

**Miami Township
Zoning Commission
Tuesday September 20, 2016**

Members of the Zoning Commission present:

Mitch McElroy
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

Others Present:

Alan Walsh, 6468 Rucker Road
Greg Smith, 3445 Newmark Road
Danny Nagar, 8561 Mason-Montgomery Road
Joe Lovett, 9612 Wild Ginger Way
Carolyn Root, 6858 Lorien Wood
Adam Zengel, 2431 Vienna Pkwy
Russ Hadick, 6866 Lorien Wood Dr
Steve Pitchell, 5570 Mad River Road

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

Special Announcements

There were none.

Approval of Minutes

Mr. Barber made a motion to approve the minutes from the meeting on January 19, 2016 and Mr. McElroy seconded the motion. Mr. McElroy and Mr. Barber were ayes, Ms. Kruesch and Ms. Griffith abstained. Motion passed.

Ms. Kruesch made a motion to approve the minutes from the meeting on March 15, 2016 and Mr. Barber seconded the motion. Ms. Kruesch, Ms. Griffith and Mr. Barber were ayes and Mr. McElroy abstained. Motion passed.

Ms. Griffith made a motion to approve the minutes from the meeting on May 17, 2016 and Mr. Barber seconded the motion. Ms. Kruesch, Ms. Griffith and Mr. Barber were ayes and Mr. McElroy abstained. Motion passed.

Mr. McElroy made a motion to approve the minutes from the meeting on August 16, 2016 and Ms. Griffith seconded the motion. Mr. McElroy, Ms. Griffith and Mr. Barber were ayes and Ms. Kruesch abstained. Motion passed.

New Business

1. ZC #374-05 – 741 Developers – Major Modification

Ms. Kruesch made a motion to open the case. Mr. McElroy 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 Major Modification to the preliminary development plan. The applicant is requesting to add a hotel use to the development. Staff has worked with the applicant to have the location include walkability and crosswalks, similar to what has been done in other locations throughout the Township. Additional landscaping requirements have been added to the development standards to require a stronger buffer along the east of the property along the residential area. This will be a requirement for approval when the applicant comes before the Commission for a Final Development Plan.

Staff recommended that the applicant be permitted to have two wall signs due to the height of the structure, allowing them to have some visibility as they are in the back of the development. This would be a change to the development standards for any multiple story building. The applicant would still need to meet the standard height and size of the office monument signage.

Mr. Hinkelman then went over the site plan to show where the proposed hotel will be located and again noted that the applicant is only asking for the modification of the standards to permit the usage. The applicant will be required to submit and be approved for a Final Development Plan, which will show the exact location and other details of the proposed hotel use. No request is being made at this time for a specific hotel.

No questions were asked of Mr. Hinkelman.

Ms. Kreusch asked if the applicant would like to step forward and Mr. Greg Smith of the Oberer Companies came forward. Mr. Smith said that Home 2 is looking to purchase land that is large enough to build a four story, high class, quality hotel. Mr. Smith explained that he believes the site is a good use of the land. It will increase the walkability of the development and will help increase business to the restaurants on the site.

Mr. Smith agreed with Staff and is happy to work with them regarding standards that need to be met. If approved they are hoping to come back to the

Commission in January to show the design, which would include crosswalks and signage, with the intention to start construction in Spring 2017.

No questions were asked of Mr. Smith

Ms. Kreuzsch asked if there was anyone present that wished to speak in favor and there was none.

Ms. Kreuzsch asked if there was anyone present that wished to speak in opposition and Mr. Joe Lovett, President of the South Point Villas Owners' Association stepped forward. Mr. Lovett explained that the last time they were before the Commission the developers agreed to put nothing taller than a two story building and now they are talking about a four story building. He would like to go on record that the owners association objects to this. He also noted that when the shrubs are not there, like in the winter, they could see all the way to State Route 741 and the noise at present is bad enough.

