

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

MIAMI TOWNSHIP ZONING COMMISSION

Held

May 4, 2023

(YEAR)

The Miami Township Zoning commission met in regular session on Thursday, May 4, 2023, at 7:00 pm at the Miami Township Civic Center, 6101 Meijer Drive, Miami Township, Ohio 45150.

The meeting was called to order by Chairman Jeff Baumgarth.

The Pledge of Allegiance was led by Mr. Baumgarth.

Upon roll call the following members were present: Jeff Baumgarth, Ed Marcin, Tim Brandstetter and John Rademacher. Also present: Planning & Zoning Administrator Brian Elliff and Board Secretary Lori Pegg.

Mr. Marcin made a motion to approve the minutes as submitted for the meeting date April 4, 2023, seconded by Mr. Brandstetter, all voted "AYE," Mr. Baumgarth abstained.

There was no old business.

The Common Rules of Conduct were read and there were no continued hearings.

PUBLIC HEARING

Case #587— State Route 28 Urban Village Planned Unit Development District – Imbus Enterprises Limited Partnership c/o Steve Hunt

Public Hearings: Case #587, State Route 28 Urban Village Planned Unit Development District was called, and the notice of public hearing was read.

Mr. Elliff gave some background on the Text Amendment request. Miami Township Zoning Resolution ("MTZR") Chapter 17 contains the State Route 28 Urban Village Planned Unit Development ("SRUV"). This Chapter was adopted in Zoning Case No. 482 (2003) resulting from the recommendations contained in the Miami Township - S.R. 28 Redevelopment/Transformational Plan.

The Miami Township Board of Trustees enacted the SRUV under the authority of Ohio Revised Code ("ORC") Section 519.021. Under Ohio Zoning Law, a Planned Unit Development ("PUD") may be applied to a property only at the request of the property owner. Under PUD zoning, a unique adopted plan covering an area determines its land use restrictions, as opposed to more general zoning. ORC 519.021(A) provides that a Township may adopt a PUD which does not become effective until the property owner determines to adopt it. It is essentially a "floating" plan that the property ownership may grab when it chooses and develop its property accordingly. If the property owner does not want to take advantage of the floating PUD, then the existing regular zoning applies.

Approval under the SRUV is structured a little differently than a customary zoning case processed by the Zoning Commission. Since the PUD guidelines are already adopted and in place as recited in the SRUV, the final plan approval rests solely with the Zoning Commission. See MTZR 17.06A3. In this circumstance, instead of issuing an advisory recommendation, the Zoning Commission is the final approving authority of the PUD plan. Once that is approved by the Zoning Commission, the applicant then can proceed to the Community Development Department to apply for and obtain zoning certificates, which will be approved if the application is consistent with the Zoning Commission's approval.

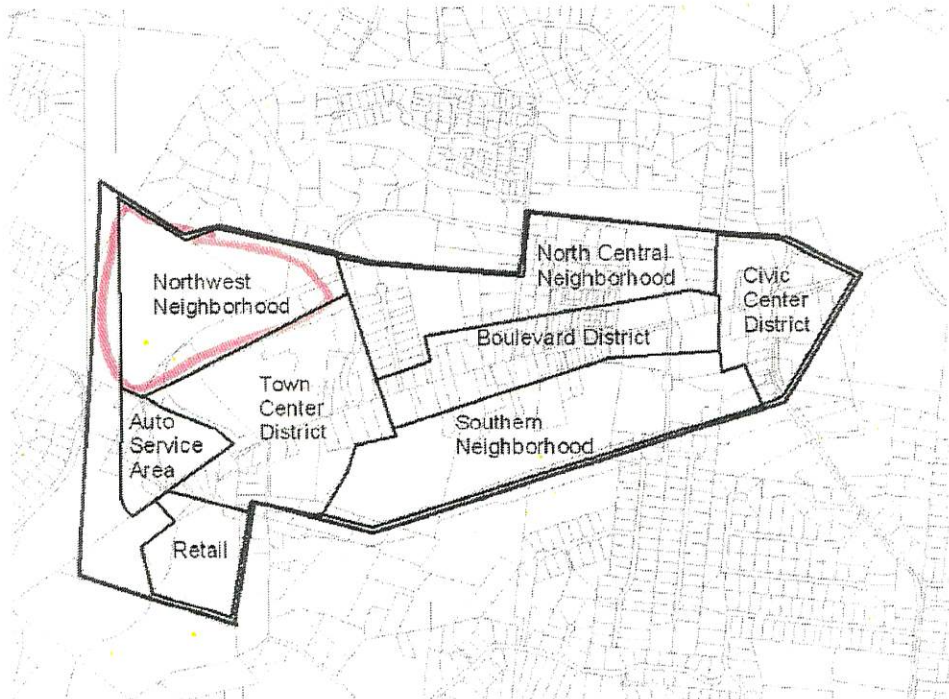
As can be seen in the following image, the SRUV identifies the PUD geographically, and further breaks it down into different development areas, including several "neighborhoods." The

