

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

**MINUTES
JULY REGULAR MEETING**

July 13, 2017

The Fifth Regular Meeting of the Montgomery County Planning Commission was held Thursday, July 13, 2017, at 8:30 a.m. in the Tenth Floor Hearing Room, County Administration Building, 451 West Third Street, Dayton, Ohio.

MEMBERS PRESENT: *Michael Cromartie* *Richard Holmes*
 Carl Daugherty *William Uhl*
 Doug Harnish *James Zengel*

OTHERS PRESENT: *Erik Collins, Planning Staff*
 Larry Weissman, Planning Staff
 Angela Swartz, Planning Staff
 Bert Kelsey, County Engineer's Office
 Charles Schaffer, County Environmental Services Dept.
 Alex J. Hale, County Prosecutors Office
 Nitesh Patel, SGP LLC
 Heather Welch, Intern for County Prosecutors Office
 Morgan Napier, Intern for County Prosecutors Office

Before the meeting, Chairman Doug Harnish informed the Planning Commission that Leonard Broyles has resigned from the Planning Commission. He has started his own business, which requires a lot of time. The Planning Commission wishes him luck and thanks him for his service.

MINUTES:

On a motion by Mr. Daugherty, and seconded by Mr. Holmes, it was moved to approve the minutes from the regular meeting held Thursday, June 8, 2017.

On a call of roll: Mr. Cromartie, aye; Mr. Daugherty, aye; Mr. Harnish; aye; Mr. Holmes, aye; Mr. Uhl, abstained; Mr. Zengel, aye. Motion carried.

ZONING:

German Township 2017-01

Mr. Weissman stated the applicant has requested a rezoning that would result in the extension of an existing business district in order to create a single zoning classification for the owner's parcel of land. The property is now bifurcated by two zoning districts: B2 Business, and A Agriculture.

The requested rezoning would create a single B2 Business district on that parcel. The unified zoning will allow the property owner to expand his business operations (the application materials refer to storage for a vending machine maintenance business) to the entirety of his property, subject to any applicable local or state zoning, building or safety regulations. Currently, the owner may not expand those operations beyond the boundary of the B2 zoning district, which covers only part of his property. He is therefore limited to developing the remainder of the parcel for uses allowed by the A Agriculture District zoning. However, zoning regulations preclude the establishment of a second primary use on the parcel. Consequently, and notwithstanding the categorical exemptions for agriculture, that portion of the parcel must remain undeveloped unless some relief is granted from those zoning regulations. That portion of the parcel is well below the acreage typically associated with independent farming, crops or animal husbandry, so use within than exempted category seems unlikely.

This leaves the owner with land that may not be usable for any economically viable purpose, and could create a hardship for the owner and a liability for the community.

In sum, given the set back and buffering standards for commercial uses, the proposed B2 Business zoning appears to be consistent with the surrounding pattern of land use.

Based on the above information and analysis staff recommends approval of the B2 Business zoning, as requested by the applicant.

On a motion by Mr. Zengel and seconded by Mr. Cromartie, it was moved to recommend approval of the German Township Zoning Case 2017-01 as recommended by the Planning Staff.

All approved; Motion carried.

Harrison Township ZC 02-17

Mr. Weissman stated the applicant has requested to amend Section 2803 Conditional Uses and 2804(C) Performance Standards of Article 28 OSI-1 Office, Service, Industrial Zoning District as follows:

Section 2803 Conditional Uses

- Add a new Conditional Use – “Trailer sales, service and rental”

Section 2804 (C) Performance Standards

- Add “...and or visible from an interstate highway...” to the language that establishes wall face standards. The result will be that the building materials required for a wall face along the front lot line will be also be applied to a wall face that is visible from an interstate highway.

Mr. Weissman explained that the reason for the request is to clarify trailer sales, service and rental use, which is not specifically addressed by the zoning resolution. The requested amendment to Section 2803 will create certainty as to the process required for approval of the use.

Minimum standards for materials used for building faces and facades are important aspects of the quality of the Township's overall landscape, and as such should be applied not just to front lot lines, but to highly visible wall faces along interstate highways as well. This will help to maintain expectations of land values throughout the Township, which has major exposure to Interstate I75.

This addition to the OSI District seems to be appropriate in relation to the intensity and nature of uses allowed in the OSI zoning district.

