



CITY COMMISSION MEETING AGENDA

CITY COMMISSION

DAYTON, OHIO

JANUARY 15, 2020

6:00 P.M.

I. AGENDA SCHEDULE

Please register to speak on items 9, 11 and 13 with the Clerk of the Commission.

(Sign-up sheets at entrance of Commission Chambers.)

1. Call Meeting to Order
 2. Invocation
 3. Pledge of Allegiance
 4. Roll Call
 5. Approval of Minutes
 6. Communications and Petitions Distribution (if any)
 7. Special Awards/Recognition
 8. Discussion of City Manager's Recommendations (See Section II)
 9. Citizen Comments on City Manager's Recommendations
 10. City Commission Action on City Manager's Recommendations
 11. Public Hearing: **(See Section V)**
 12. Discussion Item: **N/A**
 13. Comments by Citizens - Please register to speak with the Clerk of Commission - (Non - Calendar items) sign-up sheets at entrance of Commission Chambers
 14. Comments by City Manager
 15. Comments by City Commission
 16. Work Session: **N/A**
 17. Miscellaneous (See Section VI)
-

IV. LEGISLATION:

Emergency Resolution – First and Second Reading:

1. **No. 6470-20** Amending Resolution No. 6467-19 Which Authorized the City Manager to Accept a Donation of Two (2) Dual Output Gateway North America, Bollard Electric Car Charging Units with One (1) Year of Services Valued at THIRTY-SEVEN THOUSAND THREE HUNDRED NINETY-FIVE DOLLARS AND ZERO CENTS (\$37,395.00), and Declaring an Emergency.

Ordinance – Second Reading:

2. **No. 31786-20** To Vacate Hunter Avenue from Leo Street to Windham Street and the Eastern Eight Feet of the Alley East of Hillrose Avenue from the South Property Line of City Lot #33819 to Windham Street.

V. PLANNING ACTION

A. PUBLIC HEARING:

3. To repeal existing Planned Development PD-53, replace it with Planned Development PD-177, and zone all property within the boundaries of PD-177 EGC Eclectic General Commercial. This will allow SugarCreek company to reuse the former Kroger store at 900 North Gettysburg Avenue for the warehousing and storage of equipment and other uses associated with the business – Case No. PLN2019-00586.

VI. MISCELLANEOUS:

ORDINANCE NO. 31789-20

RESOLUTION NO. 6471-20

IMPROVEMENT RESOLUTION NO. 3598-20

INFORMAL RESOLUTION NO. 974-20

1st and 2nd Reading 1.
6470-20

By:.....

No

A RESOLUTION

Amending Resolution No. 6467-19 Which Authorized the City Manager to Accept a Donation of Two (2) Dual Output Gateway North America, Bollard Electric Car Charging Units with One (1) Year of Services Valued at THIRTY-SEVEN THOUSAND THREE HUNDRED NINETY-FIVE DOLLARS AND ZERO CENTS (\$37,395.00), and Declaring an Emergency.

WHEREAS, Resolution No. 6467-19, passed on December 30, 2019, authorized the City Manager to accept a donation of two (2) Dual Output Gateway North America, Bollard Electric Car Charging Units with One (1) Year of Services; and,

WHEREAS, A clerical error contained in the Caption and Section 1 of Resolution No. 6467-19 incorrectly stated the City would be accepting two (2) charging units, whereas the City will actually be accepting four (4) charging units; and,

WHEREAS, It is necessary for the immediate preservation of public peace, property, health, and safety that this Resolution take effect at the earliest possible date; now, therefore,

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That the Caption of Resolution No. 6467-19 is amended to read as follows:

Amending Resolution No. 6467-19 Which Authorized the City Manager to Accept a Donation of Four (4) Dual Output Gateway North America, Bollard Electric Car Charging Units with One (1) Year of Services Valued at THIRTY-SEVEN THOUSAND THREE HUNDRED NINETY-FIVE DOLLARS AND ZERO CENTS (\$37,395.00), and Declaring an Emergency.

Section 2. That Section 1 of Resolution No. 6467-19 is amended to read as follows:

That this Commission approves and accepts the donation of four (4) Dual Output Gateway North America, Bollard Electric Car Charging Units with One (1) Year of Services valued at THIRTY-SEVEN THOUSAND THREE HUNDRED NINETY-FIVE DOLLARS AND ZERO CENTS (\$37,395.00) from Constellation Energy.

Section 3. That all other sections of Resolution 6467-19 remain in full force and effect.

Section 4. For the reasons set forth in the preamble hereof, this Resolution is declared to be an emergency and shall take effect immediately upon its adoption.

ADOPTED BY THE COMMISSION....., 2020

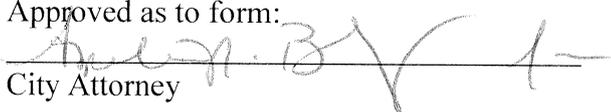
SIGNED BY THE MAYOR....., 2020

Mayor of the City of Dayton, Ohio

Attest:

Clerk of Commission

Approved as to form:



City Attorney

MEMORANDUM



January 7, 2020

TO: Shelley Dickstein, City Manager
City Manager's Office

A handwritten signature in blue ink, appearing to be "MD", enclosed in a circular scribble.

FROM: Melissa A. Wilson, Purchasing Agent
Procurement, Management & Budget, Purchasing Division

SUBJECT: **Donation of 4 Electric Charging Stations**

The attached is an Informal Resolution Amendment to correct the amount of donated Dual Output Gateway North America, Bollard Electric Car Charging Units and one (1) year of complimentary operation services from the two (2) units as originally read, to four (4) units. These units are being donated by Constellation Energy, whom is the City's natural gas provide through their partnership with Chargepoint, Inc. The total donation value is \$37,395.00, which is the same as the original resolution. The Law Department has reviewed and signed as to form the requested informal resolution amendment.

Two (2) units will replace the units near the Dayton Dragon's Stadium and two (2) will be added at new location near the Oregon District. This is in efforts to provide more sustainable options to the public on behalf of the City's efforts to be good environmental stewards.

There will be an associated purchase order (P1901325) that provides a five year service plan, which was approved on the 12/30/2019 Commission calendar. The City is only paying for 4 years of that plan; Constellation covered the initial year as part of their donation.

