

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

**MINUTES
REGULAR MEETING**

November 12, 2020

The Ninth Regular Meeting of the Montgomery County Planning Commission was held Thursday, November 12, 2020, at 8:30 a.m. by video conference via Zoom.us due to the COVID-19 Pandemic. This meeting will be livestreamed on the county's Facebook page (@Montgomery County) per guidelines approved by HB 197.

MEMBERS PRESENT: *Sheila Crane* *Richard Holmes*
 Michael Cromartie *Deborah Lieberman*
 Carl Daugherty *Carolyn Rice*
 Judy Dodge *William Uhl, II*
 Doug Harnish *James Zengel*

OTHERS PRESENT: *Gwen Eberly, Planning Staff*
 Larry Weissman, Planning Staff
 Angela Swartz, Planning Staff
 Bert Kelsey, County Engineer's Office
 Charles Schaffer, County Environmental Services Dept.
 Nathaniel Peterson, County Prosecutor Office
 Mary Zoller, BCC Administrative Secretary
 Greg Smith, Oberer for Aberdeen Plat
 Bob Krohngold, for Aberdeen Plat
 Halie Sewell, German Township Zoning
 Kyle Hinkleman, Miami Township
 Alex Carlson, Miami Township

MINUTES:

On a motion by Mr. Daugherty and seconded by Mr. Holmes it was moved to approve the minutes from the Regular Meeting held Thursday, October 8, 2020.

On a call of roll: Ms. Crane, abstained; Mr. Cromartie, aye; Mr. Daugherty, aye; Ms. Dodge, aye; Mr. Harnish, aye; Mr. Holmes, aye; Ms. Lieberman, aye; Ms. Rice, abstained; Mr. Uhl, abstained; Mr. Zengel, aye; Motion carried.

ZONING:

Z009-39 ZC – German Township

Mr. Weissman stated the owner of the subject property has applied for a rezoning of the property to Office Residential OR-1. The property is currently bifurcated by two zoning districts – Agriculture and Residential. The applicant wishes to establish an office from which he will operate a small business under the auspices of the requested OR -1 District.

The property is located to the west of Eby Road, north of the intersection of Eby Road and SR 4, in an area predominated by residential use. The neighborhood also contains some mixed uses and mixed zoning. While there are non-residential properties within the vicinity of the subject property, there are residential land uses directly adjacent to the property. The Long Range Plan designates the subject and vicinity as Agricultural.

Land use to the north is residential and is zoned R1. Land use to the west is residential and is zoned A-Agriculture. Land to the south is vacant, and is zoned A-Agriculture. Land use to the east of Eby Road at this location is a mixture of commercial zoning and commercial uses (to the north), and residential zoning and residential uses to the south.

The subject property contains considerable slopes and heavy brush, and a barn undergoing improvement. The applicant wishes to use the barn, once converted, for business use.

The OR-1 Office Residential District is intended for low intensity office or residential use that accentuates the quality of life within residential neighborhoods. Examples of allowed uses in the OR-1 District are professional offices for single operators, and single - family homes.

Among the uses that would not be allowed within the OR-1 District would be retail uses, eating establishments, theaters and sporting facilities. Under OR-1 zoning, all office activities must be conducted indoors, except for vehicle parking. Structures must retain a residential character as to height and bulk to produce compatibility with surrounding residential uses.

The applicant is requesting a low intensity district to allow either a small business office or residential land use to be conducted on the subject property. While the overall direction of land use decisions in the vicinity should be toward agriculture, the Long Range Plan recognizes that some residential and business activity will occur in the vicinity of SR 4 and Eby Road. A limited amount of economic diversity at this location is viewed as a potential benefit to residents, provided that nearby residential uses are adequately buffered from any new business activity.

Given the limitations on height, bulk and use contained within the OR-1 District, the rezoning of the subject corner property to that district would meet the spirit of the Long Range Plan, and would not contravene the pattern of land use in the vicinity. The requested District is specifically intended to be compatible with residential uses, and is well placed at an intersection of a state highway and major collector street.

