



City of Dayton

City Plan Board

Summary Minute Record February 12, 2019

1. PLN2018-00653 – Public Way Vacation: South Orchard Avenue from Home Avenue to US Route 35 Right of Way

Applicant: Mr. Randall Lucas
3616 Mandalay Drive
Trotwood, OH 45416

Priority Land Use Board: West

Neighborhood Planning District: Roosevelt

Decision: Established Conditions

Staff Comments

Abigail Free presented the staff report and the proposed conditions. She said that with the proposed conditions, staff believes the determinations and findings can be made as outlined in the staff report. Ms. Free said the intended uses for the property are I-1 uses and that at this point in time, the applicant does not own the property on either side of the proposed vacation.

Public Comments

None.

Board Discussion

The Plan Board discussed the case. Mr. Payne asked why someone can make application for a vacation when they do not own the property on either side of the proposed vacated right-of-way. Mr. Kinskey said the process allows the applicant to know what the conditions will be before they proceed with property acquisition. Staff said the Plan Board establishes conditions for a vacation; it does not approve the vacation request. The approval process takes a number of steps culminating in City Commission approval.

Board Action

A motion was made by Mr. Payne, seconded by Mr. Bradley and carried to find that the vacation proposed in Case PLN2018-00653 met the criteria cited in R.C.G.O. Section 150.445(B) as outlined in the staff report. The Plan Board also established the following conditions for the vacation:

1. An approximate 40-ft wide, centered easement shall be established for the water utilities within S. Orchard Avenue. The east and west easement boundaries shall have a minimum of 10-ft clearance from the nearest water utility.
2. That 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.
3. That the alley mouth at Home Avenue shall be removed and replaced with curb and walk, or a driveway shall be constructed. All work shall be completed within 90 days of the date the vacation is finalized and to City of Dayton standards.

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

Minutes approved by the City Plan Board on March 12, 2019.

Ann Schenking, Secretary
City Plan Board



City of Dayton

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2. PLN2019-00019 – Record Plan — UHaul of Dayton Downtown

Applicant: Mr. Ben Bledsoe
Bledsoe Riggert Cooper and James
1351 W Tapp Road
Bloomington, IN 47403

Priority Land Use Board: Downtown Neighborhood Planning District: Midtown

Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and recommended conditions. This is a consolidation of many city lots and a vacated alley into one lot.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Mr. Wright, seconded by Mr. Payne and carried to approve Case PLN2019-00019 with the following conditions:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.
4. According to the Schedule of Thoroughfares, S. Main Street requires 66' from the right-of-way line to the center of the right of way. It appears that additional land needs to be dedicated to meet this. If any building or fence is in the new dedicated right-of-way, then a special privilege permit must be submitted to the City of Dayton's Engineer's office.

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

Minutes approved by the City Plan Board on March 12, 2019.

Ann Schenking, Secretary
City Plan Board



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3. PLN2019-00027 – Record Plan — Thaler Machine Company

Applicant: Mr. Randy Wolfe
The Kleingers Group
6305 Centre Park Drive
West Chester, OH 45069

Priority Land Use Board: West Neighborhood Planning District: Carillon

Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and the proposed conditions. This is a consolidation of many city lots and a vacated alley into one lot.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Mr. Wright, seconded by Mr. Payne and carried to approve Case PLN2019-00027 with the following conditions:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.
4. The 15' radii create new right-of-way which must be dedicated.
5. Conditions for the vacated alley must be established by Plan Board and the vacation assigned an ordinance number before the record plan shall be approved by the City.
6. To abandon the existing 8" sanitary sewer easement established during the alley vacation, add easement extinguishing title block to be approved by Water Engineering.
7. To abandon the aerial electric facilities easement established during the alley vacation, add easement extinguishing title block to be approved by DP&L.
8. To abandon any existing facilities easements, add easement extinguishing title block to be approved by AT&T.

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

Minutes approved by the City Plan Board on March 12, 2019.

Ann Schenking, Secretary
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4. PLN2019-00028 – Record Plan – Amann Plat No. 1

Applicant: Mr. John Haley
Haley Dusa Group
270 Regency Ridge Drive
Dayton, OH 45459

Priority Land Use Board: Southeast

Neighborhood Planning District: Belmont

Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and the proposed conditions. This is a consolidation of three city lots into one lot.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Mr. Payne, seconded by Ms. Pegues and carried to approve Case PLN2019-00028 with the following conditions:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.

