

**Miami Township
Zoning Commission
Tuesday, August 20, 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:

Matt Worthly, Thomas English
Todd Ford, Woolpert
Steve Erman, 2599 Miamisburg-Centerville Owner
Ric Moody, Real Estate Broker

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 July 16, 2019 and Ms. Jauch seconded the motion. Mr. Pothast and Mr. Anslinger abstained, and the rest of the votes were all ayes. The motion passed.

New Business

1. ZC 439-19 Rezoning into a Preliminary Development Plan

Mr. Pothast made a motion to open case ZC #439-19 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 was requesting a zoning map amendment for a property located on the corner of Mad River Road and Miamisburg-Centerville Road.

Mr. Hinkelman explained that this parcel is currently the only parcel zoned "O-1" in all of Miami Township and noted that staff was in support of removing the "O-1" zoning classification.

Mr. Hinkelman continued that the property has shared parking with other parcels as well as odd shaped boundaries. He noted the request is to rezone the property into two "PD-5", Planned mixed use districts.

Mr. Hinkelman stated the applicant has provided a site, land, and preliminary plan showing demolition of the building and use of the existing parking lot. He further stated that the applicant intends to apply for a final development plan next month to construct a new 3,750 square foot commercial retail building.

Mr. Hinkelman explained that sidewalks are being proposed in the right-of-way and staff recommend a maintenance agreement be put in place that will require the tenant to maintain any sidewalks and landscaping in that location. He further noted that ODOT will require permits for work in the right-of-way and is requesting the township take ownership of the right-of-way prior to implementing a maintenance agreement with the tenant.

Mr. Hinkelman explained that a landscaping and lighting plan were provided and will meet all the standards for a planned development and the building material would meet the requirements as well. He further stated that specific uses would be limited for the property since the location access and parking were limited.

Mr. Anslinger asked if the right-of-way agreement was a common solution and Mr. Hinkelman stated that it was and had been implemented a number of times in the past.

Mr. Anslinger asked if there were any concerns if owners and such were to change over the next twenty years and Mr. Hinkelman stated that the standards in the recorded document would still be required if there was a change of ownership in the future.

Mr. Pothast asked if the building was proposing a single tenant and Mr. Hinkelman confirmed.

Mr. Pothast asked for identification of a section on the property map and Mr. Hinkelman noted that it was a drainage ditch.

Mr. Todd Ford came forward.

Mr. Ford stated that impervious surface would be reduced as the plan calls for more island landscaping.

Mr. Matt Worthly came forward and asked if the commission had any questions of him and there were none.

Mr. Steve Erman came forward.

Mr. Erman stated that he was one of the owners of the property and was in favor of this case. He stated that the building no longer serves a purpose and has been vacant for two years. He noted that the building is not ADA compliant and has fundamental issues.

Mr. Ric Moody came forward and stated that he is the real estate agent. He went into detail about the problems in selling the property mostly pertaining to challenges with the layout and lack of amenities.

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

The commission discussed the case.

The commission voted on the following findings of fact.

- A. The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development, or the proposed development standards where only the proposed uses and development standards are to be adopted, and provides for pedestrian accessibility and connectivity throughout the design.

Ms. Griffith	Mr. Hatcher	Mr. Anslinger	Mr. Pothast	Mr. Barber	Ms. Jauch
-	-	Y	Y	Y	Y

- B. The proposed development and or development standards adequately address issues related to compatibility with adjacent uses, environmental issues, and overall design compatibility, including lighting and landscaping and do so in a manner that improves upon what would could be achieved under the non-PD zoning standards.

Ms. Griffith	Mr. Hatcher	Mr. Anslinger	Mr. Pothast	Mr. Barber	Ms. Jauch
-	-	Y	Y	Y	Y

C. The proposed development and or development standards are intended to produce a superior design and construction than what would normally occur under the non-PD zoning standards;

Ms. Griffith	Mr. Hatcher	Mr. Anslinger	Mr. Pothast	Mr. Barber	Ms. Jauch
-	-	Y	Y	Y	Y

D. The proposal is in accordance with the goals and policies of the Comprehensive Plan;

Ms. Griffith	Mr. Hatcher	Mr. Anslinger	Mr. Pothast	Mr. Barber	Ms. Jauch
-	-	Y	Y	Y	Y

E. The conditions imposed mitigate any potential significant impacts associated with the proposal, including maintaining a minimum 100 foot distance from a business or manufacturing structure to a residential building outside of the Planned Development District, and will not cause an undue burden on public services and facilities including, but not limited to, fire and police protection.