Based on the above information and analysis, staff recommends approval of the requested rezoning to the OR-1 OFFICE RESIDENTIAL DISTRICT.

On a motion by Ms. Rice and seconded by Ms. Dodge it was moved to approve Zoning Case 2009-39 ZC in German Township.

All approved; Motion carried.

ZC 03-20 – Harrison Township

Mr. Weissman stated the Trustees have initiated this case in order to establish zoning definitions associated with massage businesses, and to include such businesses in the I 2 General Industry District. The Township Zoning Map shows that some areas of I2 zoning exist to the east of Webster Street.

The Township Zoning Resolution does not contain provisions specific to massage services, either in the definitions or any of the zoning districts.

Under the provisions of the proposed text, unlicensed massage practitioners and massage establishments would be recognized, and allowed in the I2 District. No changes would be made to the status of licensed massage professionals. The proposed definitions exclude state licensed health professionals, a category includes licensed massage therapists

The inclusion of massage establishments as defined by the proposed revision in the I2 District does not seem to pose a disruption of the land use pattern. The relative intensity of such uses is unlikely to disrupt or be disrupted by, any nearby industrial uses. However, the Trustees may wish to consider further specifications clarifying the status of licensed massage professionals.

Based on the above information and analysis, staff recommends approval, with the comment that the Trustees examine the prospect of addressing licensed massage practice as a distinct land use by definition and inclusion in a specific commercial zoning district.

On a motion by Mr. Zengel and seconded by Mr. Daugherty it was moved to approve Zoning Case ZC 03-20 in Harrison Township.

On a call of roll: Ms. Crane, abstained; Mr. Cromartie, aye; Mr. Daugherty, aye; Ms. Dodge, aye; Mr. Harnish, aye; Mr. Holmes, aye; Ms. Lieberman, aye; Ms. Rice, aye; Mr. Uhl, aye; Mr. Zengel, aye; Motion carried.

ZC 04-20 – Harrison Township

Mr. Weissman stated the owner/applicant has requested R8 (Mobile Home Residential zoning to replace the current A Agriculture zoning of the subject property. The owner wishes to pursue construction of a manufactured home community as an expansion of an existing such community to the west. That westerly property is within the City of Dayton, and is zoned R7, which allows mobile home parks.

The property contains approximately 11.3 acres, and is located to the north of Needmore Road, and to the east of Wagoner Ford Road.

The subject property is unusually situated, in that it borders multiple jurisdictions. The City of Riverside is to the east (zoned Campus 1, owned by Five Rivers Metro Park); the City of Dayton is to the west (zoned R7, containing Sunny Acres Manufactured Home Park); The City of Dayton is to the south (industrial and recreational uses, zoned I-2); and Harrison Township is to the north (farmland zoned F Floodplain).

Land use and zoning to the north, east and west are compatible with the proposed zoning district. While continuation of the pattern set to the west is logical and efficient, the Trustees may wish to note the potential for conflict with future land uses in the I-2 Industrial district to the south, in the City of Dayton. However, that land is being used for private recreational purposes within a large single property, and the I-2 District is not intended for heavy industrial use. Overall, the merits of the proposed zoning to allow the expansion of an existing use on an adjacent parcel seem to outweigh the limited potential for conflict with future uses that may emerge in adjacent jurisdictions.

Based upon the above stated information and analysis, staff recommends approval of the requested R-8 Mobile Home Park District.

There was a brief discussion about the site and the nearby flood plains.

On a motion by Mr. Cromartie and seconded by Ms. Crane it was moved to approve Zoning Case ZC 04-20 in Harrison Township.

All approved; Motion carried.

Z-729 – Washington Township

Mr. Weissman stated the applicant/owner has requested approval of a concept plan for a Planned Residential Development on approximately 3.7 acres of land, located to the west of McEwen Road, and south of the Interstate 675. The property is currently zoned for Planned Office Development (PD-O2), and is vacant.

The proposed development consists of 37 attached single-family dwelling units, in eleven three-story buildings, accessed from a common circular landscaped drive, with on-site parking.