It is requested to have 2 readings at the same meeting. Should you have any questions, please do not hesitate to ask.

CC: Ms. Clements, Ms. Shannon, Mr. Stovall, Mr. Charles, File

2nd Reading 2.
31786-20

BY:

NO

AN ORDINANCE

To Vacate Hunter Avenue from Leo Street to Windham Street and the Eastern Eight Feet of the Alley East of Hillrose Avenue from the South Property Line of City Lot #33819 to Windham Street.

WHEREAS, The City Commission did on the 6th day of November, 2019, by Resolution No. 6450-19, declare its intention to vacate Hunter Avenue from Leo Street to Windham Street and the eastern eight feet of the alley east of Hillrose Avenue from the south Property Line of City Lot #33819 to Windham Street; and,

WHEREAS, The Board of Revision of Assessments, after a hearing regularly held for the purpose of consideration of objections to said proposed vacation, as provided by the Charter of the City of Dayton, has recommended that Hunter Avenue from Leo Street to Windham Street and the eastern eight feet of the alley east of Hillrose Avenue from the south Property Line of City Lot #33819 to Windham Street be vacated; and,

WHEREAS, The City Plan Board has approved said vacation; and,

WHEREAS, The vacation of Hunter Avenue from Leo Street to Windham Street and the eastern eight feet of the alley east of Hillrose Avenue from the south Property Line of City Lot #33819 to Windham Street as described herein will enable the abutting property to be consolidated and sold for development; and,

WHEREAS, The Commission is satisfied that there is good cause for said vacation and that it will serve the public interest and welfare and should be made; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Hunter Avenue from Leo Street to Windham Street and the eastern eight feet of the alley east of Hillrose Avenue from the south Property Line of City Lot #33819 to Windham Street; being more particularly bounded and described in as follows:

Being all of the 50 foot Hunter Avenue from the 50 foot Leo Street to the 50 foot Windham Street and the eastern 8' of the 16 foot alley east of Hillrose Avenue from the south property line of City Lot #33819 the 50 foot Windham Street is hereby vacated.

Section 2. The vacation shall be subject to the following conditions:

- A. The area shall be marked in a manner acceptable to the Division of Civil Engineering to indicate that it is not public right-of-way.
- B. The alley mouth at Windham Street shall be removed and replaced with curb and walk, or a driveway shall be constructed.

All work shall be completed within ninety (90) days of the vacation and to City of Dayton standards.

- C. The street openings at Leo Street and Windham Street shall be removed and replaced with curb and walk, or a driveway shall be constructed. All work shall be completed within ninety (90) days of the vacation and to City of Dayton standards.
- D. Applicant shall contact Miami Valley Lighting to remove the City of Dayton from billing for the street lights on Hunter Avenue.
- E. Vectren shall retain an easement over, under, and through the Hunter Avenue for its existing gas main. With written consent from Vectren these facilities may be relocated or abandoned at the expense of the applicant.
- F. DP&L shall retain an easement over, under, and through the alley east of Hillrose Avenue for its existing electric facilities. With written consent from DP&L these facilities may be relocated or abandoned at the expense of the applicant.
- G. The City of Dayton Department of Water shall retain an easement over, under, and through the vacated area for its existing fire hydrants. With written consent from City of Dayton Department of Water these facilities may be relocated or abandoned at the expense of the applicant.
- H. Designate and provide fire apparatus access road to the east side of the existing 814 Hillrose Avenue building, and existing fire department sprinkler connection (mid-block in accordance with Ohio Administrative Code Section 1301:7-7-05, Section (C) 503 Fire Apparatus Access Roads).

- I. A turnaround shall be constructed and dedicated for the alley north of Leo Street at Hunter Avenue. Plans for the turnaround shall be submitted to Civil Engineering for review and approval. All work shall be done to City of Dayton standards.

Passed by the Commission ,2020

Signed by the Mayor , 2020

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

Approved as to form:



City Attorney

MEMORANDUM



December 27, 2019

TO: Shelley Dickstein
City Manager

FROM: Keith Steeber, City Engineer
Division of Civil Engineering

K65

SUBJECT: The Vacation of Hunter Avenue from Leo Street to Windham Street and the Eastern 8' of the Alley East of Hillrose Avenue from the south Property Line of City Lot #33819 to Windham Street

Attached is the ordinance to vacate the subject property. Please present this legislation to the City Commission for their action.

Petition No. 21439 requesting the vacation was received from Burkhardt Engineering on October 7, 2019. Resolution No. 6450-19 declaring the Commission's intention to vacate was adopted on November 6, 2019. The Board of Revision of Assessments recommended the vacation on November 25, 2019. The vacation will enable the abutting property owner to develop this property.

