

**Miami Township
Zoning Commission
Tuesday, May 21, 2019**

Members of the Zoning Commission present:

Michael Pothast, Chairperson
Brent Anslinger
John Barber
Amy Jauch

Members of Township Staff present:

Chris Snyder, Director of Community Development
Kyle Hinkelman, Deputy Director of Community Development

Others Present:

Peter Battaglia, 2500 Newmark Drive
Jon Cowell, 1755 Spaulding Road
Danny Naber, 9400 N Springboro Pike
Ron Combs, 6601 Ledgewood Place
Jane Reed, 2376 Vienna Parkway
Ed Knath, 2161 Wedgewood Drive
Jim Zengel, 6362 Karlsridge Drive
Carolyn Root, 6858 Lorien Woods
Jan Kowal, 6875 Lorien Woods
Mike Madges, 6868 Lorien Woods
Russ Hadick, 6866 Lorien Woods
Carol Hadick, 6866 Lorien Woods
Jane Reed, 2376 Vienna Parkway
Ronald Combs, 6601 Ledgewood Place
Danny Nader, Roosters

Mr. Pothast called the meeting to order at 6:00 P.M.

Special Announcements

None

Approval of Minutes

Mr. Barber made a motion to approve the minutes from April 16, 2019. Mr. Pothast seconded the motion, Mr. Anslinger abstained, and the rest of the votes were all ayes. The motion passed.

New Business

1. ZC #160-85 – Major Modification – 3131 Newmark Drive

Mr. Pothast made a motion to open case ZC #160-85 and Mr. Anslinger seconded the motion. The vote was all ayes and the motion passed.

Mr. Hinkelman came forward and confirmed all the legal requirements had been met and all the surrounding property owners were notified as required.

Mr. Hinkelman explained that the applicant is requesting a modification to the final development plan for a single building sign in the Newmark Center development. He explained that the sign is currently non-conforming and has been in the same location for the last twenty years and the applicant would now like to update the sign. He further noted that staff was unable to approve the request without making changes to the final development plan.

Mr. Hinkelman continued to explain that the request is to rebuild the sign to include more modern panels and use white instead of the current brown on brown and would include an address panel. He further noted that the change would be consistent with other signage in the area.

Mr. Jon Cowell came forward.

Mr. Cowell stated that the current sign was dated and in disrepair. He further noted the new sign would consist of similar aluminum construction to the current sign but would have white vinyl tenant names.

Mr. Pothast asked if there were any further public comments and there were none.

Mr. Pothast made a motion to close the public hearing and move into formal deliberation. Mr. Anslinger seconded the motion and the vote was all ayes. The motion passed.

The commission discussed the case.

Mr. Anslinger made a motion to recommend approval of zoning case #160-85 with no stipulations. Ms. Jauch seconded the motion and the vote was all ayes. The motion passed.

Mr. Hinkelman noted that the commission recommendation would be forwarded to the Board of Trustees at their next regularly scheduled meeting on May 28, 2019.

2. ZC #374-05 Major Modification – The Exchange

Mr. Pothast made a motion to open case ZC #374-05 and Mr. Barber seconded the motion. The vote was all ayes and the motion passed.

Mr. Hinkelman came forward and confirmed that all the legal requirements had been met and all the surrounding property owners notified as required.

Mr. Hinkelman stated that the applicant is requesting to remove an office building from the preliminary development plan and replace it with a parking lot to accommodate overflow parking from the Roosters Restaurant. He noted the restaurant has exceeded the available parking for the restaurant which has created a safety issue and put strain on surrounding businesses.

Mr. Hinkelman noted that if the modification to the preliminary plan is approved, the applicant would then need to then apply for a final development plan that would include a site plan, lighting plan, landscaping, pedestrian plan, and address stormwater.

Mr. Hinkelman clarified that no additional square footage is being added to the restaurant and explained the restaurant has been very successful in that location and when it fills to capacity it creates the parking issue. He explained that the current parking lot cannot accommodate the number of cars during specific times of day and explained the tenant anticipates even more visitors once the seasonal patio is open.

Mr. Anslinger commented that the alternative would be forcing the restaurant to move to a new location.

Mr. Hinkelman stated that the applicant feels the new parking lot is the fastest and best solution under the circumstances.

Ms. Jauch asked if the lot would be shared by the surrounding businesses and Mr. Hinkelman said it would.

Mr. Barber asked when construction would begin if approved.

Mr. Hinkelman stated the applicant intends to apply for the final development plan next month and begin construction as soon as possible.

Mr. Barber asked if there was currently an office building located on the property that needed to be torn down. Mr. Hinkelman explained there was not.

Mr. Danny Nader came forward.

Mr. Nader stated that the restaurant currently seats 360-370 people, has 30-35 employees and 108 parking spaces. He explained that the surrounding businesses did not want to have to tow vehicles and noted it would be a safety risk to ask employees to park 2-3 blocks away in a nearby residential neighborhood and would place an unnecessary burden on that neighborhood.