Zoning and land use to the east is commercial (commerce park, zoned I-1), land use to the south is zoned PD-O2 and contains a single user office, land to the west is vacant and zoned PD-O2, land to I675 is directly to the north.

The plan seeks to maximize the utility of the property by creating residential densities already established to the south, and to utilize the existing public infrastructure to support the new households.

The plan contains a higher density, reduced street setbacks and taller building heights than would be available through regular single-family zoning. By presenting the entirety of the development

is a single development package, the applicant believes these variances can be successfully managed to blend well within a residential setting.

The project will require approval of a Final Development Plan by the Township, showing more details, including building exteriors and amenities.

The applicant has submitted a concept plan that shows a logical and viable lay out of the buildings, traffic circulation and landscaping, and presents a level of development that is consistent with surrounding land uses. The intensity of the proposed development is similar to that of adjacent land uses, and is consistent in character with multifamily development to the south .The developer has presented a development concept which shows how the increased densities can work to create a viable residential development. The Final Development Plan will need to include adequate detail for the management of building exteriors, roof treatments and perimeter landscaping.

Based on the above information and analysis, staff recommends approval of the requested PD-R Residential District.

There was a brief discussion about the site location.

On a motion by Mr. Zengel and seconded by Mr. Uhl it was moved to approve Zoning Case ZC-729 in Washington Township.

All approved; Motion carried.

FINAL PLATS:

Aberdeen Plat, Section 1 – Miami Township

Mr. Weissman stated this is a residential plat which has only .993 acres of land within Miami Township, while the remainder of the 13.22 acre plat is within the City of Miamisburg. The acreage within the Township is located to the northwest of Medlar Road. The developer will dedicate and construct the necessary improvements on Medlar Road, from which this Section of the Aberdeen development will be accessed. The Aberdeen development will eventually be accessible from Miamisburg Springboro Road as well.

The Record Plan will create 39 lots, one of which will be within the Township. An open space lot and utility easement area will also be created within the .993 acres that falls within the boundaries of the Township.

Staff recommends approval, subject to approval of the final construction plans by the County Engineer, County Environmental Services, posting of bond or irrevocable letter of credit and execution of the subdividers contract.

On a motion by Mr. Daugherty and seconded by Ms. Lieberman it was moved to approve the record plan for Aberdeen Plat, Section 1 in Miami Township.

All approved; Motion carried.

Washington Trace, Section 14 – Washington Township

Mr. Weissman stated this is a Record Plan to plat 27 residential lots and a public street on a total of 8.6 acres, located at the current terminus of Reeder Circle. The lots will be accessed from Reeder Circle, which provides connectivity to both Social Row Road and Sheehan Road. The lots will be served by public water and sewer, and storm sewer.

Staff recommends approval subject to approval of the final construction plans by the County Engineer, County Environmental Services, posting of bond or irrevocable letter of credit and execution of the subdividers contract.

On a motion by Ms. Crane and seconded by Mr. Uhl it was moved to approve the record plan for Aberdeen Plat, Section 1 in Miami Township.

All approved; Motion carried.

PLATS - REAPPROVALS:

Kinred Bowling – Harrison Township *(0)

Trails of Saddle Creek, Section 10-A - Washington Township *(0)

Washington Glen, Section 1 – Washington Township *(0)

Washington Glen, Section 2 – Washington Township *(0)

Mr. Weissman indicated that the aforementioned plats have not been recorded within the 120-day time frame and are on the agenda for reapproval.

On a motion by Mr. Zengel and seconded by Ms. Dodge, it was moved to recommend reapproval of Kinred Bowling in Harrison Township, Trails of Saddle Creek, Section 10-A in Washington Township, Washington Glen, Section 1 in Washington Township and Washington Glen, Section 2 in Washington Township.

All approved; Motion carried.

There being no further business to come before the Planning Commission, the meeting was adjourned.

Erik Collins
Executive Director

Douglas Harnish
Chairman

Date Approved: _____