

**Miami Township
Zoning Commission
Tuesday, August 21, 2018**

Members of the Zoning Commission present:

Brent Anslinger, Chairperson
Karen Kreusch
Michael Pothast
John Barber
Kurt Hatcher

Members of Township Staff present:

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

Others Present:

Michael Cox, 700 Broadway St
John Delverne, 6900 Tylersville Road
John Cody, 1404 Race Street
Kathy Gunckle, 2798 Britwell Court
Dan Stine, 2798 Britwell Court
Gail Croskey, 9858 Summit Point
Chris DeJonghe, 2778 Britwell Court
Amy Kildal, 2784 Britwell Court
Larry Dillin, 3601 Rigby Road
Dobbs Ackermannn, 4030 Smith Road

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

Special Announcements

There were none.

Approval of Minutes

Mr. Pothast made a motion to approve the minutes from May 15, 2018 and Ms. Kreusch seconded the motion. The vote was all ayes and the motion passed.

New Business

- 1. ZC #417-14 9600 Summit Pointe – Austin Park Apartments**

Mr. Anslinger made a motion to open case ZC #417-14. Mr. Barber seconded the motion, and the vote was all ayes. The motion passed.

Mr. Hinkelman confirmed that the surrounding property owners had all been notified and all the legal requirements for this case were met.

Mr. Hinkelman stated this case pertained to Austin Park Apartments located at 9600 Summit Pointe Drive and would affect only the residential portion of the site categorized as phase 4. He further noted that the applicant was asking for modifications to landscaping and a retaining wall on the property.

Mr. Hinkelman explained that the property had recently been inspected and gaps were found to the screening on the east side of the property and referenced photos of that location.

Mr. Hinkelman stated that a retention wall was approved for the property but noted the retention wall that was constructed did not match the plan submitted and approved.

Mr. Anslinger asked if staff felt the landscaping and retaining wall installed was in line with the intent of the previous approval.

Mr. Hinkelman explained that great care was taken in requesting the property utilize existing trees on the property to buffer and fill any gaps with additional landscaping.

Mr. Anslinger and Mr. Hinkelman further discussed defining sufficient screening.

Mr. Snyder noted there was a change of contractors during the construction and that may have caused confusion in implementing the approved plans.

Mr. Hinkelman noted that the applicant has been working with staff to correct the issue and recommended the applicant speak on their own behalf.

Mr. Dobbs Ackermann came forward.

Mr. Ackermann stated that it was his understanding the retaining wall and the landscaping that was recently addressed had been handled correctly and met what was previously approved. He further explained to the Commission in detail the landscaping modifications that were made and how more plants had been added in that location.

Mr. Ackermann also stated he was confused about an additional inspection as it was his understanding all the requirements had been met at a previous meeting with township officials.

Mr. Hinkelman stated that the zoning inspector visited the property and found that the requirements had not been met.

Mr. Anslinger asked if that was still the case today and asked if any of the issues on the property had been addressed already.

Mr. Hinkelman explained that a second inspection may be needed to determine if the requirements have been met.

Mr. Ackermann stated that he was not anticipating additional changes or another inspection to the landscaping modification because he felt all the necessary and requested changes had been made and expressed his frustration and confusion with the process.

Mr. Anslinger confirmed that verifying the requirement was met would need to take place in the field.

Mr. Pothast asked if the requirement has been met then why ask to modify the previous plan.

Mr. Hinkelman explained that a portion of the plan had been field verified by the zoning inspector.

Mr. Anslinger commented that it appears there is a miscommunication between the applicant and the zoning inspector.

Mr. Ackermann explained that the screening requirements had been met according to his meeting with the zoning inspector.

Mr. Anslinger explained that regardless of any conversations held between the applicant and the zoning inspector that a final verification would need to take place.

Mr. Barber asked if it was necessary to continue this case and Mr. Anslinger noted that it is possible to approve the modifications at this meeting without a field verification.

Mr. Hinkelman explained that the Commission had been clear on what level of screening was expected on eastern side of property.

Mr. Ackermann further insisted that the township official gave him the impression that he had the authority to authorize and approve any changes that were made to the landscaping and that any screening requirements had been met.

Mr. Hinkelman informed the Commission that the zoning inspector would only ask that the approved plan be met and would not have the authority to approve any changes to the approved plan.

Mr. Ackermann asked if it would be necessary for the individual who visited the property to speak to the Commission.

Mr. Anslinger noted that regardless there is still potential that the landscaping would need modified.

Mr. Pothast noted that neither would meet the requirement if the pictures show what is there now.

Mr. Hinkelman explained that the modification before the Commission at tonight's meeting is to permit the retaining wall in place now and to modify the landscaping plan. He further noted that it was his understanding that everyone was in agreement to fill in the gaps.

Mr. Ackermann stated that he felt the new plan would better meet the intent and asked for clarification on what those requirements would consist of or noted that everyone would need to come back.

Mr. Anslinger stated there was no benefit to continue this case. He then asked if there were any other public comments in regards to this case.

Mr. Chris DeJonghe came forward.