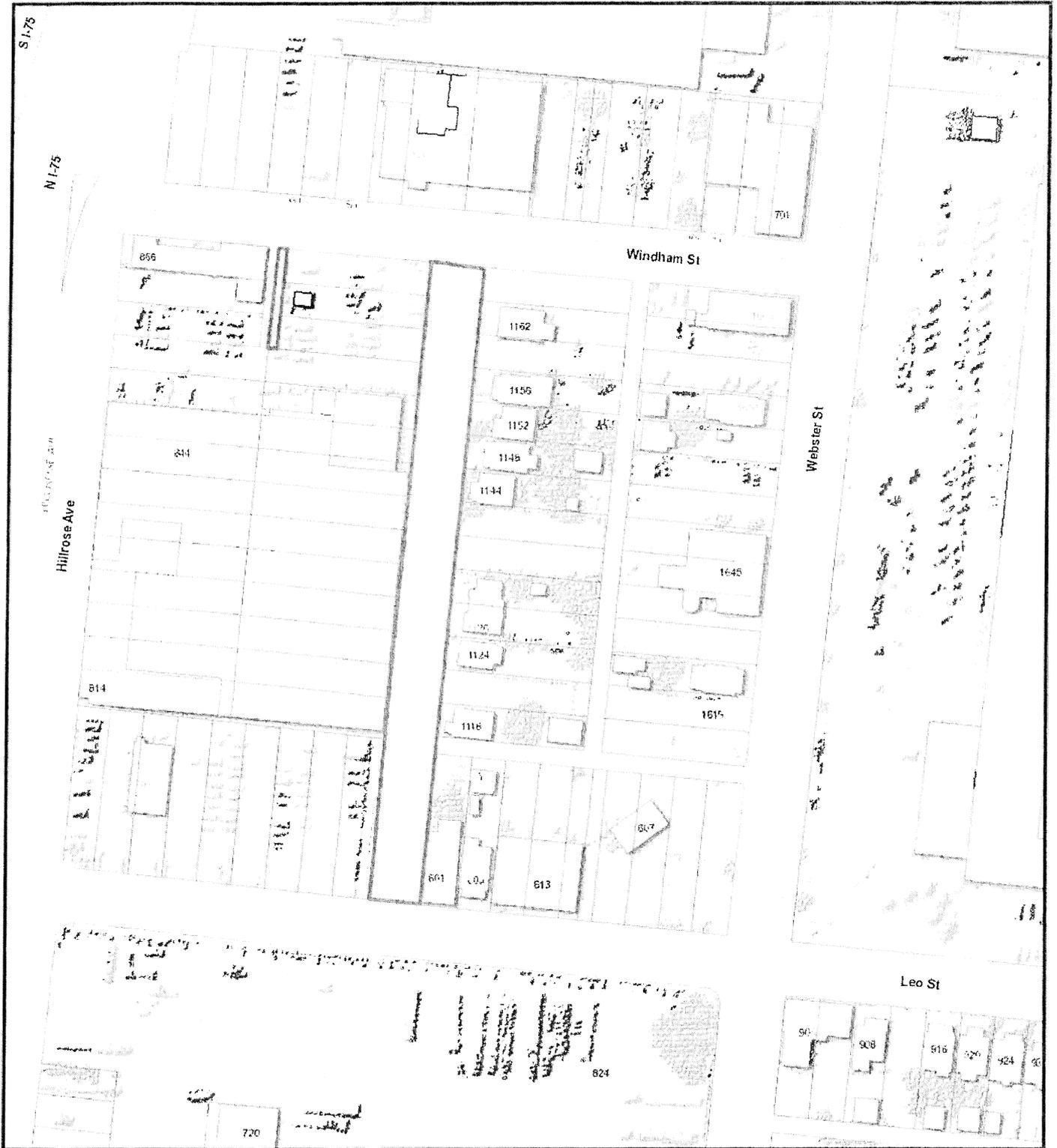
If you have any additional questions, please contact Joe Weinel at extension 4218.

JRW

Attachments

cc: Ms. Clements
Mr. Parlette
Department of Planning
Department of Law
Clerk of Commission
Secretary / Board of Revision of Assessments

Hunter Ave and Eastern 8' of the Alley East of Hunter Ave



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

211 ft



Department of Planning &
Community Development

City Hall
101 W. Third Street
P.O. Box 22
Dayton, OH 45401
(937) 333-3670 / Fax (937) 333-4281
www.daytonohio.gov

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December 13, 2019

TO: Members of the City Commission

FROM: Greg Scott, President
City Plan Board

greg scott

*P.H. - JAN 15, 2020
6:00 P.M.*

CASE NO: PLN2019-00586

**SUBJECT: Transmittal of Report for City Plan Board Case PLN2019-00586
Repeal Existing PD-53 and Replace It with PD-177**

Applicant: Mr. Alex Hauck
SugarCreek
12021 Sheraton Lane
Cincinnati, OH 45246

Description: Repeal existing Planned Development PD-53, replace it with Planned Development PD-177, and zone all property within the boundaries of PD-177 EGC Eclectic General Commercial. This will allow the SugarCreek company to reuse the former Kroger store at 900 North Gettysburg Avenue for the warehousing and storage of equipment and other uses associated with the business.

Board Action: Date: November 12, 2019 Decision: Recommended Approval

Attachments:

1. Plan Board Minute Record
2. Plan Board Case Report
3. Correspondence Received
4. Copy of Ordinance

If you have any questions, please contact Ann Schenking at ext. 3699.

GS/ams

c: Ms. Dickstein, Mr. Parlette, Ms. Clements, Mr. Kinskey, Mr. Kroeger, Ms. Free, Ms. Schenking

MEMORANDUM



December 10, 2019

TO: Rashella Lavender, Clerk of Commission
Office of the City Commission

FROM: Ann Schenking, Secretary 
City Plan Board

SUBJECT: Advertise Public Hearing for City Plan Board Case PLN2019-00586
Repeal Existing PD-53 and Replace It with PD-177

Applicant: Mr. Alex Hauck
SugarCreek
12021 Sheraton Lane
Cincinnati, OH 45246

Description: Repeal existing Planned Development PD-53, replace it with Planned Development PD-177, and zone all property within the boundaries of PD-177 EGC Eclectic General Commercial. This will allow the SugarCreek company to reuse the former Kroger store at 900 North Gettysburg Avenue for the warehousing and storage of equipment and other uses associated with the business.

Board Action: Date: November 12, 2019 Decision: Recommended Approval

Request: The Clerk is authorized by the R.C.G.O. to set the public hearing and provide the appropriate notice. **It is requested that the Public Hearing be scheduled for Wednesday, January 15, 2020 at 6:00 P.M.**

Advertising: Advertise Public Hearing on **Friday, December 13, 2019**
Advertise in a newspaper of general circulation and mail a notice to mailing list when the notice is published.

Attachments: Legal Notice
Mailing List

If you have any questions, please contact me at ext. 3699. Thank you.

c: Case File, w/ attachment

MEMORANDUM



December 23, 2019

TO: Rashella Lavender, Clerk of Commission
Office of the City Commission

FROM: Ann Schenking, Secretary 
City Plan Board

SUBJECT: **Advertise Change in Location** for Public Hearing for City Plan Board
Case PLN2019-00586; Repeal Existing PD-53 and Replace It with PD-177

Applicant: Mr. Alex Hauck
SugarCreek
12021 Sheraton Lane
Cincinnati, OH 45246

Description: Advertise change in location for January 15, 2020 City Commission Public Hearing to repeal existing Planned Development PD-53, replace it with Planned Development PD-177, and zone all property within the boundaries of PD-177 EGC Eclectic General Commercial.

Advertising: Advertise Change in Meeting Location on **Friday, January 3, 2020**
Advertise in a newspaper of general circulation and mail a notice to mailing list when the notice is published.