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

Minutes approved by the City Plan Board on March 12, 2019.

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5. PLN2019-00030 – Record Plan – CannAscend Alternative

Applicant: Mr. Dale Exline
Appalachian Professional
254 Exline Road
Jackson, OH 45640

Priority Land Use Board: Downtown Neighborhood Planning District: Oregon

Decision: Approved with Conditions and a Variance for Setback

Staff Comments

Abigail Free presented the staff report and the proposed conditions. This is a consolidation of many city lots and a vacated alley into one lot.

Public Comments

None.

Board Discussion

The Plan Board discussed the case.

Board Action

A motion was made by Mr. Wright, seconded by Mr. Payne and carried to approve Case PLN2019-00030 with the following conditions and variance:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.
4. The 15' radii create new right-of-way which must be dedicated.
5. Provide an access easement to allow access from the existing building lot through the northern lot to the alley.
6. Variance approved to allow a front setback greater than 10-ft for the existing building.

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

Minutes approved by the City Plan Board on March 12, 2019.

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6. PLN2019-00018 – Establish a Two-Year Honorary Designation for a Portion of Liscum Drive (from State Route 35 south to Dayton-Liberty Road) as “Page E. Gray, Jr. Way.” The official name of Liscum Drive will remain Liscum Drive.

Applicant: Ms. Helen Gray
628 Liscum Drive
Dayton, OH 45417

Priority Land Use Board: West

Neighborhood Planning District: Fairlane

Decision: Recommended Approval

Staff Comments

Ken Marcellus presented the case. He said staff believes the findings and determinations can be made, and recommended that the Plan Board send the proposal on to City Commission with a recommendation for approval.

The Gray family is requesting that an honorary designation be established for a portion of Liscum Drive which runs in front of the former residence of Page E. Gray, Jr. (1936-2016). The designation would be “Page E. Gray, Jr.” The official name of Liscum Drive would remain Liscum Drive.

Page E. Gray, Jr. was the first African-American to hold a position other than custodian at the National Cash Register (NCR) as a parts inspector and later as an assistant design engineer during the 1960's. In this position, he became aware of the injustices in the hiring and promotions of others who worked in similar employment locations. He organized a group of workers called the “The Second Family” to challenge management regarding the racial inequities by corporations such as Inland, Delco, McCall's, Good Samaritan Hospital, Chrysler Airtemp and other major corporations in the city of Dayton. He was instrumental in joining forces with other community activist groups such as The Dayton Organization, New Generation of Black People, Action Inc. and the Human Rights Commission. Mr. Gray was a member of the Sinclair Alumni Association Executive Council which impacted relations with minority students. Having an Associate Degree in Mechanical Engineering, he spent time as an instructor in the Dayton Public School system and was employed by the Student Rights Center as an Ombudsman where he counseled students regarding educational programs, career development, financial aid and scholarships. He became a realtor and was a member of the Dayton Board of Realtors.

There should be no negative impact by implementing the proposal. This is an honorary designation, not an official renaming of this portion of Liscum Drive. The honorary designation will be recognized by signs posted above the street signs.

Approximately thirty (30) property owners abut the portion of Liscum Drive (State Route 35 south to Dayton-Liberty Road) which is proposed for the honorary designation. Three (3) of those thirty properties are located in Jefferson Township .The following represents the detail of the efforts to secure support for this request:

- During the months of October of 2018 through January 2019 petitions were circulated to the thirty (30) identified property owners.
- Received signed petitions from sixteen (16) of the twenty-seven (27) property owners, whose properties lie within the City of Dayton.
- Received a resolution (Res. 18-180) from the Jefferson Township Board of Trustees for the three (3) parcels of land that are within Jefferson Township jurisdiction.
- On February 20, 2018, the Southwest Priority Board voted to support the street designation.

- On January 29, 2019 the West Priority Land Use Board voted to support the street designation.

Based on that information, staff believes the support received by the remaining property owners meets the intent of the requirement that 51% of abutting property owners support the request.

