



City of Dayton

City Plan Board

Summary Minute Record June 11, 2019

1. PLN2019-00265 – Public Way Vacations: (1) Alley South of Chapel Street from Kiser Street to the B & O Railroad Right of Way and (2) Alley East of Kiser Street from the Southern Terminus to the Alley South of Chapel Street

Applicant: Mr. Daniel Brown for Milburn Investments, LLC
Brown Law Office
204 S. Ludlow St., Suite 300
Dayton, OH 45402

Priority Land Use Board: Northeast

Neighborhood Planning District: McCook Field

Decision: Established Condition

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. The alley to be vacated no longer functions as a public right-of-way; it is part of the Pepsi-Cola facility.

Public Comments

None.

Board Discussion

The Plan Board discussed the case.

Board Action

A motion was made by Ms. Pendergast, seconded by Mr. Sauer and carried to find that the vacation proposed in Case PLN2019-00265 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 condition for the vacation:

1. The Water Department requires a 20-ft. wide easement, centered on the existing 8” sanitary sewer.

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

Minutes approved by the City Plan Board on July 9, 2019.

Ann Schenking, Secretary
City Plan Board



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2. PLN2019-00268 – Record Plan – Cornell Drive Apartments

Applicant: Mr. Thomas Dusa
Haley Dusa Group
270 Regency Ridge Drive, Suite 203
Dayton, OH 45459

Priority Land Use Board: North Central Neighborhood Planning District: Wesleyan Hill

Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and recommended conditions. This is a reconfiguration of four city lots into four city lots.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Mr. Wright, seconded by Ms. Pegues and carried to approve Case PLN2019-00268 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. Show any new easements requested by DP&L, AT&T, Vectren, Water Engineering, etc.
3. Ensure that the dimensions close to within a 1:10,000 ratio.
4. This section of Cornell Drive requires 60-ft. of right-of-way from the centerline. Dedication of ROW is required.
5. Per Fire Department request, the existing water main/ fire hydrant easements are to remain.

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

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3. PLN2019-00219 – Establish a Permanent Honorary Designation for a Portion of Ludlow Street (from Monument Avenue to W. Third Street) as “Lloyd Lewis, Jr. Way.” The official name of Ludlow Street will remain Ludlow Street.

Applicant: Mr. Paul Humble
1927 Burbank Drive
Dayton, OH 45406

Priority Land Use Board: Downtown

Neighborhood Planning District: Downtown

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.

Mr. Paul Humble is requesting that an honorary designation be established for a portion of Ludlow Street which runs in front of the former Rike’s Department Store, the former DP&L Building and City Hall. The designation would be “Lloyd Lewis, Jr. Way.” The official name of Ludlow Street would remain Ludlow Street. Mr. Lloyd Lewis, Jr. devoted his life to helping make the City of Dayton a better place to live for all its citizens. Ludlow Street is where he spent most of his private sector life as an executive with the Rike’s Department Store, and as Vice President of Dayton Power and Light. In his public service life he served as an Assistant City Manager for Dayton, a State Representative and a City of Dayton Commissioner.

There should be no negative impact by implementing the proposal. This is an honorary designation, not an official renaming of this portion of Ludlow Street. The honorary designation will be recognized by signs posted above the street signs. Approximately twenty-three (23) property owners abut the portion of Ludlow Street (Monument Avenue south to W. Third Street) which is proposed for the honorary designation. The following represents the detail of the efforts to secure support for this request:

- During the months of December of 2018 through April 2019 petitions were circulated to the twenty-three (23) identified property owners.
- Received signed petitions from eighteen (18) of the twenty-three (23) property owners.
- On April 19, 2019, the Downtown Priority Board voted to support the street designation.

Based on this 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 Downtown Priority Board and the Downtown Priority Land Use Board which provided letters of support.

Public Comments

The applicant, Paul Humble, 1927 Burbank Drive, Dayton, OH, spoke in support of the designation. He read remarks that described Mr. Lewis’ impact on Mr. Humble who worked for Mr. Lewis at Rike’s and the contributions Mr. Lewis made to the community as a City of Dayton Commissioner, mentor, community representative and advocate, State Representative, and City of Dayton Assistant City Manager. He also read a letter in support of the designation from Bro. Raymond Fitz, University of Dayton, 300

College Park, Dayton, OH. In his letter, Bro. Fitz called attention to Mr. Lewis' effort in 1978 to create dialogue between our African-American community and Dayton business leaders. Mr. Lewis helped bridge these two groups by creating trust at a very critical time in our community.