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Applicant's property is located within the area identified as the Northwest Neighborhood.

Within the Chapter 17 SRUV regulations, various sections describe the allowed uses and other requirements authorized in the Northwest Neighborhood area. _____, _____ (YEAR)

Held



From the MTZR, Chapter 17

The applicant is requesting a text change to accommodate a proposed multifamily apartment complex they would like to construct, but which is not authorized by the current SRUV regulations as written.

The applicant states its reasoning for the text change in its submitted application,

An overall update to Chapter 17 – State Route 28 Urban Village Planned Unit Development District is proposed to align the requirements of the District with the changing needs of the Township and development trends needed to implement the vision of the State Route 28 Redevelopment / Transformation Plan created in 2002 in context with current development and economic realities.

To accomplish the text revisions to the SRUV regulations, this case 587 will go through the regular text amendment process – specifically to the Zoning Commission for review and recommendation, and then to the Board of Trustees for final action. This case now before the Zoning Commission is the first step in that text amendment process, review and recommendation.

If the text amendments are approved subsequently by the Board of Trustees, then the PUD development plan will be back before the Zoning Commission at a future date for final approval.

PROPOSED TEXT AMENDMENTS AND STAFF COMMENT

The applicant's proposed text amendments to Chapter 17 are appended to the submitted staff report report as Attachment "A" in redline form.

Several additional comments from staff below are recommended to be added to the application's revisions. Some of these staff comments pertain to corrections to existing text as well.

17.04 line 2, remove the inserted word "Urban". That appears to have been added in error. Should read ... "Auto Sales/Service Area.: ...

17.04D, line 1, change "Automotive Service/Sales District" to "Auto Sales/Service District" for consistent reference

17.04H1c, F2c and F3c, change the word "contain" to "contained"

Held 17.05D2, change "eight (8) net acre" to "eight (8) per acre" (believe that was the applicant's intent) _____ (YEAR)

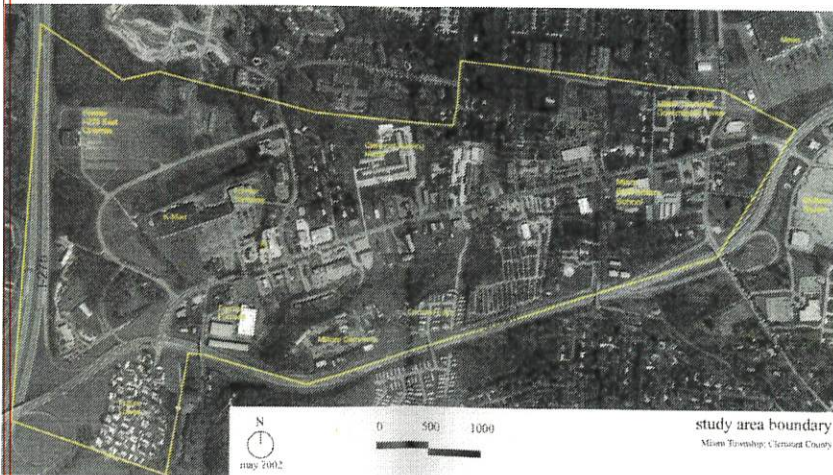
17.05H1, second line, change "public street" to "public or private street"

17.05H4, change "foot" to "feet"