The City of Dayton Engineer, the Public Works Department, and the Police and Fire Departments have no objections to the designation. The honorary designation is also supported by the Southwest Priority Board and the West Priority Land Use Board which have provided letters of support.

Public Comments

Tommy Stewart, Canaan Missionary Baptist Church, St. Benedict the Moor Catholic Church, Southwest Priority Board, West Priority Land Use Board, and the Jefferson Township Board of Trustees provided correspondence in support of the designation.

The applicant, Rod Gray, 628 Liscum Drive, Dayton, OH, spoke in support of the designation. He is Page Gray’s son and shared memories of his father taking him to various meetings when he was a young boy. He said his father was arrested for his beliefs.

Wendell Jones, Dayton, OH, spoke in support of the designation. He worked with Page Gray in the 1960s and said Mr. Gray was doing the same things here that Dr. King was doing in Atlanta. Mr. Gray fought against wage disparities and discriminatory job practices that affected African-Americans and women.

Board Discussion

Mr. Wright said he spoke with Mr. Gray a lot and said he was a leader in the community who did great work.

Board Action

A motion was made by Mr. Wright, seconded by Ms. Pegues, and carried to recommend City Commission approval of the proposal (Case PLN2019-00018) to establish a two-year honorary designation for a portion of Liscum Drive (from State Route 35 south to Dayton-Liberty Road) as “Page E. Gray, Jr. Way” because the proposal is consistent with the requirements found in City Commission Resolution 5014-99 as outlined in the staff report.

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

Minutes approved by the City Plan Board on March 12, 2019.

Ann Schenking, Secretary
City Plan Board



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7. PLN2018-00716 – Zoning Map Amendment – Repeal Planned Development PD-78 and Replace It with a New Planned Development which Allows for a Maximum of 260 Single-Family Dwellings at 4400 Old Troy Pike on a 100.657 acre site. The Underlying Zoning for the Entire Site will be SR-1 Suburban Single-Family Residential.

Applicant: Mr. Greg Smith
Oberer Land Developers
3445 Newmark Drive
Miamisburg, OH 45342

Priority Land Use Board: Northeast

Neighborhood Planning District: Kittyhawk

Decision: Recommended Approval

Staff Comments

On January 8, 2019, the Plan Board tabled action on this case to its February 12, 2019 meeting to allow time for additional information to be collected and presented to the Board. Abigail Free presented the case and explained what the applicant had changed since the February meeting. She said staff believed the determinations and findings could be made and recommended approval.

During the January hearing, residents from the surrounding area, namely Old Troy Pike and Lloyd Avenue, spoke with concern about the proposed site plan. Previously, the submitted development plan proposed the main entrance to the subdivision from Old Troy Pike, with secondary access from Lloyd Avenue, a short single-family residential street at the northeast corner of the site lying within the city of Riverside. Two detention ponds frame the main entrance, which is a typical water retention element found with suburban residential developments.

The secondary access was a concern due to the fact that Lloyd Avenue is essentially a narrow unimproved street with no sidewalks or storm sewers with only four houses and two additional houses fronting on Needmore Road. Even though Lloyd Avenue has right-of-way that extends to the subject property, the aesthetic is a private, wooded, dead-end street. Residents did not support connecting Lloyd Avenue to the new subdivision. Another issue with Lloyd Avenue is that it lies within the City of Riverside which did not fully support the right-of-way connecting and the granting of full vehicular access.

During the hearing the possibility to use Lloyd Avenue as emergency access only was discussed. The Dayton Fire Department did not support Lloyd Avenue as emergency access only because typically emergency access only does not have a solid surface for the emergency vehicles to use, has gated access, or becomes lost over time. Dayton's Civil Engineers also recommend that at least two access points are provided for a subdivision over 100 houses.

Another issue brought up during the January hearing was excessive flooding in the area, rainwater runoff and lack of storm sewers. Because the proposed development is currently undeveloped land, the rainwater runoff follows natural topography causing flooding in low areas. However, with the construction of new roads to include storm sewers, rainwater that once ran off the proposed site will now be contained in one of the many retention ponds proposed on the site. Water engineering agrees that a new housing subdivision may help with current flooding to surrounding areas.

