



City of Dayton

City Plan Board

Minute Record Overview

March 14, 2023

4:30 P.M.

Planning Resource Conference Room, City Hall
101 W. Third Street, Dayton, Ohio

Members Present: Dr. Julius Beckham (arrived 5:08 pm), Ms. Geraldine Pegues, Mr. Matt Sauer, Ms. Ann Schenking, Mr. Greg Scott

Members Excused: Mr. Allen, Ms. Miller

Mr. Scott called the meeting to order at 4:47 P.M. A motion was made by Ms. Schenking, seconded by Ms. Pegues to approve the minutes of the February 14, 2023, meeting.

1. PLN2023-00030 – Subdivision Record Plan Located at 425 N. Findlay St

Applicant: Haley-Dusa c/o Tom Dusa
270 Regency Ridge Drive #203
Dayton, OH 45459

Priority Land Use Board: Northeast

Planning District: Springfield

Decision: Approved with Conditions

2. PLN2023-00048 – Subdivision Record Plan Located at 519 Valley St

Applicant: The Kleingers Group c/o Matt Habedank
6219 Centre Park Drive
Dayton, OH 45459

Priority Land Use Board: Northeast

Planning District: Old North Dayton

Decision: Approved with Conditions

3. PLN2023-00051 – Subdivision Record Plan Located at 2131 W. Third St

Applicant: Burkhardt Engineering Company
28 N. Cherry St.
Dayton, OH 45459

Priority Land Use Board: West

Planning District: Roosevelt

Decision: Approved with Conditions

4. PLN2023-00054 – Subdivision Record Plan Located at 1420 Cincinnati St

Applicant: McBride Dale Clarion c/o Macy Downey
5721 Dragon Way, Suite 300
Dayton, OH 45459

Priority Land Use Board: West

Planning District: Edgemont

Decision: Approved with Conditions

5. PLN2022-00487 – Subdivision Record Plan Located at 1601 Wayne Ave

Applicant: EAM GeoData Solutions c/o Eric A. Moody, P.S.
40 Pulaski Street
Dayton, OH 45459

Priority Land Use Board: Southeast

Planning District: Walnut Hills

Decision: Approved with Conditions

6. PLN2022-00485 – Subdivision Record Plan Located at 40 W. 4th St

Applicant: Windsor Tower LLC
40 W. 4th Street
Dayton, OH 45459

Priority Land Use Board: Greater Downtown
Decision: Approved with Conditions

Planning District: Downtown

7. PLN2023-00055 – Vacation of Right of Way for alley west of Paul Laurence Dunbar between the alley south of Germantown St and Willard St

Applicant: Invictus Development c/o Kiya Patrick
400 Wayne Avenue
Dayton, OH 45459

Priority Land Use Board: West
Decision: Approved with Conditions

Planning District: Edgemont

8. PLN2023-00005 – Permanent Street Name Change for portion of Bainbridge St to “Engagement Lane”

Applicant: Michael Emoff
811 E. 4th Street
Dayton, OH 45459

Priority Land Use Board: Greater Downtown
Decision: Recommend Approval

Planning District: Oregon

9. PLN2022-00488 – Zoning Code Text Amendments

Applicant: City of Dayton
c/o Todd Kinskey
101 W. 3rd Street
Dayton, OH 45459

Decision: Recommend Approval with revisions

The Plan Board meeting was adjourned at 5:50 P.M.

Minutes approved by the City Plan Board on April 11, 2023.

Susan Vincent, Secretary
City Plan Board



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1. PLN2023-00030 – Record Plan – Life Enrichment Center (425 N Findlay St.)

Applicant: Haley-Dusa c/o Tom Dusa

Priority Land Use Board: Northeast Planning District: Springfield

Decision: Approved with conditions

Staff Comments

Jeff Green presented the staff report and recommended conditions. The request is to reconfigure three (3) City lots into two (2) City lots. The lots would meet the minimum requirements of the I-2 General Industrial Zoning District.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Ms. Schenking seconded by Ms. Pegues and carried to approve Case PLN2023-00030 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 AES, Centerpoint, City of Dayton Water, etc.
4. Verify if 10' strip of ROW is dedicated as noted on the Engineering Division's comments.

