

**Miami Township  
Zoning Commission  
Tuesday, July 16, 2019**

**Members of the Zoning Commission present:**

John Barber, Chairperson  
Kurt Hatcher  
Amy Jauch

**Members of Township Staff present:**

Kyle Hinkelman, Deputy Director of Community Development

**Others Present:**

Karol Hadick, 6866 Lorien Woods  
Russ Hadick, 6866 Lorien Woods  
Arlene Crawford, 2662 Vienna Estates Drive  
Martin Crawford, 2662 Vienna Estates Drive  
Adam Zengel, 2431 Vienna Parkway  
Michael Irwin, 2274 Vienna Parkway  
Marja Brandly, 2274 Vienna Parkway  
Charles Morgan, 6753 Rosezita  
William Baker, 6754 Rosezita  
Roger Hager, 2332 Spring Rose Drive  
Larry Lehman, 6818 Lorien Woods  
Marilyn Lehman, 6818 Lorien Woods  
Jack Johnson 6849 Lorien Woods  
Pat & Darrel Jones, 2310 Linwald Lane  
Debbie and Tony Groshek, 2635 Vienna Estates Drive  
Ron and Sue Riddle, 2860 Silvercliff Drive  
Thomas Steuer, 2221 Vienna Parkway  
Bob and Deb Russell, 2423 Vienna Parkway  
Greg Smith, 3445 Newmark Drive  
Carolyn Root, 6858 Lorien Woods  
Janet Kowal, 6875 Lorien Woods  
Mike Madges, 6868 Lorien Woods  
Kelly Dewine, 2180 Old Vienna Drive  
Michael Swonson, 6844 Vienna Woods  
Diane Kimpel, 7219 Mohawk Trail  
Nancy Banks, 2371 Vienna Parkway  
Gary Hopper, 2141 Vienna Parkway  
Carol and Jerry Jamieson, 2643 Vienna Estates Drive  
Michael and Virginia Lucisano, 7014 Rosecliff Place  
David Monroe, 6800 Lorien Woods Drive

Morgan Van Lohr, 2196 Old Vienna  
Marilyn Van Lohr, 2196 Old Vienna  
Stacey Soifer, 1851 Cortina Drive  
Tom Stewer, 2221 Vienna Parkway  
Marshal Wareham, 2540 Rose Ridge Court

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

### **Special Announcements**

None

### **Approval of Minutes**

Ms. Jauch made a motion to approve the minutes from June 18, 2019 and Mr. Barber seconded the motion. The votes were all ayes and Mr. Hatcher abstained. The motion passed.

### **New Business**

#### **1. ZC #374-05 – Final Development Plan – The Exchange**

Mr. Barber made a motion to open case ZC #374-05 and Mr. Hatcher 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 was requesting a final development plan for a property on Marketplace Drive in the Exchange to construct a parking lot to provide overflow parking for the Rooster's restaurant across the street. He stated that the applicant would be required to install a stamped or color crosswalk on Marketplace Drive to designate the pedestrian crossing.

Mr. Hinkelman continued that the applicant would install 19 trees on the site which would be four less than required due to the lack of space available to install those four additional trees.

Mr. Hinkelman also noted that a lighting plan was provided showing light poles located inside the islands.

Ms. Jauch asked for clarification regarding the stamped crosswalk and Mr. Hinkelman explained that the requirement would be that the crosswalk be

painted or stamped asphalt. He noted that stamped concrete has been a difficult maintenance issue in other areas of the township.

Ms. Jauch commented about the roadway's visibility and Mr. Hinkelman commented that the road is a private roadway and would not be required to meet the standards required in other higher traffic areas.

Mr. Greg Smith came forward and stated he had no objections to providing the stamped asphalt and/or color painting for the sidewalk.

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

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

The commission discussed the case.

Mr. Hatcher made a motion to recommend approval of zoning case #434-18 with the following stipulation.

1. The sidewalk from the proposed parking lot to the Rooster's restaurant is improved by either color or stamping of the asphalt

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 July 23, 2019 at 6:00 p.m.

Mr. Hinkelman made the correction that the Board of Trustees meeting for this case would take place on August 13, 2019 at 8:00 a.m. and he would be sure to contact the applicant and let them know of this change.