Vehicular safety and collisions at the nearby intersection of Old Troy Pike and Needmore Road were also a concern. The City of Riverside (where the intersection is located) has informed staff that the Miami

Valley Regional Planning Commission (MVRPC) is conducting a safety study at the cited intersection and may recommend future changes to make the intersection safer.

The proposed site plan has been revised since first being heard at the January 8, 2019 Plan Board meeting. The site plan has been reworked to allow for two separate entrances to the subdivision off of Old Troy Pike which the Dayton Fire Department supports. The southern entrance is within Dayton, while the northern entrance is within Riverside. A detention pond lies between both entrances. Riverside will allow for an entrance within their jurisdiction.

The new configuration has allowed for three additional lots, totaling 256 lots. There are a number of short cul-de-sacs accessed by two central streets that lead to the access points along Old Troy Pike. A cul-de-sac has been added near the Lloyd Avenue right-of-way and will no longer be a proposed access, not even for emergencies. The new streets shall be public and will be dedicated through a Record Plan.

Right-of-way dedication will also be required along Old Troy Pike, as parcels extend to the center line. The developers have offered to do a trip generation study to estimate whether they will need to install a deceleration lane (right-turn) from the south or a left turn lane coming from the north. The Department of Public Works will review the information and determine the required improvements.

Green space at the north of the site will remain a natural wetland habitat. Four more detention ponds line the south and east sides and a green space is centrally located. The proposed residential development is generously buffered from abutting properties through the inclusion of the detention ponds and wetlands habitat.

The site will be subdivided in phases although a complete development plan was submitted. Development along the central street will happen first with the cul-de-sacs to the north being last to allow visibility of available lots from Old Troy Pike. Construction of the public streets shall be done to City standards with exact layout reviewed and approved by Civil and Water Engineering.

The revised development plan proposes 256 lots. The typical lot has a minimum width of 56-ft and an average size of 7,500-sf (56'x135'). Proposed setbacks are front 25-ft, side 5-ft (15-ft total), and rear 30-ft. A density of 2.5 units per acre is proposed. Open space is 32.5%, or 32.763-acres of the site.

In conformance with the City's Livable Streets Policy, Ms. Free said staff recommends sidewalks on the development's frontage along Old Troy Pike in addition to the sidewalks that will be provided within the subdivision

Public Hearing Comments

Since the public hearing on the case was closed at the January Plan Board meeting, Mr. Payne made a motion to reopen the public hearing. The motion was seconded by Ms. Pegues and carried unanimously.

Applicants Greg Smith and Robert McCann of Oberer, 3445 Newmark Drive, Miamisburg, OH spoke in support of the revised project and answered questions from the Plan Board. They said that the construction of a sidewalk along Old Troy Pike would be a painful cost to the subdivision. Mr. McCann said the second entrance off Old Troy Pike will be built by the time 100 homes are built. He also said that water cannot run off the site any faster than it does now. A homeowner's association (HOA) will maintain the ponds.

Edson Waite, 4535 Lloyd Avenue, Riverside, OH, said he was happy that the development will have a cul-de-sac at Lloyd Avenue and that turn lanes for the development will be constructed on Old Troy Pike. He said water flow towards his house has increased dramatically with the development around him.

Brian Gaskin, 4231 Old Troy Pike, Dayton, OH, said his house is south of the proposed turn lanes. He likes the turn lanes and said it is good that Lloyd Avenue will not be used as an access to the development. He is concerned about Old Troy Pike encroaching closer to his home.

Mike Denning, 4435 Schwinn, Dayton, OH, said if you look at all properties in the area, no properties have lots that are as small as those in the proposed subdivision. Keep the lots at 70' wide. Sidewalks on Old Troy Pike will benefit the neighborhood; people will use them. He hopes the project will reduce water flow off the site.

Robert Baker, 4418 Needmore Road, Dayton, OH, said not using Lloyd as an access is fantastic; there is a water run-off problem here.

Board Discussion

The Plan Board discussed the case. Mr. Payne summarized the points of discussion as follows: 1) water run-off generated by this development is required to be contained within its own drainage system then fed into the city system. Water run-off currently experienced will be reduced with this project; 2) the use of Lloyd Avenue as a secondary access is eliminated; 3) access improvements on Old Troy Pike will be constructed with the current right-of-way.