Mr. William Allen	Excused	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Excused	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Excused	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on April 11, 2023.

Susan Vincent, Secretary City Plan Board



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2. PLN2023-00048 – Record Plan – Ronald McDonald House (519 Valley St.)

Applicant: The Kleingers Group

Priority Land Use Board: Northeast

Planning District: Old North Dayton

Decision: Approved with conditions

Staff Comments

Jeff Green presented the staff report and recommended conditions. The request is to reconfigure twenty (20) City lots into one (1) City lot. The lot meets the minimum requirements of the Campus Institutional Zoning District. Mr. Green noted that subject area has 2 different property owner names as noted on the record plan which should be corrected before the record plan is recorded.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Mr. Sauer seconded by Ms. Schenking and carried to approve Case PLN2023-00048 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 AES, Centerpoint, City of Dayton Water, etc.
4. Add ROW and distance for the sections of Chapel Street as identified by Engineering Division
5. All parcels shall be under one owner name prior to recording.

Mr. William Allen	Excused	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Excused	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Excused	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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3. PLN2023-00051 – Record Plan – Hissowal, Inc. (2131 W. Third St.)

Applicant: Burkhardt Engineering Co.

Priority Land Use Board: West

Planning District: Roosevelt

Decision: Approved with conditions

Staff Comments

Jen Hanauer presented the staff report and recommended conditions. The request is to consolidate four (4) City lots (parcel IDs R72 08204 0032-0035) into one (1) City lot. The lot will require a variance to allow a 60' front setback where a 15' maximum setback is allowed; otherwise the lot meets the minimum requirements of the T Transitional district. Ms. Hanauer noted that the existing structure on the lot appears to have once been a Church's Chicken but is now vacant.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Ms. Schenking seconded by Ms. Pegues and carried to approve Case PLN2023-00051 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 AES, Centerpoint, City of Dayton Water, etc.
4. Variance approval for 2131 W. Third St. to allow for a 60' foot front setback where a maximum 15' setback is allowed.

Mr. William Allen	Excused	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Excused	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Excused	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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4. PLN2023-00054 – Record Plan – ROW Dedication Cincinnati Street (QuikTrip)

Applicant: Burkhardt Engineering Co.

Priority Land Use Board: West

Planning District: Roosevelt

Decision: Approved with conditions

Staff Comments

Jen Hanauer presented the staff report and recommended conditions. The request is to dedicate a portion of the public right-of-way along Cincinnati Street and South Edwin C. Moses Boulevard. Ms. Hanauer explained that this dedication would allow the sidewalk to be completely within the public right-of-way as requested by the Division of Civil Engineering in March 2022 during the preliminary storm water review for the site. PD-151 (Ordinance No. 31051-11, passed by City Commission January 5, 2011) allows for retail establishments and fueling stations.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Ms. Pegues seconded by Mr. Sauer and carried to approve Case PLN2023-00054 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 AES, Centerpoint, City of Dayton Water, etc.

Mr. William Allen	Excused	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Excused	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Excused	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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5. PLN2022-00487 – Record Plan – 1601 Wayne Avenue

Applicant: Eric A. Moody, P.S. / EAM GeoData Solutions
Priority Land Use Board: Southeast Planning District: Walnut Hills
Decision: Approved with conditions

Staff Comments

Jen Hanauer presented the staff report and recommended conditions. The request is for a consolidation of four (4) City lots into one (1) City lot. The lot meets the minimum requirements of the MR-5 Mature Single-Family District. Ms. Hanauer explained that the consolidation will allow the owner to construct and Accessory Dwelling Unit (ADU) in their rear yard, a proposal that was approved by the Board of Zoning Appeals in October 2022. Ms. Hanauer also noted that the City of Dayton Division of Civil Engineering has a road project in this area and has on-going right-of-way design that will be coordinated with the owner at a later date.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Ms. Schenking seconded by Ms. Pegues and carried to approve Case PLN2022-00487 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 AES, Centerpoint, City of Dayton Water, etc.