Attachments: Legal Notice
Mailing List

If you have any questions, please contact me at ext. 3699. Thank you.

c: Case File, w/ attachment



**City of Dayton
Office of the City Commission
City Hall • 101 West Third Street
Dayton, Ohio 45402
(937) 333-3636**

**Legal Notice
Change in Location for Public Hearing**

Notice is hereby given that the location has changed for the Dayton City Commission Public Hearing on Wednesday, January 15, 2020. The hearing will now be held in the City Commission Chambers on the Second Floor of City Hall, 101 West Third Street, Dayton, Ohio. The hearing will still begin at 6:00 P.M., or as soon thereafter as the hearing can begin. The subject of the hearing will also remain the same:

Official Zoning Map Amendment

Case: PLN2019-00586

Repeal existing Planned Development PD-53, replace it with Planned Development PD-177, and zone all property within the boundaries of PD-177 EGC Eclectic General Commercial. This will allow the SugarCreek company to reuse the former Kroger store at 900 North Gettysburg Avenue for the warehousing and storage of equipment and other uses associated with the business.

The proposed Official Zoning Map Amendment is available for public inspection in the Office of the City Commission and with the Secretary to the City Plan Board. Please direct inquiries on this subject to Abigail Free in the Department of Planning and Community Development at 937-333-3635 or abigail.free@daytonohio.gov.

By order of the City Commission of the City of Dayton, Ohio.

**RASHELLA LAVENDER, CLERK
OFFICE OF THE CITY COMMISSION**



**City of Dayton
Office of the City Commission
City Hall • 101 West Third Street
Dayton, Ohio 45402
(937) 333-3636**

Legal Notice

Notice is hereby given that the Dayton City Commission will hold a Public Hearing on Wednesday, January 15, 2020 at 6:00 P.M., or as soon thereafter as the hearing can begin at the Dayton Convention Center in the Third Floor Theater, 22 East Fifth Street, Dayton, Ohio on the following:

Official Zoning Map Amendment

Case: PLN2019-00586

Repeal existing Planned Development PD-53, replace it with Planned Development PD-177, and zone all property within the boundaries of PD-177 EGC Eclectic General Commercial. This will allow the SugarCreek company to reuse the former Kroger store at 900 North Gettysburg Avenue for the warehousing and storage of equipment and other uses associated with the business.

The proposed Official Zoning Map Amendment is available for public inspection in the Office of the City Commission and with the Secretary to the City Plan Board. Please direct inquiries on this subject to Abigail Free in the Department of Planning and Community Development at 937-333-3635 or abigail.free@daytonohio.gov.

By order of the City Commission of the City of Dayton, Ohio.

**RASHELLA LAVENDER, CLERK
OFFICE OF THE CITY COMMISSION**



City of Dayton

City Plan Board

Page 4

Summary Minute Record November 12, 2019

9. PLN2019-00586 – Zoning Map Amendment — Repeal existing Planned Development PD-53, replace it with Planned Development PD-177, and zone all property within the boundaries of PD-177 EGC Eclectic General Commercial.

Applicant: Mr. Alex Hauck
SugarCreek
12021 Sheraton Lane
Cincinnati, OH 45246

Priority Land Use Board: West

Planning District: Westwood

Decision: Recommended Approval

Staff Comments

Abigail Free presented the staff report. She said that with the requirements outlined in the Planned Development standards, staff believed the determinations and findings could be made and recommended approval.

This case will repeal existing Planned Development PD-53, replace it with Planned Development PD-177, and zone all property within the boundaries of PD-177 EGC Eclectic General Commercial. This will allow the SugarCreek company to reuse the former Kroger store at 900 North Gettysburg Avenue for the warehousing and storage of equipment and other uses associated with the business.

Because the subject property has a vacant structure, approximately 53,000-sf previously used as a retail grocery, the size and scale of the structure lends itself to reuse as warehouse and storage. Accessory uses may include offices, training rooms, wholesale distribution, and light manufacturing. The grocery, closed since 2008, has not seen any interest in reuse as retail.

Off-street parking regulations shall comply with the Zoning Code. There are 328 existing off-street parking spaces. Since high levels of parking are not required for the new proposed use, eliminating some existing parking may take place in the future. This site has primary access off of Gettysburg Avenue and two secondary curb cuts along Oakridge Drive. No new access points have been proposed.

The site has existing street trees which are to remain. Although, if the existing trees are to be removed due to death or damage, new trees must be planted along Gettysburg Avenue and Oakridge Drive, to City standards and spaced 30-ft on center. Black ornamental fencing, 7-feet in height, has been proposed around the perimeter of the site. The fencing will be situated within the landscaping setback to all the existing street trees to remain. Parking lot lighting shall be installed/replaced to comply with the Zoning Code.

Although not proposed at this time, there may arise an opportunity to develop a portion of the parking lot, as the current size will not be utilized by the warehouse use. If new construction is proposed in the future, the Planned Development can enable the City Plan Board to review any future building's site location and design. Also, a new building shall be compatible with existing Kroger building in terms of materials, color, fenestration, and scale.

Public Comments

The West Land Use Board recommended approval of the case. Standards that the West Land Use Board requested are contained in the Planned Development regulations, were addressed by SugarCreek, or can be regulated by Traffic Engineering.

Pete Tamborski, General Counsel, and Ryan Ballard, Project Manager, SugarCreek, 1241 North Gettysburg Avenue, Dayton, OH spoke in support of the project and answered questions from the Plan Board. They said the owner of the company continues to invest along Gettysburg and is here to stay. Initially, the former Kroger will be used to refurbish several million dollars' worth of equipment that the company purchased. Truck access will be off Oakridge and SugarCreek will not have the amount of truck traffic that Kroger did. The hours of operation at this site are expected to be 6 AM to 6 PM.

Board Discussion

The Plan Board discussed the case. Mr. Scott asked if others will be allowed to store vehicles at the site. Ms. Free said the site cannot be used as a truck terminal. Mr. Payne asked if food will be manufactured at this site. Mr. Tamborski said no.

Board Action

A motion was made by Mr. Bradley, seconded by Ms. Pendergast and carried to recommend City Commission approval of Case PLN2019-00586 based on the Plan Board's ability to make the determinations specified in R.C.G.O. Section 150.125.7 as outlined in the staff report.

