Commission on focusing on what was good for our community
269 and keeping the developer's plans to fit in with the current Zoning Code. He noted that this
270 project will have more than its share of challenges, and understood there was much pressure
271 from the residents and the builder, and that it was a balance to meet the needs of both, and
272 enhance the community, and make this a successful project.

273

274 Mr. Stull stated that at the last meeting and the meeting before that, this Commission spent
275 considerable amounts of time on the allocated parking spaces for the apartments and
276 condominiums. He was curious to see what the developer comes back with, to get more parking
277 spaces. Mr. Margolis stated that he had spoken to someone about the parking garage at Bethesda
278 North, and it was noted that one of the potential trends was the use of more autonomous vehicles,
279 and more rent-to-use (i.e. Uber or cab). He stated that sometimes thinking about having a large
280 amount of real-estate devoted to parking might not be a plus, and may be obsolete in the future.
281 But, it also could be that many more people want their own cars. This brings up a difficult
282 prediction to make for the future. He agreed that it will be interesting to see the second iteration
283 for parking.

284

285 Mr. Hirotsu was concerned with plans changing, versus the drawings they have already been
286 seeing. He felt that was where they needed to be diligent. Mr. Margolis agreed, but also pointed
287 out that the market conditions dictate what will make this development a success, so what may
288 have been planned in year one, maybe need to be a completely different idea in year 2 or 3.

289 Mr. Hirotsu recalled the Vintage Club situation, when there was a room full of Vintage Club

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290 residents with strong concerns that this was very different than the package they received when
291 they purchased their units. Mr. Dong expressed concern that this could happen again.

292

293 Mr. Dong asked if Mr. Margolis could give some background about the paid parking idea for the
294 public garages in the Montgomery Quarter, as he understood this issued had been discussed quite
295 a bit at City Council. Mr. Margolis understood that it would be designated parking during the
296 day and free parking in the evening. Ms. Roblero stated that the paid designated parking was not
297 officially decided on, but it was something that the Development Team was researching. She
298 stated they were thinking of potential paid parking for the public garages during the day and free
299 parking at night, weekends and holidays and special events. Mr. Dong reiterated that he was just
300 asking what City Council had discussed. Mr. Margolis suggested that they wait to see what the
301 developer comes back with, to get some clarity.

302

303 **Other**

304 There was no other business to report.

305

306 **Minutes**

307 Ms. Roblero stated that the minutes of July 20, 2020 will be approved at a future meeting, as
308 they were not yet completed.

309

310 **Adjournment**

311 Ms. Steinebrey moved to adjourn. Mr. Leibson seconded the motion.

312 The Commission unanimously approved. The meeting adjourned at 8:25 p.m.

313

314

315

316

317

318

319 _____
Karen Bouldin, Clerk

Michael Harbison, Chairman Date

320

321 /ksb

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**CITY OF MONTGOMERY
PLANNING COMMISSION SPECIAL SESSION**

Due to the Stay at Home Order issued by Governor DeWine, this meeting was held as a videoconference via Zoom Video Conferencing, as well as in-person at City Hall.

August 17, 2020

<u>PRESENT</u>		
<u>GUESTS & RESIDENTS</u>		<u>STAFF</u>
Craig Margolis City Council Member 8270 Mellon Drive, 45242	Steve Silverman 7504 Golf Green Dr, 45242	Tracy Roblero, Assistant City Manager / Acting Community Development Director Karen Bouldin, Secretary
		<u>COMMISSION MEMBERS</u> Chairman Mike Harbison Dennis Hirotsu Darrell Leibson Jim Matre, Vice Chairman Barbara Steinebrey Pat Stull
		<u>MEMBERS NOT PRESENT</u> Vince Dong

Call to Order

Chairman Harbison called this Special Session of the Planning Commission to order at 6:00 p.m.