Mr. William Allen	Excused	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Excused	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Excused	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

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6. PLN2022-00485 – Record Plan – 40 W. 4th Street

Applicant: Windsor Tower LLC

Priority Land Use Board: Greater Downtown Planning District: Downtown

Decision: Approved with conditions

Staff Comments

Susan Vincent presented the staff report and recommended conditions. The request is for a consolidation of five (5) City lots into one (1) City lot. The lot meets the minimum requirements of the CBD Central Business District. Ms. Vincent shared that the request was prompted by plans to redevelop the building.

Public Comments

None.

Board Discussion

Mr. Sauer inquired into the status of the communications easements. Mr. Kroeger explained they are related to antennae on the roof.

Board Action

A motion was made by Mr. Sauer seconded by Ms. Schenking and carried to approve Case PLN2022-00485 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 AES, Centerpoint, City of Dayton Water, etc.
4. Revise anything as mark-upped on the record plan and as shown on example record plan.
5. Add the date and ordinance number for the Vacated Alley.

Mr. William Allen	Excused	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Excused	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Excused	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on April 11, 2023.

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7. PLN2023-00055 – Vacation of Right of Way – The alley West of Paul Laurence Dunbar Street from the alley South of Germantown Street to Willard Street

Applicant: Invictus Development Group, Inc.
Priority Land Use Board: West Planning District: Edgemont
Decision: Approved with conditions

Staff Comments

Tony Kroeger presented the staff report and recommended conditions. This is a request to vacate a segment of alley and incorporate that area into a housing development. That housing development would include the demolition of the existing building at 1520 Germantown for a new housing development. Plans for that development have been attached to this report. The subject alley segment is currently not being used, as it's alley mouth at Willard Street has been blocked off for security purposes. The alley to which it connects – the alley parallel to Germantown Street – has limited purpose at this time, and for those couple houses remaining, access to garages and trash collection can come from Conners Street.

All property owners on the block were notified of this request, and no concerns have been raised.

The alley is not currently being used. At this time, it is blocked by a security fence, in anticipation of the demolition of the existing building at 1520 Germantown. Before that, it was blocked by a concrete barrier. There are no garages on this alley, or the one to which it connects. For those who live in the couple remaining structures, the rear of their properties can be accessed by the east-west alley parallel to Germantown, via Conners Street.

Staff shared the opinion that the standards for vacation can be met and recommended approval of the application with conditions based on an analysis of the standards.

Ms. Kroeger's recommendation was based on her analysis of the standards found in 150.445 Vacation of Rights of Way.

Public Comments

None.

Board Discussion

The Board found that the standards for a public way vacation can be met.

Board Action

A motion was made by Mr. Sauer seconded by Ms. Pegues and carried to approve Case PLN2023-00055 with the following conditions:

1. 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.
2. The alley mouth at Willard Street 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 vacation and to City of Dayton standards.



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3. A turnaround shall be constructed and dedicated on the alley south of Germantown Street at the proposed vacation or an alley to Willard Street shall be constructed and dedicated. The turnaround or alley shall be approved by the Division of Civil Engineering and to City of Dayton Standards.
4. No drainage shall be impounded on the remaining right of way of Alley South of Germantown Street. The drainage plan shall be submitted to the Division of Civil Engineering for review and approval.
5. An easement shall be reserved for AT&T aerial equipment or shall be relocated.

Mr. William Allen	Excused	Mr. Matt Sauer	Yes
Dr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Excused	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on December 13, 2022.