## **2. ZC #271-94 Final Development Plan – Vienna Center – Lot 3A**

Mr. Barber made a motion to open case ZC #271-94 and Mr. Hatcher 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 was requesting approval of a final development plan for lot 3A of the Vienna Center Planned Development. He noted that the Vienna Center development has been divided into six lots, namely

1-5 and 3A, and 3B. Mr. Hinkelman continued that this case specifically pertains to lot 3A.

Mr. Hinkelman explained that the proposed site would have 86% impervious surface, meets all landscaping standards, and would have stormwater quality on site. He explained that the site would have 10 handicap parking spaces and would have a roadway connection on the future Vienna Parkway connection and on State Route 741. He noted that the connection on State Route 741 would only be used for emergency access and would be gated.

Mr. Hinkelman also noted that the Ohio Department of Transportation had some concerns regarding the proposed fire access on State Route 741 and may require the connection be moved from what is currently being proposed.

Mr. Hinkelman provided 3D renderings of the site showing an artist rendering of the grade change between the property and the homes behind it.

Mr. Hinkelman stated that the plan meets all the foot candle requirements for lighting but there was one light where the foot candle would need to be lowered to meet the required standards.

Mr. Hinkelman presented a 3D rendering of the East Elevation that would face Lorien Woods Drive.

Mr. Hinkelman stated that the facility would be a two-story structure and would contain 119 beds of different types. These beds would include 54 skilled care, 23 assisted living, 18 memory care, and 24 apartments. He noted that the memory care facility, located on lot 3B, would be constructed later as needed.

Mr. Hinkelman presented a 3D rendering of the South Elevation that would face Vienna Parkway and noted that the building would have 72% masonry. He noted the building's elevation would be partly buried by the grade of the property and retaining walls.

Mr. Hinkelman stated that an arched entry to the facility would face State Route 741 and there would be a sloped retaining wall with a black galvanized or powder coated black fence on top.

Mr. Hinkelman noted that a dumpster enclosure would be buried into the side of the hill to the southwest of the property and would require a zoning certificate in the future showing all four sides were constructed of brick or stone with a wood or opaque door to help buffer the noise and visibility.

Mr. Hinkelman noted that the mechanicals were located on the rooftop and were screened from view. He further noted that no signage had been requested, although there was potential for the signage to be included on the retaining wall

and they must follow the sign requirements as they are defined in the preliminary development plan.

Mr. Hinkelman noted that a single monument sign would be permitted on the site and that the facility would be responsible for maintenance of all pedestrian connections and sidewalks that are not in the township.

Mr. Hinkelman also noted that per the development standards, trash pickup would be permitted from 6am-6pm. He also noted that the applicant has stated that since this is an independent living and skilled care facility that they share concerns in having residents woken up at unreasonable times or disrupted.

Mr. Hinkelman further commented that some flexibility may be needed with staff regarding the trees on the east side of the property to work through saving existing trees on the property and to provide sufficient buffering.

Mr. Hatcher asked for clarification regarding the fire access on State Route 741 and Mr. Hinkelman stated that fire access may need to be moved 20 feet or so, if so determined by the Ohio Department of Transportation. He further noted that ODOT has requirements as to how far from an intersection access drives are permitted.

Mr. Hatcher asked if the rooftop mechanicals shown in the elevation renderings were accurate and Mr. Hinkelman stated they were not as they had been drawn prior to the final plan.

Mr. Battaglia came forward stating he was the designer for the facility and was happy to answer any questions from the zoning commission regarding the design. The zoning commission had none.

Mr. Barber asked if anyone would like to speak in favor of this case.

Mr. Jim Zengel came forward.

Mr. Zengel commented that he felt this proposed facility was an excellent use of the property, noting that the building grade had been lowered and many concerns had been addressed in the final development plan. He stated that a new development never increases crime or affects surrounding property values negatively. He stated that a subdivision by Ryan Homes was just completed in Washington Township that includes an assisted living facility and property values have not decreased in that area.

Mr. Barber asked if anyone would like to speak in opposition to this case and noted that the intersection and continuation of Vienna Parkway onto State Route 741 would be heard in a separate case, likely this fall.

