

**Miami Township
Zoning Commission
Tuesday, May 17, 2016**

Members of the Zoning Commission present:

Karen Kreusch, Chairperson
Cynthia Griffith
John Barber

Members of Township Staff present:

Kyle Hinkelman, Deputy Director of Community Development
Chris Snyder, Director of Community Development
Robin Palm, Planner, Community Development
Tony Beckert, CESO, 8534 Yankee Street
Eric Ledford, 8379 Byers Rd
Ben Little, The Conner Group, 10510 Springboro Pike
Richard Anglin, Dayton Christian, 4464 Lotz Road

Ms. Kreusch called the meeting to order at 7:00 P.M.

Special Announcements

There were none.

Approval of Minutes

Ms. Griffith made a motion to table the minutes from the March 15, 2016 to the next regular and Mr. Barber seconded the motion, the votes was all ayes.

New Business

1. ZC #420-16 Re-Zoning, Byers Road

Ms. Kreusch made a motion to open the case. Mr. Barber seconded the motion, and the vote was all ayes.

Mr. Hinkelman stated the case had been properly advertised and informed the Commission that the applicant was seeking approval on a Re-Zoning for property on Byers Road, Wildcat Holdings LLC. zoned O-2. The property is the east side of Byers Road, 0.563 acre, north of technical drive, the house on this property is residential in nature, but currently zoned O-2. The request is a re-zoning to PD-5 to allow for additional live/work opportunities. Byers Road has multi areas with residential, office areas, as well as Planned Development zoning. The current

property on the parcel is a 1,400 sq. ft. single story structure that is residential looking, is vacant at present. Within the packet there are standards that Staff has worked with the applicant to create the standards that would allow the applicant to sell the property as a live/work property. The intent would be to have non-retail businesses and residential. The standards do not allow the expansion of the building, additions or other changes. This approval would allow the property owner to re-zone from office to mixed-use and in the long term be part of the Miami Crossing district. Staff is supportive of moving towards the Miami Crossing district concepts, and the applicant has worked with Staff to accommodate these standards that are contained within the Commission packets.

Ms. Kreuzsch asked if any other properties done this in that area.

Mr. Hinkelman confirmed that this has not been done, but there are many different zoning district on Byers Road within this area that look like single family homes. Over time each property owner has made the decision on what use they will have; this is the first property on Byers Road that would be zoned Mixed-Use to allow the live and work mix.

No further questions were asked of Mr. Hinkelman.

Ms. Kreuzsch asked if the applicant would like to step forward and Mr. Eric Ledford of Wildcat Holdings LLC, came forward. Mr. Ledford explained that he has been trying to sell the property for three years and had enquiries from people that would like to buy the property if they could live and run a business from it. He feels that with the Miami Crossing development moving forward he would like to get ahead with this and hopefully sell the property this summer.

No questions were asked of Mr. Ledford.

Ms. Kreuzsch asked if there was anyone present that wished to speak in favor or opposition, or if there were any public comments on this case and there were none.

The Commission then voted on the Finding of Facts.

Section 3104 A

The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer

The Commission voted TRUE.

Section 3104 B

The Planned Development:

- will not jeopardize the public health, safety, morals, or general public welfare; and
- contains such covenants, easements and other provisions relating to the proposed development standards, as reasonably are required to protect the public health, safety, morals, and general welfare

The Commission voted TRUE.

Section 3104 C

- traffic control signals will be provided, without expense to Montgomery County, when the County Engineer determines that such signals are required
- the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development
- the site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the development
- adequate access roads, or entrance and exit drives, will be provided and be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys

The Commission voted TRUE.

Section 3104 D

The development will not impose an undue burden on public services and facilities, including, but not limited to, fire and police protection

The Commission voted TRUE.

Section 3104 E

The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses; and any part of the planned development not used for structures, parking and loading areas, or access ways; shall be landscaped, designated as permanent open space, or otherwise improved

The Commission voted TRUE.

Section 3104 F (For planned developments containing business or manufacturing uses abutting a residential district)

The proposed planned development provides:

- screening for off-street parking areas, service areas for loading and unloading of vehicles, and areas for storage and collection of trash and garbage; and
- a minimum of 100 feet distance from business or manufacturing structures in the proposed planned development, to the closest residential building

The Commission voted TRUE.

Mr. Barber made a motion that the Zoning Commission find that the proposed zoning map and Final Development Plan complies with the standards of Article 31, Section 3104 and recommend approval of Zoning Case #420-16 a zoning map amendment and Final Development Plan and for lands zoned PD-5 Planned Mixed-Use District with the following stipulations:

1. Development standard attached date May 17, 2016 shall apply;
2. The applicant work with the County Engineer and the Ohio Development of Transportation to assure that roadways meet standards and safety requirements for intersections and the plans are revised as required;
3. The applicant work with the Miami Valley Fire District to meet all safety requirements;
4. The site is approved as it currently exists. Any modifications to the site will require that it come into compliance with the development standards. This includes, but is not limited to, additions, façade renovations, parking additions, and accessory structure construction.
5. No trees are permitted to be removed from the site without express permission in the form of a minor modification. This minor modification must include a landscaping plan that has a tree survey that includes caliper of existing trees and what future trees are being planted to satisfy the development standards.

Ms. Griffith seconded the motion and the vote was all ayes.

2. ZC #413-13 – Final Development – Dayton Christian School

Ms. Griffith made a motion to open the case. Mr. Barber seconded the motion, and the vote was all ayes.