Ms. Beverly Pendergast	Yes	Mr. Paul Bradley	Yes
Mr. Richard Wright	Absent	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Absent	Mr. Greg Scott	Yes
Mr. Jeff Payne	Yes		

Minutes approved by the City Plan Board on January 14, 2020.

Ann Schenking, Secretary
City Plan Board

City Plan Board Report

Case: PLN2019-00586; Sugar Creek Warehouse & Storage- R72 12405 0007 & 0016

November 12, 2019

Applicant:

Sugar Creek Packing Company
c/o Alex Hauck
12021 Sheraton Lane
Cincinnati, OH 45246

Owner:

Sugar Creek Packing Company
495 Old Chillicothe Road SE
Washington Courthouse, OH 43610

Neighborhood: Westwood

Priority Land Use Committee: West

Request/Description:

A Zoning Map Amendment to rezone 7.365-acres, known as parcels R72 12405 0007 & 0016, thus rescinding PD-53 and creating a new Planned Development with existing EGC underlying zoning at 900 N Gettysburg Avenue.

Board Authority:

§ 150.125.1 through 150.125.8 R.C.G.O. City Plan Board actions for amendments to the Official Zoning Map.

Applicable Plans and Policies:

CitiPlan 20/20: Goals

- We are the best at the 4 Rs – redevelopment; reuse; revitalization of our neighborhoods, business districts, downtown, and undeveloped land; and retention of our job base

CitiPlan 20/20: Revised Land Use Principles (2007)

- Encourage planned development overlays and other special controls to facilitate development in undeveloped areas, underdeveloped areas, and areas where the proposed use may require additional conditions to ensure compatibility with surrounding land uses.
- Provide for an active pedestrian environment throughout the City by designing thoroughfares that are sensitive to pedestrian needs.

Agencies and Groups Contacted:

Property Owners within 250 feet
West Priority Land Use Committee
Westwood Collaborative Network
Residence Park Neighborhood Association

Existing Land Use/Zoning: Abandoned Kroger Grocery Store; EGC/PD-53

Proposed Land Use/Zoning: Warehouse/Storage & Accessory Uses; EGC/PD

Surrounding Land Use/Zoning: North: Family Dollar/Retail; EGC
South: Dwellings & Wesley Center; ER-4 & T
East: Vacant lots, dwellings, church; T
West: Single & Multi-family dwellings; ER-4

Planned Development Analysis:

The Applicant, Sugar Creek Packing Company, requests to amend the Official Zoning Map to rezone 7.365-acres, known as 900 N Gettysburg Avenue, and rescind PD-53 and create a new PD but the EGC underlying zoning will remain. The existing Planned Development 53 will be repealed and a new planned development will be established to allow the abandoned Kroger grocery store to be reused for warehousing and storage.

The existing PD-53 was established for Kroger and included regulations for the retail grocery and an accessory fueling station. The Kroger grocery store has not been in operation since 2008. The fueling station was never constructed.

Land Use:

The Applicant requests that the subject property be rezoned for the purpose of adding a warehouse and storage use. The Planned Development Overlay will include this zoning change within its development standards.

Because the subject property has a vacant structure, approximately 53,000-sf previously used as a retail grocery, the size and scale of the structure lends itself to reuse as warehouse and storage. Accessory uses may include offices, training rooms, wholesale distribution, and light manufacturing. The grocery, closed since 2008, has not seen any interest in reuse as retail.

Off-Street Vehicle Parking:

Off-street parking regulations shall comply with Section 150.700. There are 328 existing off-street parking spaces. Since high levels of parking are not required for the new proposed use, eliminating some existing parking may take place in the future.

Landscaping:

The site has existing street trees which are to remain. Although, if the existing trees are to be removed due to death or damage, new trees must be planted along Gettysburg Avenue and Oakridge Drive, to City standards and spaced 30-ft on center.

Fencing:

Black ornamental fencing, 7-feet in height, has been proposed around the perimeter of the site. The fencing will be situated within the landscaping setback to all the existing street trees to remain.

Lighting:

Parking lot lighting shall be installed/replaced to comply with Section 150.700.14 (F).

Vehicular Access:

This site has primary access off of Gettysburg Avenue and two secondary curb cuts along Oakridge Drive. No new access points have been proposed.

Pedestrian Access:

Sidewalk exists along Gettysburg Avenue and Oakridge Drive.

Signage:

Signage shall comply with Section 150.900 of the zoning code regulations.

New Construction:

Although not proposed at this time, there may arise an opportunity to develop a portion of the parking lot, as the current size will not be utilized by the warehouse use. If new construction is proposed in the future, the Planned Development can enable the City Plan Board to review any future building's site location and design. Also, a new building shall be compatible with existing Kroger building in terms of materials, color, fenestration, and scale.

Also, the existing setback along Gettysburg shall be maintained which currently does not comply with existing EGC setback regulations. Staff recommends restricting the access curb cuts to what is existing and keeping Gettysburg Avenue as primary and Oakridge Drive as secondary.

Conclusion:

Overall, Planning Staff supports the proposed uses and development plan. The proposed Development Standards are based on discussions with the property owner's representatives and hope to allow current and future redevelopment of the site to fit the needs of the new uses.

150.350.7: Planned Development Review Criteria

(A) The proposed plan is consistent with the goals and objectives of the City's Comprehensive Plan;

Staff believes the new Planned Development Overlay is in the best interest of the City and will allow for the redevelopment of a site that has been abandoned for many years. (See applicable CitiPlan 2020 goals and objectives on page 1).

(B) The proposed plan is consistent with any other plan or policy statement for the orderly development of the City;

Yes, redevelopment of this site is consistent with West Dayton plans and policy.

(C) The proposed plan is consistent with the goals of this Zoning Code which include creating a built environment that reflects and complements Dayton's existing built form;

The purpose of the Zoning Code is to promote and uphold the public health, safety, and general welfare of the City through regulation of land and of the type, size, and use of structures. The proposed Planned Development will allow the new users to redevelop an abandoned site and structure, in which the proposed uses are not permitted under the current zoning designation.

The site has been abandoned since 2008, without being able to find a user under existing zoning conditions. By allowing for additional permitted uses, the site can be redeveloped by the new owner.