Michael Irwin came forward.

Mr. Irwin commented that he has concerns regarding Vienna Center and how it may affect the safety, value, traffic, and aesthetics of the neighborhood. He stated he felt that a fifty-year-old roadway plan was obsolete and stated that Vienna Park is a quiet neighborhood and the planned connection to State Route 741 should alternatively be converted into a cul-de-sac.

Mr. Irwin requested he be notified of any future meetings pertaining to Vienna Center.

Mr. Hinkelman stated that any property owner who lives within 300 feet of the proposed development will receive a notification letter via the mail and any future meetings would be posted on the Miami Township website.

Mr. Gary Hopper came forward.

Mr. Hopper asked if the development was contingent upon the connection to Vienna Parkway and State Route 741.

Mr. Hinkelman replied that the development has an expectation that the roadway will be connected to State Route 741 via the preliminary development plan which was previously approved including the roadway.

Ms. Karol Haddick came forward.

Ms. Haddick stated that she lives on the East side of the development and is opposed to a two-story building and parking that faces her property. She stated that she hears the garbage truck at the Volkswagon dealership at 5am and has concerns the same thing will happen in this development. She further requested that all the trees stay to block visibility of this development.

Mr. Russ Haddick came forward.

Mr. Haddick stated that Mr. Zengels comments were unfounded because Zengel homes were better and worth more than Ryan Homes. He stated that he felt the proposed facility was a gorgeous facility but was afraid it would still have a negative effect on his property. He noted that additional trees would help to buffer the property.

Mr. Mike Swonson came forward.

Mr. Swonson asked why the main entrance to the facility couldn't be located where the fire access is being proposed and why they could be tied together.

Mr. Hinkelman stated that the entrance on 741 would be gated and would only serve as access to emergency vehicles in the event of an emergency. He further stated that the original office district plan approved in 1994 also included the

roadway connection and that plan which was approved was now being modified to fit this development.

Mr. Ronald Riddle came forward.

Mr. Riddle stated he was concerned about adding traffic to Vienna Parkway. He asked how the facility can be proposed without discussing the roadway first and why Vienna Center can't be completely enclosed without access to 741. He stated he was concerned how this would effect traffic on Silvercliff.

Stacey Soifer came forward.

Ms. Soifer asked for clarification regarding most of the traffic using the State Route 741 access.

Mr. Hinkelman stated that the likely movements will be from State Route 741 to Vienna Parkway into the proposed development.

Mr. Marty Cox came forward.

Mr. Cox asked who was paying for the traffic light and Mr. Hinkelman replied that he can only comment from a staff level but what is being proposed is the sale of the land to accomodate the roadway and the light to be installed.

Mr. Cox requested further clarification and stated that he wanted to know who was paying for the traffic light.

Mr. Barber stated he did not know who was paying for the traffic light.

Mr. Cox stated he wanted an answer to his question. He stated that no one wanted to pay for the light prior to today but now that trilogy will cover the cost of the light it will be constructed and the county along with ODOT and whoever else wants the roadway is excited about it.

Mr. Cox asked if anyone has asked the applicant to place an entrance on State Route 741.

Mr. Hinkelman replied that the Ohio Department of Transportation will not allow any access from this property onto State Route 741. They have approved a traffic light to be installed at the Vienna Center intersection.

Mr. Cox asked why there were access points for so many other businesses in that location then.

Mr. Hatcher explained that it was a density issue. The other businesses already have access.

Mr. Cox asked for clarification that ODOT would not allow access from the facility onto State Route 741.

Mr. Hinkelman reiterated that he has received an email from ODOT concerning an emergency access point on State Route 741 which can be shared. If Mr. Cox would like to reach out to ODOT directly with his concerns to confirm a full entry point on State Route 741 into the facility would not be approved, he would have that right.

Mr. Cox asked why the access point couldn't be located on the other side.

Mr. Hatcher clarified that an access point would not be permitted anywhere on State Route 741 along the proposed facility.

Mr. Hinkelman stated that it is a distance issue and further noted once the light is installed at State Route 741 and Vienna Parkway is connected, the Ohio Department of Transportation would not allow an access point directly into the facility so close the light.

