

**MONTGOMERY COUNTY PLANNING COMMISSION
COUNTY ADMINISTRATION BUILDING
451 WEST THIRD STREET
DAYTON, OHIO 45422-1350**

**MINUTES
REGULAR MEETING**

January 11, 2024

The First Regular Meeting of the Montgomery County Planning Commission was held Thursday, January 11, 2024, at 8:40 a.m. in the Tenth Floor Hearing Room, County Administration Building, 451 West Third Street, Dayton, Ohio.

MEMBERS PRESENT: **Gina Coates** **Richard Holmes**
 Sheila Crane **Kiya Patrick**
 Michael Cromartie
 Judy Dodge

OTHERS PRESENT: **Gwen Eberly, Planning Staff**
 Larry Weissman, Planning Staff
 Erin Doherty, Planning Staff
 John Hale, County Environmental Services
 Charles Schaffer, County Engineer's Office
 Mark Stuart, County Engineer's Office
 Kelsey Richards, County Engineer's Office
 Brian Smallwood, Woolpert

MINUTES:

On a motion by Ms. Rice and seconded by Ms. Patrick, it was moved to approve the minutes from the regular meeting held Thursday, December 14, 2023.

All Approved. Motion carried.

FINAL PLATS:

Harrison Township – Our Lady of Mercy Record Plan

Mr. Weissman stated that this item is a Record Plan to create six (6) lots on a total of approximately 7 acres of land located to the southwest of the intersection of Seibenthaler Road and Odlin Avenue, in Harrison Township, and the City of Dayton. Access to the site is available from each of the above mentioned streets, but cross access easements will be utilized for direct access to the lots.

Approximately 2 acres (proposed lots # 5 and #6, fronting of Odlin Ave.) of the plat is located within the City of Dayton, with the remaining acreage being situated within the Township. The

Montgomery County Planning Commission has jurisdiction over that portion of the plat within the Township (Lots #1, #2, #3, and #4 fronting on Seibenthaler Road).

The site contains church buildings (Lots #5 and #6), a parking area on Lot #3, and a school building on Lot #2. The Record Plan will facilitate the transfer of the school building to other parties, while maintaining the flow of traffic within the parking and driving areas serving the church buildings and the school.

The developer will need to obtain approval from the City of Dayton due to the inclusion of the acreage within the City, and will need approval from the County Planning Commission for the platting occurring with the Township. The final Record Plan document will need to show signatures from the appropriate officials of both jurisdictions. The developer is aware of this and has had discussions with the Township and City planning departments to coordinate the overall review and approval of the Record Plan.

Mr. Weissman stated the County Engineer stated that there were no major issues and the Record Plan must show all pertinent notations and data prior to recordation. He stated that County Water Services had no major issues and that all utility services must comply with Department rules and regulations. He stated that the plat is under review for compliance with setbacks and parking requirements with Township Zoning.

Mr. Weissman stated that staff recommends approval of the Record Plan, subject to confirmation of compliance with Township Zoning, and the addition of all necessary notes and data to be shown on the Record Plan.

On a motion by Ms. Crane and seconded by Ms. Patrick it was moved to approve the Harrison Township – Our Lady of Mercy Record Plan.

All approved; Motion carried.

Miami Township – Meijer 103-A Record Plan

Mr. Weissman stated that This item is a Record Plan to create four (4) commercial lots for a Planned Development on a total of approximately 31.62 acres located to the southeast of the intersection of Springboro Pike (SR 741) and W. Alex-Bell Road, in Miami Township. Access to the lots will be from Springboro Pike as well as W. Alex-Bell Road, via an internal drive to be established by the Record Plan.

The site contains a large scale retail store (Meijer) situated on Lot #1, and new retail construction will occur on Lots #2, #3 and #4. Maintenance of the access drives will be included as part of the Planned Development standards, and the Record Plan will include a note assigning responsibility for maintenance of the drives is assigned to the Meijer company.

The Record Plan does not necessitate the installation of any new major public infrastructure.

Mr. Weissman stated that there were no issues from the County Engineer or Township Zoning. County Environmental Services stated that they have no issues, but all services must comply with department rules and regulations.

Mr. Weissman stated that Staff recommends approval of the Record Plan.

Brian Smallwood of Woolpert and applicant for this project introduced himself. He stated that he is working closely with Miami Township on this projects and made himself available for any questions. There were no additional questions.

On a motion by Ms. Coates and seconded by Ms. Patrick it was moved to approve Miami Township – Meijer 103-A Record Plan.