The application of building material standards to wall faces that are exposed to public rights of way or adjacent land uses is a common method of zoning control. This can foster continuity of the visual impacts of land uses within a community, and can minimize obtrusive and discordant construction and visual and physical blight. The means of applying such standards usually specifies a generic geographic location, such as "front lot line", or "facing a major public right of way or highway", within which the standards will apply. This creates a set of standards that are uniform within certain geographies.

However, visibility from an interstate highway as a sole criterion may create practical challenges in enforcing or adhering to the standards meant to control the wall faces. As the intent is to regulate construction that is within a close proximity to such highways, within the OSI-1 District, adding a maximum distance from the Interstate for the application of the highway standard seems advisable. Additional clarification could include references to the overall orientation of a wall face in relation to a Highway.

Such an addition to the text amendment would leave the standards for walls along front lot lines intact, and would limit the additional application of the standard to a specific and reasonable distance from the interstate highway (for example, "facing an Interstate Highway, and within 2000 feet of the edge of the right of way").

The Township may also wish to consider adding trailer sales and service as an allowed use in at least one zoning district, to provide an option for such uses that does not require special approval. Given the intensity of such a use, one of the Industrial Districts may be provide an appropriate location.

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

- a maximum distance from the edges of the Interstate Highway be added to the proposed language for Section 2804 (C)
- the orientation of the building walls be used to determine minimum standards, to augment controls on the visible portions of the buildings approved as Conditional Uses in the OSI-1 Zoning District
- consideration be given to the addition of Trailer Sales and Service uses within an Industrial Zoning District.

On a motion by Mr. Daugherty and seconded by Mr. Uhl, it was moved to recommend approval of the Harrison Township Zoning Case 02-17 as recommended by the Planning Staff.

All approved; Motion carried.

REPLATS:

7470 Miller Lane Plat - Butler Township

Mr. Weissman stated this is a replat is to create two commercial lots on 3.296 acres, located immediately southeast of the intersection of Little York Road and Miller Lane. Access will be from Miller Lane for both lots.

The plat will create a separate lot for future development of Lot 2, which has been cleared of a commercial use. An existing commercial use will remain on Lot 1. The plat does not necessitate any major public improvements.

Adequate documentation of the necessary access easement for ingress and egress to serve Lot 2 will be required of the developer prior to recordation. The developer is aware of, and has agreed to the requirement.

On a motion by Mr. Zengel and seconded by Mr. Daugherty, it was moved to recommend approval of the replat for 7470 Miller Lane in Butler Township subject to: the provision of documentation of ingress and egress easements to Miller Lane as well as, the Final approval of the construction plans for water main extension by the County Water Services Department, posting of bond or irrevocable letter of credit and execution of the subdividers contract as recommended by the Planning Staff.

All approved; Motion carried.

The Trails of Saddle Creek, Section 5-A - Washington Township

Mr. Weissman stated this is a replat of two vacant residential lots to create one lot for residential development within the Trails of Saddle Creel residential development. The replat is located to the east of Tossing Mane Court, which is part of an internal street system connecting to Nutt Road to the south and Clyo Road to the north. The replat does not necessitate the construction of new public infrastructure. Access to the new lot will be from Tossing Mane Court.

Mr. Weissman stated that the project does require zoning approval, for a minor modification of the zoning plan. The developer has arranged for the case to be reviewed by the Township Zoning Commission. County staff will not allow the Record Plan to be signed for recordation prior to the provision of evidence that zoning approval has been granted.

On a motion by Mr. Holmes and seconded by Mr. Uhl it was moved to recommend approval of the replat for The Trails of Saddle Creek, Section 5-A in Washington Township as recommended by the Planning Staff.

PLATS – REAPPROVAL

Estates of Paragon, Section 4 – Washington Township *(29)

(*Indicates number of reapprovals)

Mr. Weissman indicated that the aforementioned plats have not been recorded within the 120-day time frame and are on the agenda for reapproval.

On a motion by Mr. Zengel, and seconded by Mr. Cromartie it was moved to recommend reapproval of Estates of Paragon, Section 4 in Washington Township.

All approved; Motion carried.

Meeting was adjourned as there was no further business to come before the Planning Commission.



Erik Collins
Executive Director



Douglas Harnish
Chairman

Date Approved: 8/10/17