Mr. Hinkelman stated the case had been properly advertised and informed the Commission that the applicant was seeking approval of a final development plan for a softball field on 1.8 acres. This is a temporary plan until they have the

funding to build further sports facilities. Once the funding is available this location will be used for the football stadium. They will come back before the Commission when they are looking to build the football stadium and move the softball field to the location shown in the preliminary plan. The plan shows fencing, a back stop, and grass and bases. Staff is in support of this request and the applicant is here to answer any questions.

Mr. Barber asked how long does temporary mean. Mr. Hinkelman stated that the applicant could answer this, but Dayton Christian does projects through fund raising and this is the long term goal, but there is no firm timeline at this time..

No further questions were asked of Mr. Hinkelman.

Ms. Kreuzsch asked if the applicant would like to step forward and Mr. Richard Anglin, President of Dayton Christian School, came forward. Mr. Anglin confirmed that the timeline would be three to five years before they would consider moving the field. It was considered a minimal cost to construct the softball field in this location at this time and it will be used during physical education classes, junior high softball, and predominately used for the women's softball for the High School.

No further questions were asked of Mr. Anglin.

Ms. Kreuzsch asked if there was anyone present that wished to speak in favor or opposition, or if there were any public comments on this case and there were none.

Ms. Kreuzsch made a motion that the Zoning Commission find that the proposed final development plan for a softball field within the Dayton Christian School Planned Development complies with the standards of Article 31, Section 3104 and recommend to the Board of Trustees approval of Zoning Case #413-13 a final development plan for a softball field and for lands zoned "PD-5" Planned Mixed-Use District with the following stipulations:

1. The plan meets all Miami Valley Fire District requirements and Montgomery County storm water requirements.
2. This location is considered temporary. As such, landscaping and other amenities will be required when the softball field is placed in its final location, once the football stadium is requested for final development plan.

Mr. Barber seconded the motion and the vote was all ayes.

3. ZC #141-84 – Major Modification – Hunter's Chase

Mr. Barber made a motion to open the case. Ms. Griffith seconded the motion, and the vote was all ayes.

Mr. Hinkelman stated the case had been properly advertised and informed the Commission that the applicant was seeking approval of a major modification to the final development plan. The application is requested as part of the remodel to Hunter's Chase - modifications to lighting, signage, color schemes and fountains near the main entrance is on Springboro Pike. This is very similar to two previous cases, Mad River Apartments and Austin Springs Apartments. The applicant has supplied a list of modifications and within this list they state that there could be tree repairs. Staff does not have a landscaping plan and recommends that any landscaping should not be modified until a Plan has been provided. The applicant is asking to use blue and yellow as the color scheme and modify the fountains on site to add more character to the ponds. The applicant is not adding any lighting and just replacing the fixture heads on the existing poles. The applicant has requested to replace the existing signs and put in two entry signs along Springboro Pike, within the fencing. Staff is supportive to the signage change, but Staff would like to mention that this site has continued to display temporary signage which include inflatables, flags and banners that are not in the signage regulations. As part of the approval Staff would like to recommend that no temporary signage be allowed. Staff is recommending approval of all changes, but with a clear understanding that they are not allowed any temporary signage.

No further questions were asked of Mr. Hinkelman.

Ms. Kreuzsch asked if the applicant would like to step forward and Mr. Ben Little of The Connor Group, came forward. Mr. Little thanked The Commission for considering these changes and mentioned that it was good to change the look to make it a welcoming community.

Ms. Griffith asked if the two entrance signs are the same. Mr. Little confirmed that they are and that they are removing all of the existing signs, which include the previous fencing.

Ms. Kreuzsch asked if they are willing to reduce the number of signs that they have been previously using. Mr. Little confirmed that he will talk to the office about that.

Ms. Kreuzsch asked if there was a reason why they keep using these paint colors. Mr. Little confirmed that there is no reason.

Ms. Griffith asked if the new lighting was LED and directional. Mr. Little confirmed that these are LED but not directional.

No further questions were asked of Mr. Little.

Ms. Kreuzsch asked if there was anyone present that wished to speak in favor or opposition, or if there were any public comments on this case and there were none.

Mr. Barber made a motion that the Zoning Commission find that the proposed major modification complies with the standards of Article 31, Section 3104 and recommend approval of Zoning Case #141-85 a major modification for Hunters Chase Apartments and for lands zoned PD-1 Planned Residential District with the following stipulations:

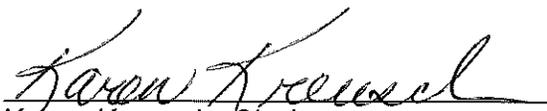
1. The plans meet all Fire District requirements and Montgomery County storm water requirements.
2. Modifications to building colors, lighting, fountains, roofing materials, and pavement are approved.
3. Entry signage is permitted per the drawing. This means two ground signs along Springboro Pike as shown in the plans as part of the entry fencing. No additional ground signage is permitted. The previous ground signage must be removed prior to the issuance of a Zoning Certificate for new signage.
4. No changeable copy signs, banners, or additional signage is permitted. No inflatables, balloons, or other moving or temporary signage is permitted.
5. No modification to the landscaping on the site is permitted until a landscape plan that shows all existing trees on site is permitted and what trees are to be removed is provided and approved by the Zoning Commission.

Ms. Kreuzsch seconded the motion and the vote was all ayes.

Other Business

Ms. Kreuzsch moved to adjourn the meeting at 7:45 PM. Mr. Barber seconded the motion and the vote was all ayes.

Respectfully submitted,
Sarah Hone, Recording Secretary


Karen Kreuzsch, Chair