Ms. Pegues asked about the proposed lot widths. Ms. Free said the lots will meet the requirements of the SR-1 zoning district expect for lot width which will be accommodated by the regulations in the proposed Planned Development. Mr. Kinskey said what is currently allowed at the site is a 300 unit mobile home park with 45' wide lots. Ms. Pegues asked how notification was handled for this meeting. Ms. Free and Ms. Schenking explained the notification process which included confirming the addresses on the original mailing list and mailing notices to that list and also sending notices to everyone who registered to speak at last month's meeting.

Mr. Payne said he supported constructing a sidewalk on the development's frontage along Old Troy Pike. Ms. Pegues asked what the City's position was on sidewalks. Ms. Free noted that the City Engineer referenced the Livable Streets Policy.

Board Action

A motion was made by Mr. Payne, seconded by Mr. Bradley and carried to and to recommend City Commission approval of Case PLN2018-00716 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, and that the Planned Development standards for this case shall include construction of a sidewalk on the development's frontage along Old Troy Pike.

Ms. Beverly Pendergast	Absent	Mr. Paul Bradley	Yes
Mr. Richard Wright	No	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Absent
Mr. Jeff Payne	Yes		

Mr. Wright voted no due to the concerns of residents voiced at the Public Hearings on the case.

Minutes approved by the City Plan Board on March 12, 2019.

Ann Schenking, Secretary
City Plan Board



City of Dayton

City Plan Board

Summary Minute Record February 12, 2019

8. PLN2019-00020 – Zoning Map Amendment – Rezone 1.35 acres at 112 South Dutoit Street and 1.07 acres at the Southwest Corner of Bacon and Dutoit Streets from General Industrial (I-2) to Urban Business District (UBD).

Applicant: Mr. Tony Kroeger for City Plan Board
Department of Planning and Community Development
101 W Third Street
Dayton, OH 45402

Priority Land Use Board: Northeast

Neighborhood Planning District: Historic Inner East

Decision: Recommended Approval

Staff Comments

On June 12, 2018, the Plan Board directed staff to initiate on its behalf any zoning map amendment cases that staff believed should be considered. This case arose from this directive.

Rachel Bankowitz presented the staff report and said staff believed the determinations and findings could be made and recommended approval.

The proposed zoning map amendment has been prompted by the presence of I-2 zoning in the immediate vicinity of the St. Anne's Hill Historic District. With the establishment of the historic district in 1974, the area immediately south of the subject parcels has become a very desirable place to live. Additionally, the decline of the railroad has virtually eliminated the former heavy industrial uses in the area.

Prior to the 1920s, Dayton had no zoning ordinances regulating the sizes of buildings, or where they were located. Business districts often extended into residential sections, and industrial buildings could be built in the middle of a residential neighborhood, as the case with the subject parcels. The 1887 *Sanborn Fire Insurance Map* depicts a lumber yard on the subject parcels on the east side of Dutoit Street and houses on the west side. The Bossler Mansion and nearby houses (now part of St. Anne's Historic District) are indicated south of the subject parcels. By 1918, the Israel Brothers Iron and Metal Company Junk Yard had taken over the subject parcels. Interestingly, the business was not a hit with the surrounding neighborhood. In fact, an injunction restraining the company from operating a huge drop-hammer used to crush iron was filed by a resident on nearby East Fourth Street. He alleged that the hammer's vibrations destroyed the plastering on the walls of this house. He also complained that the business cluttered several local streets with junk and that galvanized rubber burned by the business had an offensive smell, all of which he believed depreciated the value of his property. Later businesses on the subject parcels included a coal yard, the Miami Paint Company and, most recently, Sid's Towing Service. Coincidentally, the houses on the subject parcels on the west side of Dutoit were demolished sometime after 1955.

Today the subject parcels are vacant and, as demonstrated, heavy industrial uses allowed in the I-2 zoning district are no longer appropriate. I-2 is our most intense industrial zoning classification. For example, the following land uses are permitted in the I-2 zoning district:

- Auto service stations
- Motor vehicle body shops
- Motor vehicle repair
- Outdoor storage of equipment and vehicles
- Outdoor storage of general materials

- Trucking freight terminals
- Heavy manufacturing
- Recycling facilities
- Solid waste composting facilities (class IV)

The following can be permitted as Conditional Uses:

- Junkyards
- Vehicle fueling stations
- Construction and demolition waste facilities
- Crematoriums
- Incinerators
- Sanitary waste facilities
- Sewage treatment facilities
- Adult entertainment

Given the evolution and success of the St. Anne's Hill and encroaching development and success of the nearby Oregon and Huffman historic districts, staff is concerned about the range of uses this I-2 district permits. The uses listed above would be more appropriate in the other approximately 4,050 acres of I-2 zoning elsewhere in the city of Dayton.