Roll Call

The roll was called and showed the following attendance:

AYE: Mr. Hirotsu, Mr. Leibson, Mr. Matre, Ms. Steinebrey, Mr. Stull,
Chairman Harbison (6)

NAY: (0)

ABSENT: Mr. Dong (1)

ABSTAINED: (0)

All members were present.

Old Business

Public comment for an application from Cincinnati Institute of Esthetics and Nails for a conditional-use permit to allow for a school in an office district.

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30 During the August 3, 2020 Planning Commission meeting regarding a conditional use permit
31 application for Cincinnati Institute of Esthetics and Nails, the Commission inadvertently
32 overlooked to ask if any of the webinar attendees wished to make comment on this application.
33 There were no guests at City Hall. Therefore, this special session is to take public comment
34 regarding the application.

35
36 Chairman Harbison explained the process for this evening's meeting to all guests and residents:
37 "Since this item was not previously tabled, we will simply open this agenda item and request
38 any public comment. The Commission will then discuss the application, and residents are
39 not permitted to comment or question during this discussion. The Commission will then
40 decide to table, reconfirm the recommendation to approve, or deny the application, based on
41 what we hear from the public at this time."

42
43 Chairman Harbison asked if there was anyone who wished to speak about this application at this
44 time.

45
46 **Steve Silverman, 7504 Golf Green Dr, 45242** stated that he was speaking under the Guests and
47 Residents Section. He stated that, specifically prior to this meeting, Mr. Silverman had two
48 comments/questions for Ms. Roblero, which she responded to.

49
50 Mr. Silverman also wanted to comment on the August 3 Planning Commission tabling of the
51 application from Casto for Final Development Plan Approval for Phase 3 of the Montgomery
52 Quarter.

53
54 Ms. Roblero stated that this meeting tonight was a Special Session only for public comment for
55 an application from Cincinnati Institute of Esthetics and Nails at 10700 Montgomery Road, for a
56 conditional use permit to allow for a school in an office district.

57
58 Staff pointed out that there was not a general section for guests and residents to speak, this
59 evening. This was only for comments for the above application. Ms. Roblero suggested that
60 Mr. Silverman follow-up with her and she would be happy to answer any other questions he
61 might have.

62
63 Mr. Silverman asked Ms. Roblero if there had been an opportunity for general comments or
64 questions from guests or residents at the August 3, 2020 Planning Commission Meeting.
65 Ms. Roblero stated that there had been. She reiterated that the Commission only inadvertently
66 overlooked asking for public comment on the above application.

67
68 Ms. Roblero reported that there were no other attendees joining this webinar and no other
69 questions or comments.

70
71 Mr. Margolis had no other information to add.
72

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73 Chairman Harbison asked for any questions or discussion from the Commission about this
74 application. There were none.

75

76 *Mr. Matre made a motion to reconfirm the recommendation to City Council that they approve*
77 *the application from Cincinnati Institute of Esthetics and Nails for a conditional-use permit to*
78 *allow for a school in an Office District, to include the conditions listed in the Staff Report*
79 *dated July 28, 2020.*

80

81 *Mr. Leibson seconded the motion.*

82

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

84

85 *AYE: Mr. Hirotsu, Mr. Leibson, Mr. Matre, Mr. Stull, Ms. Steinebrey,*
86 *Chairman Harbison* (6)

87 *NAY:* (0)

88 *ABSENT: Mr. Dong* (1)

89 *ABSTAINED:* (0)

90

91 *This motion is approved.*

92

93 Chairman Harbison stated that this motion will now move forward, with all the rules and
94 protocols in place.

95

96 **Other**

97 Chairman Harbison asked if there was any other business to come before the Commission, under
98 this Special Session. There was none.

99

100 **Adjournment**

101 Mr. Leibson moved to adjourn. Mr. Dong seconded the motion.

102 The Commission unanimously approved. The meeting adjourned at 6:15 p.m.

103

104

105

106

107

108

109

Karen Bouldin, Clerk

Michael Harbison, Chairman

Date

110

111 /ksb