Mr. Pothast asked if there were any further public comments and there were none.

Mr. Pothast made a motion to close the public hearing and move into deliberation. Ms. Jauch seconded the motion and the vote was all ayes.

The commission discussed the case.

Mr. Barber made a motion to recommend approval of case ZC #374-05 with no stipulations. Ms. Jauch seconded the motion and the vote was all ayes. The motion passed.

Mr. Hinkelman noted that the commission recommendation would be forwarded to the Board of Trustees at their next regularly scheduled meeting on May 28, 2019.

3. ZC #271-94 – Major Modification – Vienna Parkway

Mr. Pothast made a motion to open case ZC #271-94. Mr. Anslinger seconded the motion and the vote was all ayes. The motion passed.

Mr. Hinkelman came forward and confirmed that all the legal requirements had been met and the surrounding property owners were notified.

Mr. Hinkelman explained that the applicant is requesting a major modification to the preliminary plan for Vienna Center. He explained it is approximately a fourteen-acre tract of land located in a "PD-3", a planned business district.

Mr. Hinkelman explained that Vienna Center is divided into ten individual lots which include the Zengel Group offices on Vienna Parkway, and the Volkswagen dealership on State Route 741.

Mr. Hinkelman provided a slide showing the location of each of the lots and explained that no development plans were being requested for lot 1 at this time.

Mr. Hinkelman continued that a roadway is being proposed for lot 2 that would extend Vienna Parkway to State Route 741 that would include a timed intersection, sidewalks, and landscaping.

Mr. Hinkelman stated that a 61,000+ square foot skilled care facility was being proposed for Lot 3A that would include significant grading and a possible retaining wall.

Mr. Hinkelman also stated that a 22,000 square foot memory care facility was proposed for lot 3B and did not include an adequate stormwater basin which would need to be addressed in the final development plan.

Mr. Hinkelman further stated that lots 4 and 5 were existing uses and no changes are being proposed for those lots.

Mr. Hinkelman mentioned that the proposed plan would provide buffers on the outside lots and certain internal lots. He explained the mounding and fencing would be regulated by the existing code requirements.

Mr. Hinkelman further explained that some changes to the development standards are being proposed which would allow skilled and memory care facilities and limit the other types of uses for the development.

Mr. Anslinger asked how the list of uses was determined and Mr. Hinkelman explained that the list is typically taken from the general standards and may be reduced by staff to fit the intent and character of the neighborhood and in this case prevent certain uses such as fast food restaurants.

Mr. Hinkelman stated the intention of the entryway signage is to create Vienna Center branding at the entrance off 741 and noted that the proposed standards would require visible pitched roofs and buildings that consist of 70% brick or stone with lot 5 being exempt.

Mr. Hinkelman stated the required lighting standards would be the same as other districts and would meet the current foot candle requirements that consist of lower light, directional shields, and warmer color temperatures.

Mr. Hinkelman noted the east buffer would have the largest impact and would consist of 20 feet of evergreens, mounding, additional screening and land area.

Mr. Anslinger asked if the final landscaping was still being determined. Mr. Hinkelman explained the proposed landscaping would incorporate grading, the pond, and other things and it would be specified in the final development plan as the engineering of the property may need to be adjusted between the preliminary approval and final development plan.

Mr. Hinkelman commented that multiple options were being considered to attempt to calm traffic.

Mr. Anslinger asked if staff would clarify what attempts might be made to calm traffic.

Mr. Snyder explained that the applicant for this case is the Community Improvement Corporation (CIC) who owns the land and currently has a pending contract with Trilogy Care Service to purchase the land. He noted that Trilogy has hired an architect to design the skilled care facility and that the CIC would need to hire its own architect to engineer the roadway.

Mr. Anslinger asked if Mr. Snyder could explain the history and purpose of the CIC.

Mr. Snyder stated that the CIC is an organization that consists of city or township officials and elected officials that can buy or sell property that may be used primarily for economic development. He clarified that the intent of the CIC is to sell the land to Trilogy for development and construction of the roadway and then Trilogy would donate the roadway to Miami Township for maintenance after it is constructed.

Ms. Jauch asked about the timeline for construction of lot 3B and if the pitched roof line of site included all roadways.

Mr. Snyder stated that there is no timeline for 3B as its development would be dependent upon the skilled care facility.

Mr. Hinkelman explained that the line of site for the pitched roof would be from all roadways and a site line study would need to be provided at the time of the final development plan.

Mr. Peter Battaglia came forward and stated he was representing the engineering company, LJB on behalf of Trilogy.

Mr. Battaglia clarified that there would be no stormwater basins on the property but would instead include stormwater features and the existing feature that carries water on the eastern boundary would remain.

Mr. Jim Zengel came forward.