Therefore, staff proposes amending the zoning map for the subject parcels from I-2 to UBD. UBD zoning allows the kind of uses that are likely to be beneficial to the area, including:

- Family day cares
- Assembly halls
- Churches
- Libraries
- Clubs
- Schools
- Parks
- Theaters
- Banks
- Office/professional buildings
- Restaurants
- Hotels

Public Hearing Comments

An email from Karin Gudal, Gem City Catfe, 1513 East Fifth Street, Dayton, OH, in support of the rezoning was received.

Susan Gray, representing the St. Anne's Hill Historic District, 1514 East Fourth Street, Dayton, OH, spoke in support of the proposal. She said she lived through the Sid's years when it was a junkyard and a homeless encampment. She and St. Anne's appreciate this initiative to rezone this property.

Board Discussion

The Plan Board discussed the case. Mr. Sauer said he was pleased that UBD zoning was recommended for the property.

Board Action

A motion was made by Ms. Pegues, seconded by Mr. Payne and carried to and to recommend City Commission approval of Case PLN2019-00020 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	Absent	Mr. Paul Bradley	Yes
Mr. Richard Wright	Yes	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Absent
Mr. Jeff Payne	Yes		

Minutes approved by the City Plan Board on March 12, 2019.

Ann Schenking, Secretary
City Plan Board



City of Dayton

City Plan Board

Summary Minute Record February 12, 2019

9. PLN2019-00022 – Zoning Map Amendment – Rezone 3.18 acres between Riverside Drive and Linwood Street to the east/ west and E. Grand Avenue and White Allen Avenue to the north/ south from Mature Residential (MR-5) to Urban Business District (UBD).

Applicant: Mr. Tony Kroeger for City Plan Board
Department of Planning and Community Development
101 W Third Street
Dayton, OH 45402

Priority Land Use Board: North Central Neighborhood Planning District: McPherson

Decision: Recommended Approval

Staff Comments

On June 12, 2018, the Plan Board directed staff to initiate on its behalf any zoning map amendment cases that staff believed should be considered. This case arose from this directive.

Jon White presented the staff report and said staff believed the determinations and findings could be made and recommended approval.

The entire area in the vicinity of the subject property (east of Main Street, south of I-75, west of Riverside Drive, north of the Great Miami River) is zoned either Mature General Commercial MGC or Mature-Residential (MR-5). The majority of the existing land use is either commercial or surface parking. A small strip of single-family housing exists along Linwood Street just west of the subject property. While the subject property is zoned for single family residential, its existing use is office space.

Staff is proposing the subject property (parcels located between Linwood Street to the west, White Allen Avenue to the south, Riverside Drive to the east, East Grand Avenue to the north) be rezoned from Mature Residential MR-5 to Urban Business District UBD.

Staff is taking a proactive approach by proposing to rezone the subject property from MR-5 to UBD. While no specific development proposals have been proposed, staff believes UBD is a more appropriate zoning district to accommodate a mixed-use environment. While the existing land use and built environment is constructed as office space, the 2006 City-Wide Zoning Code Update foresaw this area as future single-family residential. Staff believes that rezoning to UBD would allow for more flexible guidance of land uses including both residential and commercial uses. As development momentum continues to extend beyond the core downtown area, staff believes removing a strict single-family zoning district from the existing office uses of the subject property would help facilitate the potential future development of this area into a more mixed-use environment.

As of today, any future non-conforming building or lot in the subject property, either through extended vacancy or nuisance, shall be subject to the MR-5 zoning regulations. Given the existing buildings are constructed and designed for office use as office buildings, the transformation or redevelopment of the property to meet the single family zoning standards of the MR-5 district would restrict the opportunity of redevelopment without substantial zoning variances. Implementing a UBD zoning district would provide a more flexible approach to development with respects to land use.

