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

MINUTES
REGULAR MEETING

April 11, 2019

The First Regular Meeting of the Montgomery County Planning Commission was held *Thursday, April 11, 2019, at 8:45 a.m.* in the Tenth Floor Hearing Room, County Administration Building, 451 West Third Street, Dayton, Ohio.

MEMBERS PRESENT:

Sheila Crane
Michael Cromartie
Carl Daugherty
Judy Dodge
Doug Harnish
Richard Holmes
Carolyn Rive
William Uhl
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.
Alex Hale, Montgomery County Prosecutor's Office
Michael Athan, M/I Homes
Steve Lisle, Reinke

MINUTES:

On a motion by Ms. Crane, and seconded by Mr. Zengel, it was moved to approve the minutes from the Regular Meeting held Thursday, February 14, 2019.

All approved; Motion carried.

ZONING:

ZC -2-19 Butler Township

Mr. Weissman stated an application has been filed seeking to reclassify approximately 14.97 acres of land from the current CM Cemetery District to the LSC 2 Local Service and Commercial District. The subject property is located to the west of the intersection of N. Dixie Drive and Sudachi Drive in Butler Township. The property is vacant, and was previously the site of the Merlin Heights Elementary School.

The current CM Cemetery District zoning severely limits the utility of the property. The applicant does not operate cemeteries and wishes to obtain LSC2 zoning in order to facilitate the use of the property for commercial purposes similar to current zoning and land uses lying to the east and north. Land to the west has been zoned and developed for residential use.

The LSC 2 District is a medium intensity commercial district intended to serve households and businesses within the Township and nearby communities. Typical principal uses include retail stores, restaurants, professional offices, clinics and banks. The District includes standards for separating and buffering commercial activity from adjacent residential properties.

The Comprehensive Land Use Plan designates the property as commercial. Much of the property is immediately adjacent to commercial land uses along N. Dixie Drive, suggesting that similar commercial use of the subject site would conform to the overall pattern of land use in the vicinity. Residential properties to the west will be separated and buffered from any new use of the site.

Given the intensity of land uses and zoning along N. Dixie Drive the proposed LSC 2 District appears to be consistent with the predominate pattern of land use, although the enforcement of zoning buffers and other site design measures may be necessary to adequately separate any new commercial uses from residential uses to the west

As an alternative to the LSC 2 District, the Zoning Commission and applicant may wish to consider the use of a Planned Development Business District to the site, to allow for a more specialized lay out of open space areas and future uses.

Based upon the above information and analysis, staff recommends approval of the requested rezoning.

On a motion by Mr. Holmes, and seconded by Mr. Uhl, it was moved to recommend approval of ZC 2-19 in Butler Township as recommended by the Planning Staff.

All approved; Motion carried.

ZC -435-19 Miami Township

Mr. Weissman stated an application has been initiated for the revision of Article 3 of the Township Zoning Resolution. The revision will change language that relates to the exemption of certain agricultural and agritourism uses from zoning regulations. The intent and apparent effect of the revisions is to simplify the process of obtaining such exemptions, and more clearly align the zoning text with the language of the statutory exemptions for agriculture and agritourism.

Under the Ohio Revised Code, as well as the Township Zoning Resolution, agriculture and agritourism are generally exempt from zoning regulations. However, the Revised Code does grant townships the authority to regulate parking, access and building set backs associated with agritourism. The current text of Article 3 defines, and exempts agriculture and agritoursim from zoning regulations.

The proposed revision replaces current language defining agriculture and agritourism with language from relevant sections of the Ohio Revised Code. The revision will also establish a process by which agricultural exemptions may be approved by staff, subsequent to submission of an application and site plan; and will create a format for the staff level review of applications for approval of agritourism enterprises.

The format for agritourism enterprises will include a general definition of agritourism, and an application and site plan review process to assure compliance with standards for minimum building set backs, and parking areas (¼ acre minimum), and review requirements for safe access. Staff has consulted with the Prosecutor's staff in light of the emergent status of agricultural exemptions from local zoning. The proposed standards are consistent with the enabling legislation, except that the statute does not expressly mandate review of access or ingress and egress by any specific county offices, while the proposed standards require review by the County Engineer and County Building Regulations Division. Should those reviews be unavailable in any given case, Township officials would need to obtain other means of securing those reviews, but the remainder of the regulations would remain intact and enforceable.