(D) The appropriate use and value of property within and adjacent to the area will be safeguarded;

The surrounding zoning districts are EGC Eclectic General Commercial, T Transitional, and ER-4 Eclectic Single-family Residential. The reuse as a warehouse and storage, although more industrial, is less intense than a large retail store like the previous Kroger. All storage shall be done indoors.

(E) The site design concepts demonstrate that the proposed development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;

The proposed uses will not have adverse effects on the immediate surrounding area.

(F) Evidence that the character, massing, form, and materials of the buildings shall be compatible with one another throughout the entire development;

No new buildings are proposed at this time, but the Developments standards will require a Major Site Design Review if any new structures are proposed in the future.

(G) Preservation of significant natural features to the maximum extent feasible, such as, but not limited to, stream beds or other water courses, steep slopes, mature stands of trees, individual trees of substantial age or size, and rock outcroppings;

No natural circumstances exist, but the site includes mature street trees which will remain.

(8) Intended measures that will be taken to convey the terms of the design criteria to future purchasers and/or tenants.

Upon applying for any building permits, a zoning review is conducted that will check for compliance with the Planned Development Overlay.

Alternatives

- Recommend approval of the requested zoning change as submitted by the Applicant from EGC/PD to EGC/New PD, based on the Board's ability to make the necessary determinations found in R.C.G.O. Section 150.350.7 (A through H), finding that it is consistent with the CitiPlan:20/20 plan future land use principles.
- Recommend approval with modifications to the requested zoning change as submitted by the Applicant from EGC/PD to EGC/New PD, based on the Board's ability to make the necessary determinations found in R.C.G.O. Section 150.350.7 (A through H), finding that it is consistent with the CitiPlan:20/20 plan future land use principles.
- Recommend denial of the requested zoning change as submitted by the Applicant for from EGC/PD to EGC/New PD, based on the Board's inability to make the necessary determinations found in R.C.G.O. Section 150.350.7 (A through H), finding that it is consistent with the CitiPlan:20/20 plan future land use principles.

Future Actions:

If the Plan Board recommends approval of the proposed map amendment, the request will be forwarded to the City Commission for public hearing.

PLN2019-00586
Aerial Map



PLANNED DEVELOPMENT
900 N GETTYSBURG AVENUE

PLN2019-00586
Zoning Map

ER-4

KAMMER AVE

EGC

EGC

N GETTYSBURG AVE



~~**PD-53**~~

PD-177

EGC

T

KAMMER AVE

OSMOND AVE

ER-4

T

DELPHOS AVE

SHENANDOAH DR

OAKRIDGE DR

T

N DECKER AVE

ER-4

SYLVAN DR

PLANNED DEVELOPMENT
900 N GETTYSBURG AVENUE



WEST PRIORITY LAND USE BOARD

November 12, 2019

TO: Abigail Free, Planner
Division of Planning

RE: Case # 00586-2019 – 900 N. Gettysburg Avenue

The West Priority Land Use Board held a meeting, Thursday, November 7, 2019, to review and discuss the case mentioned above. It is the recommendation of the WPLUB that the Plan Board **approve** the application as submitted with the following recommendations:

1. Standards be established that adhere to requirements associated with an operation of this size; specifically:
 - a. Lighting, fencing and parking
 - b. Hours of operation
 - c. Landscaping on the perimeter
 - d. Site plan review for any new construction
 - e. On street parking along Oakridge – prohibiting it
 - f. Rodent control plan
 - g. On site management of fleet vehicles.

It should be noted that the applicant **was not** present to provide responses to concerns related to the intended plan development use. There was also a citizen/property owner in attendance that has property in proximity to the building.

Sincerely,

Joseph Shaw, Chairperson
West Priority Land Use Board

C: K. Marcellus, Planning Division
File

EMERGENCY MEASURE
1 Reading, 2 Separate Meetings _____
2 Readings at One Meeting _____

By

No

AN ORDINANCE

Amending the Official Zoning Map to Repeal Existing
Planned Development PD-53, Replace It
with Planned Development PD-177, and Zone All
Property within the Boundaries of PD-177 EGC Eclectic
General Commercial, and Declaring an Emergency.

WHEREAS, The property owner has requested that existing Planned Development PD-53 is repealed, replaced with Planned Development PD-177 ("PD-177"), and that all property with the boundaries of PD-177 is zoned EGC Eclectic General Commercial; and

WHEREAS, PD-53 is being repealed and PD-177 is being established to allow for the reuse of a former Kroger store at 900 North Gettysburg Avenue by the SugarCreek company for warehousing, storage, and other uses associated with the business; and

WHEREAS, The Plan Board, on November 12, 2019 in Case PLN2019-00586 recommended approval of the applicant's request; and

WHEREAS, To allow work to begin on this development as soon as possible and to provide for the immediate preservation of the public peace, property, health or safety, it is necessary that this ordinance take effect immediately upon its passage; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Ordinance 30002-01, approved by the City Commission on August 15, 2001 pertaining to Planned Development PD-53 is hereby repealed.

Section 2. That PD-177, SugarCreek, is established and all property within the boundaries of PD-177 is zoned EGC Eclectic General Commercial. The Parcel Identification Numbers which comprise PD-177 are R72 12405 0007 and 0016. The City's official zoning map shall be redrawn to reflect the repeal of PD-53, the establishment of PD-177 and the zoning of all property within PD-177 as EGC Eclectic General Commercial.

Section 3. In addition to the requirements applicable to all properties zoned EGC Eclectic General Commercial, the property described in Section 2 of this ordinance is subject to the conditions and land use controls set forth in Section 4 of this ordinance, and collectively referred to as PD-177, SugarCreek.

Section 4. The intent and purpose of PD-177 is to meet the goals and objectives of SugarCreek with the facilities that are required, while insuring the development is compatible with the characteristics of the surrounding neighborhood. Exhibit A, attached hereto and incorporated herein is a Land Title Survey for the PD-177 site.

Lots and property within PD-177 are restricted and subject to the following uses, conditions and requirements.

Land Use Regulations

- A. The following uses shall be permitted by right by this Planned Development:
 - 1. Warehouse storage, indoor
 - 2. Wholesale sales and/or distribution, indoor
 - 3. Manufacturing, light
- B. All uses permitted by right, permitted by right with supplementary regulations, conditional, or accessory in accordance with R.C.G.O. Section 150.325.2, EGC Eclectic General Commercial.