Susan Vincent, Secretary City Plan Board



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8. PLN2023-00005 – Permanent Street Name Change for portion of Bainbridge St to “Engagement Lane”

Applicant: Michael Emoff
Priority Land Use Board: Greater Downtown Planning District: Oregon
Decision: Recommend Approval

Staff Comments

Susan Vincent presented the proposed street name change including maps of the area, ownership details, and images of the site. She shared that 2/3 of the property owners along this segment of Bainbridge Street approve of the name change which meets the regulations for a name change to occur within 90 days of City Commission approval. She shared her analysis of the request stating that this segment of Bainbridge Street from E. 4th Street to the northern rail road right-of-way is isolated and dead-ended. No postal addresses are assigned to this section of the street and no internal or external partners voiced any concerns with the requested name change. She stated that the application meets the rules and guidelines set forth in Resolution Number 5014-99 and recommended approval of the request.

Public Comments

The applicant, Mr. Michael Emoff, shared the interest in renaming the street – namely confusion with the southern, unconnected portion of Bainbridge and the history of the street as a location to take engagement photos; most notably the wedding photo taken while a historic structure on the street burned.

Board Discussion:

There was no board discussion.

Board Action

Ms. Pegues moved to recommend approval, seconded by Mr. Sauer, to recommend City Commission approval of the request to permanently rename a portion of Bainbridge Street to Engagement Lane. The official/legal name of Bainbridge Street (from East Fourth Street to the northern railroad right-of-way) would become Engagement Lane.

Mr. William Allen	Excused	Mr. Matt Sauer	Yes
Mr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Excused	Mr. Greg Scott	Yes
Mr. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on April 11, 2023.

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9. PLN2022-00488 – Zoning Code Text Amendments

Applicant: Todd Kinskey, City of Dayton
Priority Land Use Board: all Planning District: all
Decision: Recommend Approval

Staff Comments

Susan Vincent presented the proposed text amendments, emphasizing the timing for two amendments in particular:

1. Amending the standards for conditional use to ensure the standards used by the board and those include in our code are in alignment; and,
2. Adopting new authority for the Zoning Administrator to approve Pop-Up Patio installations to allow the program to continue after the expiration of emergency powers granted during the COVID-19 public health emergency.

Ms. Vincent highlighted changes made since the work session held in December 2022, including:

- Removed the protective care facility and congregate care facility amendments from this round to make time for additional research and engagement;
- Revised the language for the Public Notice amendment to reduce potential challenges with noticing larger, multi-family properties;
- Changed wording for truck terminal standards to match existing provisions; and,
- Revised the language for Accessory Dwelling Units to more clearly define housing units versus primary structures and the maximum number of ADUs allowed.

The current zoning code took effect August 1, 2006. Since then the code has been amended on a regular basis to clarify terminology and provisions, make certain regulations consistent from one zoning district to another, update regulations to reflect experience to date and best practices, and improve administration and enforcement of the Code. These periodic amendments allow the Zoning Code to more effectively support the current and future needs of Dayton’s residents, neighborhoods, and businesses. The current package of Zoning Code text amendments continues this work.

Public Comments

There were no members of the public registered to speak.

Board Discussion:

Mr. Scott asked for clarification on language proposed for the Zoning Code purpose amendment and requested minor changes to purpose statement (B) and (D).

The Board discussed the nature of the terminology of “accessible” vs “handicap” parking and how it relates to the proposed text amendment. No changes were proposed to the amendment as drafted at the conclusion of the discussion.

Mr. Sauer raised questions about the amendment proposed for the Accessory Dwelling Units and the Board discussed implications of the changes. No changes were proposed to the amendment as drafted at the conclusion of the discussion.

Mr. Scott identified an error in the table for I-2 uses and staff made a note to correct the mistake.

Board Action

Ms. Schenking moved to recommend approval, seconded by Dr. Beckham, to recommend City Commission approval of the text amendments based on the Board’s ability to make the determinations outlined in R.C.G.O. Section 150.125.6 (Amendments to Text).

Mr. William Allen	Excused	Mr. Matt Sauer	Yes
Mr. Julius Beckham	Yes	Ms. Ann Schenking	Yes
Ms. Rosalyn Miller	Excused	Mr. Greg Scott	Yes
Mr. Geraldine Pegues	Yes		

Minutes approved by the City Plan Board on April 11, 2023.

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