Ms. Kreuzsch asked if they are objecting to the height or the use of the building. Mr. Lovett confirmed that at this point they are objecting to both the height and the use of the building. He also stated that they would be more receptive to a two story building, but that this proposed usage would be a twenty four hour operation and previously it was agreed to office buildings which would be an eight to five operation.

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

Ms. Kreuzsch closed the public comment portion of the meeting and the Commission discussed the case.

Mr. McElroy made a motion that the Zoning Commission find that the proposed major modification to the preliminary development plan complies with the standards of Article 31, Section 3104 and recommend approval of Zoning Case #374-05 a major modification to the preliminary development plan for The Exchange at Spring Valley and for lands zoned PD-5 Planned Mixed-Use with the following stipulations:

1. The revised development standards attached and dated September 20, 2016 shall be accepted.

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

2. ZC #222-88 Austin Landing – Major Modification

Mr. McElroy 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 Major Modification to the final development plan for The Flats at Austin Landing. The applicant is requesting changes to signage on the building, which was originally approved two years ago. As the building is close to completion, the signage needs have changed for the applicant. The blade sign originally approved at 40 square feet is now being requested to be 60 square feet, a twenty square foot addition. This is similar to what has previously been approved in other locations within Austin Landing and Staff believes this change is in line with the intent of the standards. The applicant is also showing several other signs throughout the development and Staff would like to clarify with the applicant what signage is allowed and how long it is permitted to be up.

On the southeast section entrance, they have window clings which Staff considers to be temporary signage. In this location specifically, they are permitted to have the permitted square footage three times a year for thirty days. Mr. Hinkelman showed the Commission the locations that the applicant has requested signage and Staff is in agreement. Mr. Hinkelman stated that Staff requests that the Commission approve what the applicant is requesting but allow Staff the ability to administratively approve changes in the future.

Mr. McElroy asked if Staff has discussed with the applicant where they are able to put the temporary signs. Mr. Hinkelman confirmed that Staff has discussed this with the applicant. He also confirmed the intention of the meeting is to be upfront regarding all signage so when they open, the applicant knows what is allowed.

No further questions were asked of Mr. Hinkelman.

Ms. Kreuzsch asked if the applicant would like to step forward and they declined saying Mr. Hinkelman had covered it all.

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

Ms. Kreuzsch closed the public comment portion of the meeting and the Commission discussed the case.

Mr. Barber made a motion that the Zoning Commission find that the proposed major modification to the final development plan complies with the standards of Article 31, Section 3104 and recommend approval of Zoning Case #222-88 a major modification to the final development plan for Austin Landin – Area 1 – Phase 9 (The Flat at Austin Landing) and for lands zoned PD-5 Planned Mixed-Use with the following stipulations:

1. The following signage is permitted on the building:
 - a. One (1) blade sign on the east elevation – maximum of 60 sq. ft.
 - b. One (1) wall sign on the southeast elevation/entrance – maximum of 33 sq. ft.
 - c. One (1) temporary banner on the southeast elevation/entrance in the location shown in the approved drawings, three (3) times per year for 30 days at a time – maximum of 145 square feet.
 - d. Window graphics (26sq. ft.) are permitted per the approved drawings.
 - e. Location numbers are permitted on the building per the approved drawings.
2. Any future request for signage will be permitted administratively through Staff as long as they are under the square footage allowances permitted.

Mr. McElroy second the motion and the vote was all ayes. The motion passed.

3. ZC #271-94 – Zengel Construction – Major Modification

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

Mr. Hinkelman stated the case had been properly advertised. He informed the Commission that the applicant was seeking approval of a Major Modification to the preliminary development plan for the Zengel Planned Development. The applicant is requesting to modify the development standards to permit Lot #7 to have more flexibility with their landscaping and lighting requirements.

The applicant is not requesting any building approval or final development approval of Lot #7 at this time, only modifications to the standards that were previously approved.