Ms. Griffith	Mr. Hatcher	Mr. Anslinger	Mr. Pothast	Mr. Barber	Ms. Jauch
-	-	Y	Y	Y	Y

Based on these findings of fact, have all the standards of Article 31 for planned developments been met?

Ms. Griffith	Mr. Hatcher	Mr. Anslinger	Mr. Pothast	Mr. Barber	Ms. Jauch
-	-	Y	Y	Y	Y

Mr. Pothast made a motion to recommend approval of zoning case #439-19 with the following stipulation.

1. Development standards attached dated September 10, 2019 are accepted;
2. The applicant provides a recorded maintenance agreement for all sidewalks and landscaping within the right-of-way to Miami Township as part of a Zoning Certificate approval.

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.

2. ZC #440-19 Text Amendment – Article 7

Mr. Pothast made a motion to open case ZC #440-19 and Mr. Anslinger seconded the motion. The vote was all ayes and the motion passed.

Mr. Hinkelman explained that this case pertains to a proposed text amendment to Article 7 of the Miami Township Zoning Resolution. He further explained that this amendment would specifically address existing structures, façade renovations and definitions, multi-tenant buildings, parking spaces, and require existing non-conforming site reviews to be approved by the Zoning Commission.

Mr. Hinkelman explained that part of the intent of these changes is to identify and allow for specific façade building materials that has the same aesthetic value as brick or stone.

Mr. Anslinger asked how pedestrian and bicycle connections are addressed.

Mr. Hinkelman stated that access that is similar to that of any existing adjacent to the property would be required for consistency and discussed the variations of such.

Mr. Hinkelman noted that staff is actively consulting legal counsel and asked the Zoning Commission to continue the case until the next meeting for further details.

Mr. Pothast made a motion to continue the case until the next Zoning Commission meeting on September 17, 2019. Mr. Barber seconded the motion and the vote was all ayes. The motion passed and the case was continued.

3. ZC #441-19 Text Amendment – Article 5 and 31

Mr. Pothast made a motion to open case ZC #441-19 and Mr. Barber seconded the motion. The vote was all ayes and the motion passed.

Mr. Hinkelman explained that this case pertains to proposed text amendments to articles 5 and 31 of the Miami Township Zoning Resolution and that staff also recommends this case be continued until the next Zoning Commission meeting.

Mr. Hinkelman stated that the changes to Article 5 are being requested to accommodate the changes being made to Article 31. He noted the changes being requested for Article 31 involve Planned Developments and would include special purposes.

Mr. Hinkelman noted that the Ohio Revised Code doesn't define Minor Modifications or Major Modifications to planned developments. He further explained that the proposed amendment would help clarify the process and potentially allow approval via the Zoning Commission if all the standards are met

by the applicant, avoiding the need for the applicant to appear in front of the Board of Trustees.

Mr. Snyder added that applicants may still apply the same way as they do now but having this option could potentially streamline and expedite the process for some applicants. He further noted that the surrounding property notices and advertisements would still be required as they are now.

Mr. Hinkelman added that standards for planned developments would reference specific portions of the code which would be auto-updated as those areas referenced are updated.

Mr. Snyder commented on the importance of aligning staff approvals, zoning commission approvals, and Board of Trustee approvals with those requirements stated in the Ohio Revised Code.

Mr. Snyder added that part of the intention of the O.R.C. is to give flexibility to the commission if all the standards have been met.

Mr. Hinkelman stated that these changes would help the township be even more transparent.

Mr. Anslinger asked how these changes might affect Agricultural districts and Mr. Snyder stated that is part of what is being discussed with legal counsel.

Mr. Hinkelman asked that the Zoning Commission continue this case until the following meeting pending legal counsel on some of the details for this case.

Mr. Pothast made a motion to continue the case until the September 17, 2019 Zoning Commission and Mr. Barber seconded the motion. The vote was all ayes and the case was continued to the next meeting.

Meeting Close

Mr. Pothast made a motion to adjourn the meeting at 7:10pm. Mr. Anslinger seconded the motion and the vote was all ayes. The motion passed and the meeting was adjourned.

Respectfully submitted,
Nicole Kessel, Recording Secretary



Chairperson



Date