Mr. Hinkelman noted that a traffic impact study was performed by TEC for the Zengels in 2016 that studied and estimated how traffic flows in the area would be affected and what alternate roadways would be used and how often. Mr. Hinkelman stated that the study shows a light at the intersection of Vienna Parkway and State Route 741, which was shown as warranted in the study.

Mr. Barber encouraged Mr. Cox to come back and attend the Board of Trustees meeting where more information regarding the traffic study may be available.

Mr. Hinkelman offered to help Mr. Cox reach out to ODOT to address his questions and provide any information he may have from ODOT that would help answer his questions. He stated that he cannot speak on the behalf of ODOT.

Mr. Cox explained he felt the decision was made ten years ago when Mapquest gave him directions using Vienna Parkway to State Route 741.

Mr. Hatcher reminded everyone that this case was pertinent to lot 3A not the traffic light.

Mr. Mike Madges came forward.

Mr. Madges stated that he was not necessarily opposed to the development, but he has concerns with the traffic increase reflected in the study showing an increase of 9,000 cars per day using Vienna Parkway.

Mr. Madges continued that he would like to see the applicant consider not connecting the roadway to protect the upscale homes in the Vienna Park neighborhood. He stated that he did not know the data provided by the traffic



study ten years ago. He further stated would like to see Trilogy consider the concerns of the neighborhood as they move forward with the development and leave Vienna Parkway alone.

Ms. Carolyn Root came forward.

Ms. Root stated that she has concerns regarding the buffer between the two properties and would like to see someone work with the applicant on installing trees that are taller than six feet. She continued that she felt this facility was the best option for the property.

Mr. Tom Stewer came forward

Mr. Stewer said that the proposed facility is beautiful and stated he wanted to caution everyone that if this facility is not approved today what comes forward in the future in what may be a worse option.

Mr. Marshal Wareham came forward.

Mr. Wareham proposed that there be a dedicated entrance where the intersection connection would be placed on State Route 741 and then Vienna parkway would remain a dead end.

Ms. Haddick came forward again and stated that if they flipped the design so the two-story portion would face State Route 741 and not the neighborhood that would be better.

Mr. Barber asked if there were any other public comments on this case and there were none.

Mr. Barber motioned that the public hearing portion of the meeting be closed. Ms. Jauch seconded the motion and the vote was all ayes. The motion passed.

The commission discussed the case.

Mr. Hatcher made a motion to approved zoning case # 271-94 with the following stipulations:

1. A dumpster enclosure elevation is provided to staff that is constructed on three sides with the same brick material on the primary buildings with the fourth side having an opaque gate constructed of wood or wood-like materials.
2. A maintenance agreement between the applicant and the Township must be put in place to cover the sidewalk and landscaping along State Route 741 and Vienna Parkway. This agreement must be in place prior to the issuance of a Zoning Certificate.

3. Landscape plan is updated to reflect the correct number of honey locusts (23).
4. Lighting plan is updated to reduce the highest light level to 6.0 foot candles
5. That staff continue to use their flexibility regarding fire access on State Route 741.
6. The applicant come back to staff with more specific plans regarding screening on the east side of the property.

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

**Work Session and Meeting Close**

Mr. Barber made a motion to open a work session. Ms. Jauch seconded the motion and the vote was all ayes. The motion passed.

The commission discussed with staff potential initiation of changes to Article 7 and the development standards under Article 5 & 31 to be updated and streamlined for simplicity and to reflect consistency across all planned developments and accommodate special purpose planned developments.

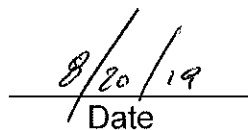
Mr. Barber made a motion to initiate an amendment to Article 7. Mr. Hatcher seconded the motion. The vote was all ayes and the motion passed.

Mr. Hatcher made a motion to initiate an amendment to the planned development zoning standards for Article 5 and 31. Ms. Jauch seconded the motion and the motion passed.

Mr. Barber made a motion to close the work session and adjourn the meeting at 7:36pm. Mr. Hatcher seconded the motion and the vote was all ayes. The motion passed and the meeting was adjourned.

Respectfully submitted,  
Nicole Kessel, Recording Secretary

  
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Chairperson

  
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Date