Staff discussed the request of the applicant to have a flat roof on the proposed automobile dealership and the request to have more flexibility in the landscaping screening requirements. The proposed language would allow the Zoning Commission to have flexibility to permit evergreens or deciduous trees within the required landscape buffer. The proposed standards would also permit river rock within island beds, which is not generally permitted. Staff has agreed to this request as long as shrubs or other ground cover are located within the islands as well.

The applicant is requesting to have two lighting plans approved – one for daytime and one for nighttime. This request would mean that during the hours of 6AM to 10PM, the area marked on the lighting plan would be permitted to be at 15 foot candles. The remainder of the site would still have to meet the 6 foot candle requirement. At 10PM, the area marked on the lighting plan would need to be reduced to meet the standard of 6 foot candles until 6AM where it again may be increased. This gives the applicant the ability to shine light on the cars during the day and into the early part of the evening. A standard has also been added to

limit the color temperature of the lights. This will accommodate changing studies on light color temperature, which will enable Staff to make changes if studies prove that certain color temperature is detrimental to health.

Ms. Kreuzsch asked if 6AM to 10PM is the standard for other dealerships in the area. Mr. Hinkelman stated that the other dealerships in the area are in the City of Miamisburg or are not in a Planned Development area, and these standards would not be met by them.

Ms. Kreuzsch asked how much impact this high level of lighting will have on the residents. Mr. Hinkelman stated that it will most likely be visible, but that the distance to the residential properties to the east is substantial and there will be a buffer installed to enhance the existing landscaping buffer. These buffers should provide a strong visibility barrier.

No further questions were asked of Mr. Hinkelman.

Ms. Kreuzsch asked if the applicant would like to step forward and Mr. Steve Pitchell, architect came forward. Mr. Pitchell confirmed that they have been working with Mr. Hinkelman on the modifications to the standard that would allow them to move forward and allow the VW dealer to comply with the standards required by VW in Germany. Mr. Pitchell also confirmed that he has been to other dealerships at night and he believes they are a lot brighter than 15 foot candles as a point of reference. This will enable them to sell the cars at night and in the winter time. Many people will drive by at night when they are closed so they will be able to stop and look at a car and still see it.

No questions were asked of Mr. Pitchell.

Ms. Kreuzsch asked if there was anyone present that wished to speak in favor, in opposition or if there were any public comments on this case.

Ms. Carolyn Root stepped forward to ask if these modifications will only apply to Lot #7 including the landscaping. Mr. Hinkelman stated that the changes to the flat roof would pertain only to Lot #7. The changes to the landscaping requirements would be for the entire development. Ms. Root also confirmed that Mr. White has met with the residents to explain the changes and that the residents are happy with these changes.

Ms. Kreuzsch asked if anyone else would like to step forward. There were none.

Ms. Kreuzsch closed the public comment portion of the meeting and the Commission discussed the case.

Ms. Kreuzsch made a motion that the Zoning Commission find that the proposed major modification to a preliminary development plan complies with the standards of Article 31, Section 3104 and recommend approval for Zoning Case #271-94 a major modification to a preliminary development plan for Vienna

Centre – the Zengel Planned Development for lands zoned PD-3 Planned Business District with the following stipulations:

1. The revised development standards attached and dated September 20, 2016 shall be accepted;

Mc. McElroy second the motion and the vote was all ayes.

Work Session

Ms. Kreusch made a motion to go into a work session. Mr. McElroy seconded the motion, and the vote was all ayes.

A Work Session was held to discuss text amendments for Articles 19, 20, 21 and 22. The Commission also discussed a Land Use Map Amendment to the Comprehensive Plan.

Other Business

Mr. Snyder noted that the Annual Dinner and Planning & Zoning Conference at Sinclair are coming up and to contact him with any questions on either event.

Ms. Kreusch moved to adjourn the meeting at 8:35PM. Mr. McElroy seconded the motion and the vote was all ayes.

Respectfully submitted,
Sarah Hone, Recording Secretary



Karen Kreusch, Chair