Permitted used in the Mature Residential (MR-5) Zoning District:

- Park/playground

- Two-family dwelling
- Family day care home for 1-6 children
- Adult care facility for 3-5 persons
- Residential facility for 5 or fewer persons
- Residential facility for 6-8 persons
- Single-family dwelling, detached

The following can be permitted as Conditional Uses in the MR-5 Zoning District:

- Single-family dwelling, attached
- Multi-family dwelling
- Family day care home for 7-12 children
- Live-work unit
- Cemetery
- Church/religious assembly
- Community center
- Library
- Public safety facility
- Utility substation/ distribution facility
- School
- Day care center

To provide a more flexible use of the existing built environment, permitted uses in the Urban Business District UBD zoning district include:

- Office/professional buildings
- Residential uses
- Retail
- Restaurants
- Hotels
- Family day cares
- Assembly halls
- Churches
- Libraries
- Clubs
- Schools
- Parks
- Theaters
- Banks

Public Hearing Comments

None.

Board Discussion

None.

Board Action

A motion was made by Mr. Bradley, seconded by Ms. Pegues and carried to and to recommend City Commission approval of Case PLN2019-00022 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	Absent	Mr. Paul Bradley	Yes
Mr. Richard Wright	Yes	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Absent
Mr. Jeff Payne	Yes		

Minutes approved by the City Plan Board on March 12, 2019.

Ann Schenking, Secretary
City Plan Board



City of Dayton

City Plan Board

Summary Minute Record February 12, 2019

10. PLN2019-00032 – Work Session – 2019 Zoning Code Text Amendments

Applicant: Mr. Todd Kinskey for City Plan Board
Department of Planning and Community Development
101 W Third Street
Dayton, OH 45402

Priority Land Use Board: All Neighborhood Planning District: Various

Decision: Directed Staff to Proceed

Staff Comments

On June 12, 2018, the Plan Board authorized staff to proceed with a package of text amendments for Plan Board review; this work session is a result of that direction.

Ann Schenking presented the proposed group of text amendments along with several amendments proposed by Mr. Sauer. She asked for direction to proceed with Priority Land Use Board review of the amendments followed by a Plan Board public hearing and recommendation to the City Commission.

In brief, staff proposes to continue to emphasize design standards. Staff recommends turning the Pedestrian Oriented Design (POD) principles into design standards that apply to all of the CBD (downtown core) and UBD (Urban Business District). Currently, the POD standards only apply to certain streets in the CBD and UBD with many parts of the CBD and UBD without design standards. In addition, staff recommends adding design standards for the EGC (Eclectic General Commercial) District and adding more design standards for the T (Transitional) District.

In light of development trends in some of our commercial districts, staff proposes adding to all of the city's commercial districts **mixed-use/residential** as a new Conditional Use with specific requirements for that use.

As is the case each time we amend the Code, many items are routine. For example, staff proposes adding, revising, and/or deleting definitions because one of the following applies: 1) the location of the definition has been shifted from another part of the zoning code (e.g., from the Sign Regulations section and the Landscaping and Screening Regulations section) to the Definitions section because, with the exception of the Adult Regulations section, we believe it is a best practice and more user friendly to have definitions contained in one part of the Code rather than scattered throughout the Code; 2) the definition is no longer needed; 3) the definition is being updated to provide more clarity; 4) the definition is being added because regulations for the defined use are being added to the code; 5) the term was never defined and should be for consistency in application; or 6) a cross-reference definition is being added for user friendliness.

Some amendments clarify and update provisions and terminology. Throughout the Code staff is clarifying and making consistent regulations that state when something is not permitted (and therefore could be considered for a variance or inclusion in a Planned Development if circumstances warrant) vs. banned by prohibition and only allowed if the Zoning Code is amended first. Staff is also proposing a number of amendments to our sign regulations in order to reflect the decision of the U.S. Supreme Court in *Reed v. Gilbert*.

Public Comments

None.

Board Discussion/Action

The Plan Board discussed the proposed amendments and directed staff to proceed with the next steps in the review and approval process.

Minutes approved by the City Plan Board on March 12, 2019.

Ann Schenking, Secretary
City Plan Board