Phil Parker, Dayton Area Chamber of Commerce, 22 East Fifth Street, Dayton, OH, spoke in support of the designation. He said Mr. Lewis was his mentor; he highlighted a few of Mr. Lewis' contributions to the community. He said there is no better street for this honorary designation than North Ludlow Street.

Crystal Lewis, Dayton, OH, Mr. Lewis' daughter, spoke in support of the designation. She said he was a kind, giving man. She shared memories of her father and mother, Edythe Lewis.

Board Discussion

The Plan Board discussed the case. Mr. Scott complimented Mr. Marcellus on a very good staff report.

Board Action

A motion was made by Ms. Pendergast, seconded by Mr. Bradley, and carried to recommend City Commission approval of the proposal (Case PLN2019-00219) to establish a permanent honorary designation for Ludlow Street (from Monument Avenue to W. Third Street) as "Lloyd Lewis, Jr. Way." The Plan Board found the proposal consistent with the requirements found in City Commission Resolution 5014-99 as outlined in the staff report. The official name of Ludlow Street will remain Ludlow Street.

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

Minutes approved by the City Plan Board on July 9, 2019.

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Summary Minute Record June 11, 2019

4. PLN2018-00169 – Zoning Map Amendment — Establish a Historic District (HD)-2 designation for 148 Squirrel Road. The underlying zoning designation, MR-5 will not change.

Applicant: Mr. Steven Solomon
148 Squirrel Road
Dayton, OH 45405

Priority Land Use Board: North Central Neighborhood: Five Oaks

Decision: Recommended Approval

Staff Comments

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

The Solomons, owners of 148 Squirrel Road (aka the Roetter House), are requesting the HD-2 designation for their home. The Roetter House is already a contributing building to the Squirrel-Forest Historic District; however, the Squirrel-Forest Historic District has an HD-1 overlay, which is our least restrictive historic district designation. The Solomons wish to establish the building as an individual landmark with an HD-2 overlay. The HD-2 overlay is our most restrictive historic district designation and requires a COA for any exterior work.

The land on which the Roetter House sits was originally part of the Joseph Pierce Family, reputedly acquired after the war of 1812. In the 1850s Jeremiah Hunt Pierce constructed an estate on the site of the present-day Five Oaks Park. It became known as “Five Oaks” because of a similar number of large, mature oak trees found in close proximity to his home.

It is the opinion of Staff that the house is individually eligible for the NRHP under *Criterion C: Architecture*. The Roetter House is Dayton’s premier example of the Prairie style in Dayton, as applied to a house, and retains good integrity. It also retains importance for its association with the prominent local architectural firm of Schenk and Williams.

Based on these factors, as well as the required standards and the finding of eligibility by the Landmark Commission, staff recommends approval of the proposed zoning map amendment. This designation would serve the public interest by accomplishing a means of preservation for an iconic Dayton residence. Approval of the historic designation will recognize the significance of the property, protect it from incompatible alterations and demolition without a public hearing, and may potentially allow for a greater range of financing options. Therefore, staff recommends approval of this proposed zoning change.

Public Comments

The applicant, Mr. Steven Solomon, 148 Squirrel Road, Dayton, OH, spoke in support of the designation. He said he and his wife purchased the home a few months ago. They want to be the best owners this house has had. He has lived near Frank Lloyd Wright's Taliesin West in Scottsdale. Mr. Wright designed many iconic Prairie style homes.

Board Discussion

While looking at the sites of cases on the Plan Board agenda, Ms. Pendergast said Mr. Solomon gave her a tour of the home and it is a gem. Mr. Scott complimented Ms. Bankowitz on a very good staff report.

Board Action

A motion was made by Ms. Pendergast, seconded by Mr. Payne and carried to and to recommend City Commission approval of Case PLN2019-00169 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	Yes	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Yes
Mr. Jeff Payne	Yes		

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Summary Minute Record June 11, 2019

5. PLN2019-00289 – Plan Review and Approval – West Dayton Neighborhoods Vision

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

Priority Land Use Board: West Neighborhood Planning District: Various
Decision: Adopted, Recommended City Commission Adoption

Staff Comments

Tony Kroeger presented the staff report. He gave a brief overview of the West Dayton Neighborhoods Vision plan and reviewed changes made to the document due to Plan Board comments made at the June 11, 2019 work session on the plan. Mr. Kroeger said the primary purpose of the plan was to synthesize previously adopted plans, and take a closer look at those projects and areas that would be especially impactful and catalyze additional investment.