Ms. DeJonghe came forward and expressed her disappointment with the screening that has been provided between her home and the development. She explained that she felt it should be more of a barrier and include a fence.

Kathy Gunckle came forward.

Ms. Gunckle stated there are huge gaps in the screening and that the plants were bushes not trees and did not provide the barrier that was promised. She noted there were honeysuckle along the property and hoped the development would have removed the honeysuckle and planted trees.

Amy Kildal came forward.

Ms. Kildal stated that in over four years she has dealt with the construction and noise at the property and explained all she wanted was a barrier between her property and Austin Park Apartments. She expressed her disappointment with the screening provided and noted that some of the trees there at present are dying and fears they will not be replaced. She further noted her disappointment

with the lack of evergreens and the available screening in the winter time when the trees present lose their leaves.

Mr. Anslinger asked Mr. Hinkelman to address the variety of trees required as approved right now.

Mr. Hinkelman responded that the plan that was approved consisted of a fence on the northern boundary and landscaping on the eastern end of the property with the intention to use as many existing trees as possible consisting of a mix between deciduous and evergreen trees.

Mr. Anslinger noted that is why field verification is required.

Mr. Hinkelman further noted that unfortunately it would take time for some of those trees to mature. He also noted that shrubs would not count toward the required tree coverage.

Mr. Anslinger noted that if the plan is executed appropriately then the screening would pass the on-site verification.

Mr. Anslinger asked if there was anyone else present to speak in favor or opposition of the case or if there were any further comments. There were none.

The Commission closed the public hearing and proceeded to discuss the case.

Move 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 #417-14 a major modification to the final development plan for Austin Park – Phase 4 and for lands zoned PD-5 Planned Mixed-Use with the following stipulations:

1. The applicant plant additional screening trees, to include evergreen and deciduous in the gaps in screening along the eastern boundary of the property. The location, number, and type of screening tree shall be field verified with Township Staff prior to planting.
2. An updated landscape plan that reflect the location, number, and species of tree shall be provided to the Township.

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

Mr. Hinkelman informed the applicant the Zoning Commission recommendation for this case would be forwarded to the next Board of Trustees meeting on the following for final approval.

2. ZC #222-88 – Area 8, Phase 2 – Austin Landing

Mr. Anslinger made a motion to open case ZC #222-88, Ms. Kreusch seconded the motion, and the vote was all ayes. The motion passed.

Mr. Hinkelman confirmed that the surrounding property owners had all been notified and all the legal requirements for this case were met.

Mr. Hinkelman noted that the applicant was requesting approval for a 12,550 square foot retail building in area 8 of Austin Landing next to the existing Field and Stream. He further explained that the approval would include a dumpster enclosure and a plaza area intended for pedestrian use. He further noted that staff is requesting a lighting plan be submitted for the plaza area.

Mr. Hinkelman spoke to the commission about the elevation variations of the building and how materials being used consisted of brick, split block, glass, and composited wood in order to tie in with the Field and Stream building.

Mr. Larry Dillin came forward.

Mr. Dillin commented on the design process for the building, the intent of the plaza, and further commented how he felt the plaza would dissuade Field and Stream from using the area for storage.

Mr. Anslinger asked if there were any further comments or if there were any other proponents or opponents to come forward in regards to this case. There were none.

The public hearing was closed and the Commission discussed the case.

Mr. Barber moved that the Zoning Commission find that the proposed final development plan complies with the standards of Article 31, Section 3104 and recommend approval of Zoning Case #222-88 a final development plan for Austin Landing - Area 8 – Phase 2&3 and for lands zoned PD-5 Planned Mixed-Use with the following stipulations:

1. Staff may make minor adjustments as part of the issuance of a zoning certificate to landscaping, lighting, and building elevations that are consistent with the general design outlined in the approved plans.
2. The plans meet all Miami Valley Fire District requirements and Montgomery County storm water requirements.
3. The applicant provide specific sheets for the proposed seating on the plaza area prior to the issuance of a Zoning Certificate.

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

Mr. Anslinger stated that the Zoning Commission recommendation for this case would be forwarded to the next Board of Trustees meeting on the following Tuesday for final approval.

Other Business

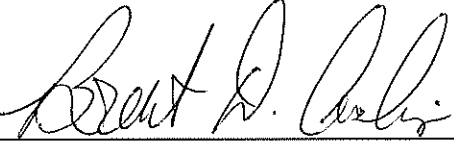
Mr. Hinkelman spoke to the Commission in regards to proposed changes to Article 38 and how front, side, and rear yard requirements affect the placement of accessory structures.

The Commission was in agreement that some changes were needed to allow for placement of accessory structures in locations not currently permitted and discussed what those changes might consist of, how they would be defined, and how they may or may not affect surrounding properties and visibility.

Mr. Hinkelman explained that staff would be coming forward with proposed text reflecting the discussed changes in the near future.

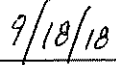
Meeting Close

Mr. Pothast made a motion to adjourn the meeting at 7:35 p.m., Mr. Barber seconded the motion, and the vote was all ayes. The motion passed.



Chairperson

Respectfully submitted,
Nicole Kessel, Recording Secretary



Date