Mr. Zengel stated he sold the property to the CIC after multiple attempts to sell the property for development that were unable to move forward. He stated that he felt this plan would address many concerns related to traffic, buffering, and lighting. He also wanted to clarify that this case was part of the preliminary approval and that many things would need to be researched and engineered prior to applying for the final development plan.

Mr. Zengel stated he had complete confidence that both Mr. Snyder and Mr. Hinkelman will review and assess every detail as the final development plan is refined.

Mr. Pothast asked if there was anyone to speak in opposition to this case.

Mr. Mike Madges came forward.

Mr. Madges stated he was not necessarily against the plan but had some concerns related to the buffer between the Vienna Park neighborhood and State Route 741. He further requested that the signage as you enter Vienna Park from State Route 741 say "Vienna Park" and match the signage located on Mad River Road. He stated he felt the sign would make it feel more residential because he has safety concerns regarding cars speeding through the neighborhood. He then asked if there was a timeline for completion on the traffic light.

Mr. Snyder stated if the preliminary plan and final development plan are approved in the next couple months then roadway construction is likely to begin in the fall with the traffic signal and final course of asphalt and pedestrian crosswalk being completed by 2020.

Mr. Russ Hadick came forward.

Mr. Hadick explained he lives behind the dealership and has had issues in the past with noise from the dumpster pickup at the dealership. He stated he is worried that the same issue will happen with the businesses in the new development. He requested that a 12-foot fence be installed to help block any noise and light from the development from impacting his property.

Mrs. Carol Hadick came forward

Ms. Hadick stated she lived with Mr. Hadick and she was told before the dealership was constructed that there would be a natural buffer between the properties. She explained when the leaves drop from the trees there is no buffer and the lighting from the dealership shines directly into her home. She requested that a tall fence or evergreens be installed to block the light.

Ms. Jane Reed came forward.

Ms. Reed expressed her concern that when the road goes in it will become a shortcut to the mall area and speeding through the neighborhood will be excessive. She explained that even if people unfamiliar with the area don't know the cut through exists, if it is a shorter drive GPS will navigate cars that direction. She stated she feels there is a safety issue and crime will increase in the neighborhood if the roadway is connected to State Route 741.

Mr. Hadick again came forward and stated that before the cement barriers were installed cars would use the gravel drive as a shortcut and proceed to speed through the neighborhood.

Mr. Anslinger asked if staff could explain what is being looked at to calm traffic.

Mr. Snyder explained there are several things being looked at that should help to reduce volume of traffic and speed once the roadway is connected. He went on to explain how things such as road design, roadway appearance, bike lanes, roundabouts, landscaping, medians, speed bumps, sidewalks, and the curvature of the roadway might all have an impact. He further explained that reasons to choose one or the other are complicated and may cause inadvertent affects such as eliminating the ability to park on the roadway should a bike lane be installed.

Mr. Hinkelman added that stop signs would not be an option in this case as state law prohibits stop signs to be placed for the sole purpose of slowing traffic.

Mr. Anslinger suggested a roundabout may be a better option.

Mr. Snyder stated that all suggestions are welcome and will be considered and more details will become available as plans evolve during the final development plan process.

Mr. Barber asked why not dead-end Vienna park into a cul-de-sac and not connect the roadway.

Mr. Hinkelman explained that the connection of the roadway has been anticipated since the late 1960's and is part of the Montgomery County Thoroughfare Plan.

Mr. Snyder commented if developed plans are not followed it potentially has impact on other roadways not meant to handle that volume of traffic, such as Silvercliff Drive.

Mr. Ronald Combs came forward.

Mr. Combs stated that he lived a few streets over from the proposed development but was also the assistant pastor at St. Henry church and school next door to the proposed Vienna Center.

Mr. Combs stated that he was happy the standards restrict fast food restaurants but does have concerns permitting banks or pharmacies at that location. He stated he felt that banks and pharmacies in general were a robbery risk and should not be placed so close to schools, soccer fields, and skilled care facilities.

Mr. Pothast noted there was no one else present to speak and motioned to close the public hearing portion and move into deliberation. Mr. Barber seconded the motion and the vote was all ayes.

The Commission discussed the case.

Mr. Pothast motioned to recommend approval of the proposed modifications to the preliminary plan ZC #271-94 with one stipulation.

1. The development standards dated May 28, 2019 (for the future Board of Trustees meeting) are adopted as part of the approved plan.

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

Mr. Hinkelman noted that the commission recommendation would be forwarded to the Board of Trustees at their next regularly scheduled meeting on May 28, 2019


Other Business

None

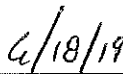
Meeting Close

Mr. Pothast made a motion to adjourn the meeting at 7:40 p.m., Mr. Anslinger seconded the motion, and the vote was all ayes. The motion passed

Respectfully submitted,
Nicole Kessel, Recording Secretary



Chairperson



Date