This plan was completed in March 2019 by Urban Design Associates (UDA) in collaboration with the Department of Planning and Community Development staff, CityWide staff, and many stakeholders, residents, and business owners.

Because one of the primary purposes of the West Dayton Neighborhood Vision was to bring together previous and ongoing plans into one document, the following were among those that informed this effort:

- West Dayton Development Framework
- West Dayton Corridor Plan
- Dayton Riverfront Master Plan
- Carillon/Edgemont Neighborhood Plan
- Choice Neighborhoods Plan (Greater Miami Chapel)

Through this plan, a number of common themes emerged, such as connectivity, corridors, open space, and placemaking. Key geographic focus areas include: the West Third Street Corridor (including Wright Dunbar, the Wright Factory Site, Westtown and the VA area); the Germantown Corridor and Choice Neighborhood implementation components; and various existing, emerging, and future parkways, trails, and parks.

Public Comments

None.

Board Discussion

Mr. Scott said that he believed staff addressed concerns and comments made by the Plan Board at the work session. Mr. Scott and Mr. Payne asked if some of the \$10.5 M settlement Waste Management is paying the City of Dayton will be available to implement items in the plans and shorten implementation timeframes. Mr. Kinsky says some of the money will be leveraged for those purposes.

Board Action

A motion was made by Mr. Wright, seconded by Mr. Payne and carried to adopt the West Dayton Neighborhoods Vision plan, find it to be consistent with the city's comprehensive plan and other plans and policies that have applicability to the greater West Dayton geography, consider the plan to be an updated component of the city's comprehensive plan, and recommend City Commission adoption of the plan.

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

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Summary Minute Record June 11, 2019

6. PLN2019-00286 – Work Session – Summer 2019 Zoning Code Text Amendments

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

Priority Land Use Board: All

Neighborhood Planning District: Various

Decision: None; Work Session

Staff Comments

Ann Schenking presented the case. On May 14, 2019 the Plan Board authorized staff to proceed with a package of text amendments for Plan Board review. The driver for this package of amendments is a request by a planning consultant to the onMain project (the former Fairgrounds site) to codify the phased approach taken with many Planned Developments whereby the Plan Board approves a general PD for a site and then as sections are developed, a site plan for each section is reviewed and approved by the Plan Board. While amending the Planned Development provisions of the Code, staff wanted to take this opportunity to make a few other amendments to the Code.

The proposed Planned Development (PD) amendments contain the following elements:

- Planned Developments (PD) will be *codified* as a *two-step* process.
- The PD outlines the development's parameters; Plan Board and City Commission approval needed. [We already do this; this is not a change to current practice.]
- Final Plans are submitted to Plan Board for review as phases are developed; only Plan Board approval needed. [We already do a flavor of this when we allow for site design review by the Plan Board for phased development within a PD.]
- For simple PDs, the PD and Final Plan can be combined into one application. [This already occurs in practice.]
- Minor amendments to a PD can be approved by Plan Board; no City Commission approval needed. [We recently amended the Zoning Code to allow the Plan Board to grant variances (essentially amendments) to PD regulations.]
- Major modifications to a PD require amending the PD; Plan Board and City Commission approval needed. [This is already the case.]
- Minor adjustments to a Final Plan can be approved by Zoning Administrator with the concurrence of P&CD Director; Plan Board must be notified. [This is already the case for PDs.]

Among the other amendments are the following:

- Make wording consistent and thereby eliminate differing interpretations as to when the appeal filing clock starts for decisions made by the BZA, Plan Board, Landmark Commission, or City Commission.
- Reflect practice and policy.
- Eliminate internal and external confusion as to the meaning and applicability of certain regulations.
- Correct an omission in the Code.

Following the work session, staff will send the package of amendments to the Priority Land Use Boards for review before the package returns to the Plan Board for a public hearing on July 9, 2019.

Public Comments

None; work session.

Board Discussion

The Plan Board discussed the proposed amendments. Mr. Scott and Mr. Payne questioned the clarity of the regulations in Section 150.550 and the wisdom of adding a provision to allow the BZA Secretary the authority to grant a six month extension to a Conditional Use approval without the prior approval of the BZA. Staff agreed to look at this section further.

Board Action

None; work session.

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