The proposed standards and procedures are consistent with statute, are logically and directly related to basic safety, and are clearly stated.

Based on the above information and analysis, staff recommends approval of the requested text amendment.

On a motion by Mr. Zengel, and seconded by Mr. Daugherty, it was moved to recommend approval of ZC 435-19 in Miami Township as recommended by the Planning Staff.

All approved; Motion carried.

ZC -436-19 Miami Township

The Zoning Commission wishes to amend Article 3, SECTIONS 38 (ACCESSORY AND TEMPORARY USES) and 39 (EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS) .of the Township Zoning Resolution. The purpose of the amendment is to consolidate regulations for temporary and accessory uses and structures, walls and fences into a single Article (Article 38).

No new standards or uses are created by this amendment, but a revision of Article 38 will use diagrams and a chart to better communicate the accessory uses allowed in various zoning districts, as well as their attendant standards. Also, existing standards for the various above listed uses will be consolidated into a single section (38.03) of the revised Article. The remainder of Section 39 will remain intact.

The requested amendments will streamline the text of the Resolution, by consolidating the location of similar standards within the Zoning Resolution, as will the use of the proposed chart. The amendments are clearly formatted and logical.

Based on the above information and analysis, staff recommends approval of the requested text amendments.

On a motion by Ms. Crane, and seconded by Mr. Uhl, it was moved to recommend approval of ZC 436-19 in Miami Township as recommended by the Planning Staff.

All approved; Motion carried.

ZC -437-19 Miami Township

The Township Zoning Commission has initiated a text amendment case to revise Article 6 of the Township Zoning Resolution in order to remove the requirement for County Planning Commission review and comment prior to the adoption of amendments to the zoning map or text.

Under a recently enacted statute, limited home rule Townships (such as Miami Township) may adopt zoning procedures by which zoning map and text amendment cases are no longer referred to the County Planning Commission for recommendations prior to action being taken on the cases by the Township government.

The proposed amendment will remove language from Article 6, which mandates referral of zoning map and text amendment cases to the County Planning Commission.

The amendment is consistent with the relevant statutes that govern Township zoning, and is worded clearly. Continuity with County planning and subdivision activity does not appear to be impaired by the amendment.

The amendment will not alter the process of plat and lot split review by the County Planning Commission. County Planning Commission staff will continue to include land within unincorporated Miami Township in long range comprehensive planning. The Township Trustees are authorized by statute to formulate and adopt a Township Comprehensive Plan, and have done so. That plan is mirrored by the Miami Township section of the current County Comprehensive Long Range Land Use Plan. Updates to the County Plan will continue to incorporate the outcome of long-range plans that are adopted by the Trustees.

Based upon the above information and analysis, staff recommends approval of the requested text amendment.

On a motion by Ms. Rice, and seconded by Mr. Cromartie, it was moved to recommend approval of ZC 437-19 in Miami Township as recommended by the Planning Staff.

ZC -438-19 Miami Township

The Zoning Commission wishes to amend Article 3, SECTIONS 38 (ACCESSORY AND TEMPORARY USES) and 39 (EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS) .of the Township Zoning Resolution. The purpose of the amendment is to consolidate regulations for temporary and accessory uses and structures, walls and fences into a single Article (Article 38).

No new standards or uses are created by this amendment, but a revision of Article 38 will use diagrams and a chart to better communicate the accessory uses allowed in various zoning districts, as well as their attendant standards. Also, existing standards for the various above listed uses will be consolidated into a single section (38.03) of the revised Article. The remainder of Section 39 will remain intact.

The requested amendments will streamline the text of the Resolution, by consolidating the location of similar standards within the Zoning Resolution, as will the use of the proposed chart. The amendments are clearly formatted and logical.

Based on the above information and analysis, staff recommends approval of the requested text amendments.

On a motion by Mr. Uhl, and seconded by Ms. Crane, it was moved to recommend approval of ZC 438-19 in Miami Township as recommended by the Planning Staff.