All approved; Motion carried.

Washington Township – Sorrento Section One Record Plan

Mr. Weissman stated that this item is a Record Plan to create 32 lots for a Planned Residential development on a total of approximately 22 acres of land located to the south of W. Spring Valley Pike, approximately 1/3 of a mile to the east of Paragon Road. Access to the lots will be via an internal street system that will be constructed by the developer. The plat will contain two open space/drainage management lots (#s 31 and 32), and 30 lots for to be developed for construction of new homes.

Mr. Weissman stated that there were no issues from the County Engineer or Township Zoning. County Environmental Services stated that they have no issues, but all services must comply with department rules and regulations.

Mr. Weissman stated that Staff recommends approval of the Record Plan subject to approval of the final construction plans by the County Engineer, County Environmental Service, posting of bond or irrevocable letter of credit and execution of the subdividers contract.

On a motion by Ms. Coates and seconded by Ms. Patrick it was moved to approve Washington Township – Sorrento Section One Record Plan.

All approved; Motion carried.

ZONING:

Case ZC-08-23 – Nebiyu Tesfaye

Mr. Weissman stated that the applicant wishes to obtain CS-2 Commercial Service Zoning for a commercial property consisting of approximately 1.73 acres, located to the northeast of the intersection of North Dixie Drive and Neva Drive, in Harrison Township. The applicant wishes to develop the property for use as an outdoor automobile sales business. The property is currently zoned B4 Business, under which automobile sales is not an allowed use.

Mr. Weissman stated that the subject property contains three relatively small commercial buildings that appear to be in need of refurbishing; as well as parking and drive areas. The applicant wishes to demolish one of the buildings and use the space for the used car sales operation. An adjacent

building would be used for office space, and there is another building on site that is associated with a car repair operation that is not in conformance with zoning.

Mr. Weissman stated Surrounding zoning is B4 Business to the north, south and west, and I1 Industrial to the east. Surrounding land uses are commercial and light industry. There are residential land uses within the general vicinity of the site.

Mr. Weissman stated that the applicant states that the requested re-zoning will facilitate the redevelopment of the property by expanding the potential for other uses of the site, and will foster the improvement of the property. The current B4 zoning, and the requested CS-2 zoning are intended for intensive commercial uses serving the general community. However, the B4 Zoning District does not allow used automobile sales. Outdoor display and sales of vehicles and boats is allowed as a Conditional Use under the CS-2 zoning, and as an allowed use under I1 Industrial zoning.

Mr. Weissman also stated that although the Zoning Resolution does impose limits on signage, lighting and noise that may be associated with used car sales lot, such impacts are of a different nature than those typically associated with the general commercial uses allowed under the current B4 zoning of the site and surrounding properties.

Mr. Weissman stated that a considerable potential for reuse or redevelopment of the property appears to be presented by the existing B4 Business zoning, and the surrounding pattern of land use and zoning has been consistent with the intent and standards of the B4 zoning district. The intent of the requested rezoning is specific to the creation of a used auto sales lot, and if granted would not appear to enhance the development potential of the property beyond that use. The rezoning would create a small area of CS-2 zoning within a larger area of B4 Business zoning in which used car sales are not an allowed use; and the existing B4 zoning or the subject property does not preclude redevelopment or improvement of the site.

Mr. Weisman followed by stating that with due regard for the good intentions of the applicant, the information and analysis summarized above indicates that the requested CS-2 Zoning District is not consistent with surrounding land uses and zoning, in that and may disrupt the pattern of land use and zoning surrounding the subject property.

Mr. Weissman stated that based on the above information and analysis, staff recommends the denial of the requested reclassification of the subject property to the CS-2 Commercial Service District.

There was discussion on the current zoning, and if the current facility is conforming and where the zoning for this area ends and begins to allow used car dealerships. Mr. Weissman confirmed the dealerships located to the north on N Dixie were within conforming districts, but did reiterate that this location is currently non-conforming for what the applicant wants.

On a motion by Ms. Dodge and seconded by Ms. Coates it was moved to deny Harrison Township Zoning Case, ZC-08-23 - Nebiyu Tesfaye.

OTHER BUSINESS:

Ms. Eberly stated that new member Jack Kuntz will be in attendance at the next meeting and reminded planning Commission Members that there are still two vacancies on the committee.

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:00 am.



Tawana Jones
Executive Director



Planning Commission Chairperson

Date Approved: _____