Landscaping, Fencing & Screening

- A. Existing street trees shall be maintained along Gettysburg Avenue and Oakridge Drive.
 - 1. Removal or replacement of street tree must comply with R.C.G.O. Section 150.800.
- B. Fences shall be located and constructed as depicted on the Development Plan. Barbed wire is prohibited.
 - 1. Perimeter fence
 - a. Maximum height: 7-ft
 - b. Materials: Black ornamental with gates for vehicular access
 - i. One gate along Gettysburg Avenue
 - ii. Two gates along Oakridge Drive
 - c. Location along Street
 - i. Within grass setback without disruption of existing street trees

Traffic and Pedestrian Access Regulations

- A. Sidewalks
 - 1. Maintain existing sidewalks; repair/replace when necessary.
- B. Access
 - 1. One along Gettysburg Avenue
 - 2. Two along Oakridge Drive

Sign Regulations

- A. All signs shall conform to R.C.G.O. Section 150.900.7 – Signs in Commercial Districts.

Exterior Lighting Standards

- A. Lighting for off-street parking shall comply with R.C.G.O. Section 150.700.14 (F) -Illumination.

New Construction

- A. Major Site Design Review required in accordance with R.C.G.O. Section 150.115.
- B. New building design shall be compatible with existing buildings on-site: materials, color, fenestration, scale.
- C. Primary building entrance shall face Gettysburg Avenue.
- D. Minimum building and parking setback off of Gettysburg Avenue: 25-ft

E. No new curb cuts shall be permitted.

Utility Regulations

- A. A site drainage plan shall be submitted to the Divisions of Water Engineering and Civil Engineering for approval.
- B. All proposed utilities shall comply with City standards as determined by the Divisions of Water Engineering and Civil Engineering.
- C. All future utilities including service feeds to the building shall be placed underground.
- D. Utility placement may be modified by the Plan Board with due consideration to environmental concerns.

Amendments and Adjustments

Amendments and adjustments to this Planned Development shall be conducted in accordance with R.C.G.O. Section 150.350, Planned Developments, of the Zoning Code or any other applicable section of the Zoning Code.

Section 4. For the reasons stated in the preamble hereof, this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

Passed by the Commission, 2020

Signed by the Mayor, 2020

Mayor of the City of Dayton, Ohio

Attest:

Clerk of the Commission

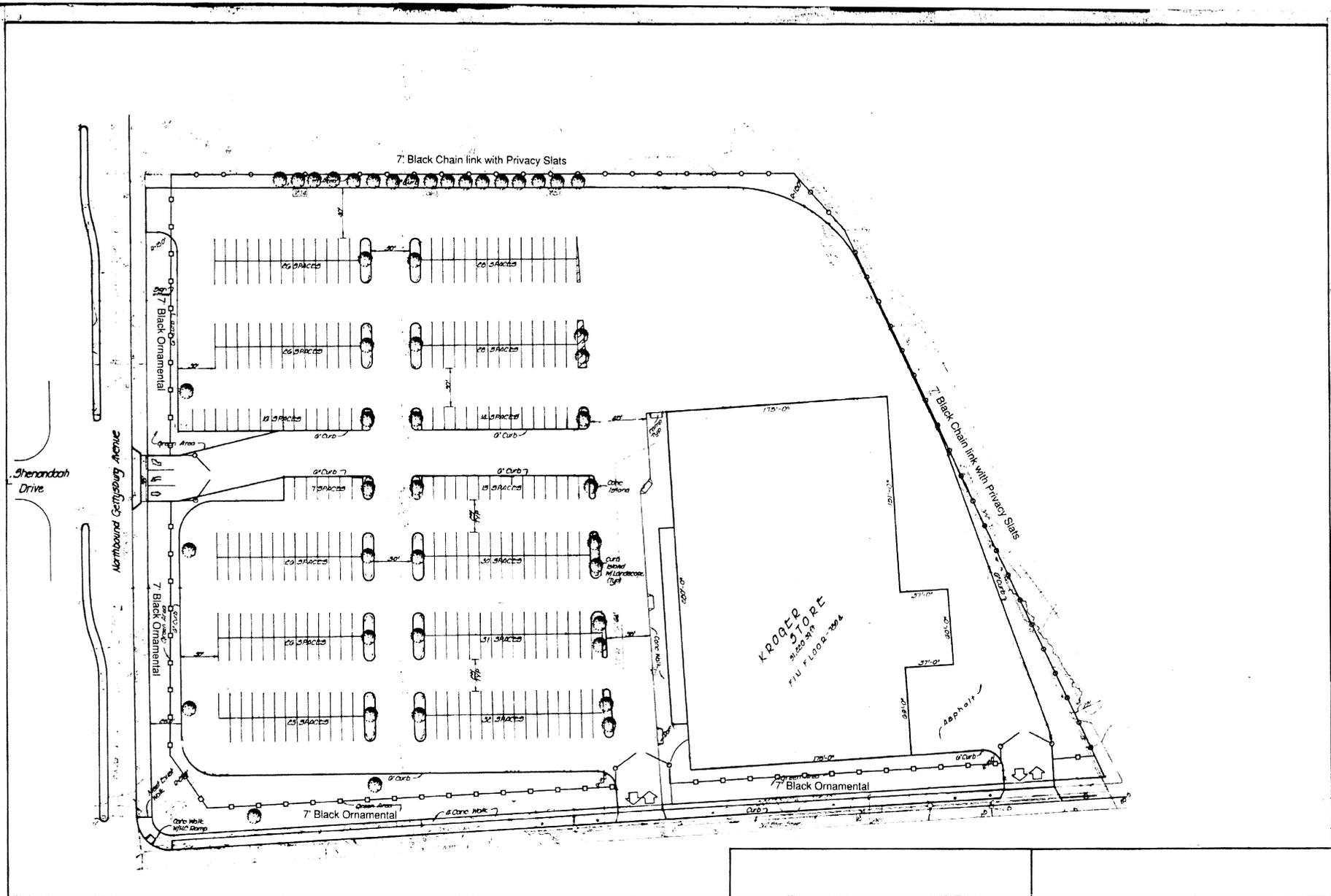
Approved as to form:

Amelia N. Blasberg

City Attorney

Exhibit A

PLN2019-00586





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SUGAR CREEK
C/O ALEX HAUCK
12021 SHERATON LANE
CINCINNATI OH 45246

Ann Schenking, Plan Board Secretary
City of Dayton, Planning Department
101 W Third Street
Dayton, OH 45402

Westwood Collaborative Network
c/o Simenola Meriner
115 Brooklyn Avenue
Dayton, OH 45417

Residence Park Neighborhood Assoc.
c/o Pearl Howard
4541 W Second Street
Dayton, OH 45417

Rashella Lavender, Clerk
City of Dayton Commission
101 W Third Street
Dayton, OH 45402

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3924 DELPHOS AVE
DAYTON OH 45402 5217

ANTHONY & VERONICA JENKINS
3936 BRADWOOD AVE
DAYTON OH 45405

WHITE EBONY
4014 OAKRIDGE DR
DAYTON OH 45417

WILLIAMSON LOVELL
4015 KAMMER AVE
DAYTON OH 45417

GALVIN SALLY & TERESA ANN
4015 OAKRIDGE DR
DAYTON OH 45417 1218

HOLLIDAY GWENDOLYN E
4016 SHENANDOAH DR
DAYTON OH 45417 1102

HOBSON DORIAL JEAN
4021 SHENANDOAH DR
DAYTON OH 45406 2234

MARTIN MARCELLA L
4243 PARKWAY DR
DAYTON OH 45416

QUINTIN PETTY
4526 ELMER ST
DAYTON OH 45417

WALTON JARRETT M
4816 SEELEY ESTS
DAYTON OH 45417

SUGAR CREEK PACKING CO
495 OLD CHILLICOTHE RD SE
WASHINGTON COURT HOU OH 43160

ANGELA LAZENBY TR
5305 GREENCROFT
DAYTON OH 45426 0000

SMITH JOHN R TR
6167 SOUTHAMPTON DR
DAYTON OH 45459

POWERS JAMES & MARY
6325 BLUE ASH RD
DAYTON OH 45414

SKW PREP LLC
751 E QUALITY DR 102
AMERICAN FORK UT 84003

LEWIS DENNIS WAYNE & KATHY
814 N GETTYSBURG AVE
DAYTON OH 45417

LYNNETTE WALKER
816 N GETTYSBURG AVE
DAYTON OH 45417 1614

WAKER RONALD A
824 FAR HILLS AVE
DAYTON OH 45419

DERRICK VINZANT
834 BLANCHE ST
DAYTON OH 45417

JAMIE S HOME IMPROVEMENT LLC
905 N GETTYSBURG AVE
DAYTON OH 45417

WILSON SHEILA
923 N GETTYSBURG AVE
DAYTON OH 45417

SLOWIN LLC
940 VERNON DR
DAYTON OH 45402

BETTS DEBRON
P O BOX 19422
CINCINNATI OH 45219

FELIX LARK
P.O. BOX 60045
DAYTON OH 45406

CHARLES LAWSON
P.O. BOX 76374
WASHINGTON DC 20013 6374

DONELSON M P TRUST
PO BOX 21
DAYTON OH 45405

PLN2019-00586

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1003 N GETTYSBURG AVE
DAYTON OH 45417 1502

LARRY EUGENE SMITH
1017 SALEM AVE
DAYTON OH 45439

SANGHERA PRITPAL
10570 BIRCH RANCH DR
SACRAMENTO CA 95830

MUK INC
1213 AMERICAN AVE
PLAINFIELD IN 46168

DAIR INVESTMENTS LLC
1363 E 72ND ST
BROOKLYN NY 11234

DRAGON PLAZA INC
1390 WOODLAND MEADOWS DR
VANDALIA OH 45377

JAMES BERTHA M ET AL 21
17502 TARKINGTON AVE
CLEVELAND OH 44128

DUANE L TSCHANEN
1941 E 4TH ST
DAYTON OH 45403 1909

FLETCHER LISA D
2200 WEST
SALT LAKE CITY UT 84116

KASPER GRACE
2939 MELBOURNE AVE
DAYTON OH 45417 1615

BOBAY BRIAN R
2940 OLD TROON DR
FAIRBORN OH 45324

BRYANT MELISSA
2949 MELBOURNE AVE
DAYTON OH 45417

KIRK & TONI ROWE TR
302 VERONA RD
DAYTON OH 45417

ROBERT L FLOYD
3210 OAKRIDGE DR
DAYTON OH 45417 1556

CAROLYNNE D SANDERS
3216 OAKRIDGE DR
DAYTON OH 45417 1556

BRANHAM STEPHEN
3224 OAKRIDGE DR
DAYTON OH 45417

CHARLES & JANAS RICE
3234 OAKRIDGE DR
DAYTON OH 45417 1556

PAULINE MOORE
3248 OAKRIDGE DR
DAYTON OH 45417 1556

L & S PROPERTY MAINTENANCE C/O
LAMEIKA SPENCER
3440 WHISPERING MEADOW DR
DAYTON OH 45415

PAUL J FULLENKAMP
351 EASTDALE DR
DAYTON OH 45415

THE BOARD OF TRUSTEES OF WESLEY
COMMUNITY CENTER
3730 DELPHOS AVE
DAYTON OH 45417

WRIGHT VICKIE A
3800 DELPHOS AVE
DAYTON OH 45417

LLOYD & CAROL BROWN
3806 STORMONT RD
DAYTON OH 45426 2362

WOODING DOLA J
3808 DELPHOS AVE
DAYTON OH 45417 1538

BEATTY RIL M JR & CONSTANCE
3842 DELPHOS AVE
DAYTON OH 45417

MOUNTAIN TOP MINISTRIES
3842 DELPHOS AVE
DAYTON OH 45417

CLARENCE & MARY JO SAMPSON
3907 VALLEY BROOK DR S
ENGLEWOOD OH 45322 3619

SMITH DARLENE E
3908 DELPHOS AVE
DAYTON OH 45402

BUCKEYE RED LLC
3912 DELPHOS AVE
DAYTON OH 45402

MOSS KENNETH E JR
3916 DELPHOS AVE
DAYTON OH 45402