FINAL PLATS:

The Trails of Saddle Creek, Section 10 – Washington Township

Mr. Weissman stated the developer has submitted a Record Plan to plat 20 lots (18 buildable, 2 open space- storm water management) on a total of 9.19 acres. The lots will be accessed from an extension of Horseshoe Bend Road, to be constructed as a public street by the developer. Horseshoe Bend Road connects to Saddle Creek Road, which will provide connectivity to Clyo Road to the north, and to Nutt Road to the south. Public water and sewer will serve the development.

Staff recommends approval of the Record Plan, subject to approval of the final construction plans by the County Engineer, County Water Services, posting of bond or irrevocable letter of credit and execution of the sub divider's contract.

On a motion by Mr. Holmes, and seconded by Mr. Zengel, it was moved to recommend approval of the final plat for The Trails of Saddle Creek, Section 10 in Washington Township as recommended by the Planning Staff.

All approved; Motion carried.

The Village of Winding Creek, the Springs at Winding Creek, Section 4 – Washington Township (Revised)

Mr. Weissman stated the developer has submitted a Record Plan the developer has submitted a Record Plan to plat 32 lots for single family residential development on a total of approximately 22.86 acres. The lots will be accessed via an internal system of public streets that will be constructed by the developer for this section. The streets (Fairwater Springs Drive and Elk Creek Drive) will provide connectivity to SR 48 to the west and Social Row Road to the north. The

section will be served by pubic water and sewer and will utilize a regional detention facility for management of storm water run-off.

Staff recommends approval, subject to approval of the final construction plans by the County Engineer, County Sanitary Engineer, posting of bond or irrevocable letter of credit and execution of the sub divider's contract.

On a motion by Ms. Crane, and seconded by Ms. Dodge, it was moved to recommend approval of the final plat for The Village of Winding Creek, the Springs at Winding Creek, Section 4 in Washington Township (Revised) as recommended by the Planning Staff.

All approved; Motion carried.

Wynstone, Section 4 – Washington Township

Mr. Weissman stated the developer has submitted a Record Plan to plat 18 lots within the Wynstone planned residential development on a total of approximately 10.88 acres. Two of the lots will be reserved for open space and storm water management. The lots will be accessed from Stepping Stone Court – a public street that the developer will construct for this section. Connectivity to Clyo Road to the north and SR 48 to the distant west will be available via the street system serving the already developed sections of the Wynstone subdivision. Public water and sewer will serve the development.

Staff recommends approval, subject to approval of the final construction plans by the County Engineer, County Water Services, posting of bond or irrevocable letter of credit and the execution of the sub divider's contract.

On a motion by Mr. Daugherty, and seconded by Mr. Zengel, it was moved to recommend approval of the final plat for The Village of Winding Creek, the Springs at Winding Creek, Section 4 in Washington Township (Revised) as recommended by the Planning Staff.

REPLATS:

The Trails of Saddle Creek, Section 5-B (re-plat of lot 117) – Washington Township

Mr. Weissman stated a Record Plan has been submitted to replat a developed residential lot (Lot #117) by adding approximately .49 acres of unplatted vacant land to the existing lot. The addition will provide more open space for lot being replatted. No public improvements are necessitated or impacted by this replat.

Staff recommends approval of the Record Plan.

On a motion by Mr. Zengel and seconded by Ms. Rice, it was moved to recommend approval of the replat for The Trails of Saddle Creek, Section 5-B (re-plat of lot 117) in Washington Township as recommended by the Planning Staff.

All approved; Motion carried.

PLATS – REAPPROVAL:

7470 Miller Lane - Butler Township (*4)

Cadie Ave – Harrison Township (*8)

*(Indicates number of reapprovals)

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. Daugherty and seconded by Ms. Dodge, it was moved to recommend reapproval of 7470 Miller Lane in Butler Township and Cadie Ave in Harrison Township.

There being no further business to come before the Subdivision Review Committee, the meeting was adjourned.

Erik Collins
Executive Director

Douglas Harnish
Chairman

Date Approved: 5-9-19