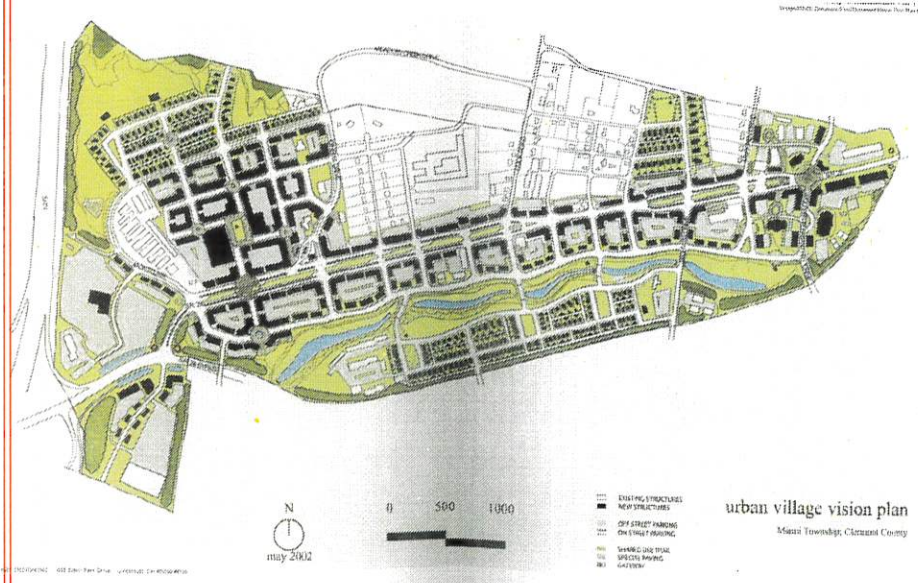
17.06A, bullet point 3, remove the unintentional "1" remaining before "Zoning Commission"

WHAT DO THE PLANS SAY?

The Miami Township – S.R. 28 Redevelopment/Transformation Plan was adopted in 2002 ("2002 Plan") and provided the basis for the current zoning regulations appearing in Chapter 17, SRUV, which are the subject of this text change request.



From the 2002 Plan



From the 2002 Plan

... Miami Township already has a large number of residential districts adjoining the transformation area. However, these existing residential areas are of a suburban nature and new neighborhoods are proposed in each of the three districts in order to increase the compactness of the retail market, offer new and different housing choices within the Township, and provide the variety of housing stock and amenities required for the cradle to grave community. (2002 Plan, p. 3)

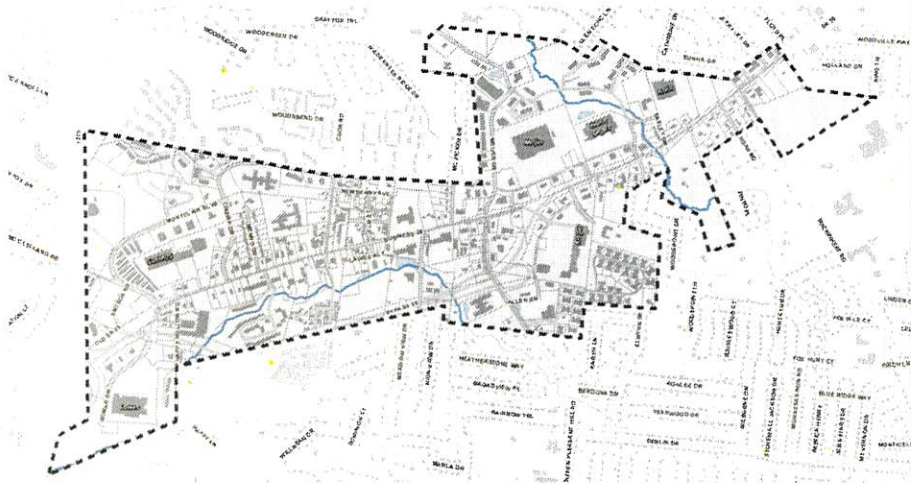
The Town Center is proposed to straddle State Route 28 near the west end of the study area. This district will serve as a "downtown Miami Township" with a mixture of office, retail, dining, entertainment, housing and public spaces for community events and passive recreation. (2002 Plan, p. 4).

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Held

New upscale apartments or condominiums could be successful if price points and ~~locations in the district are appropriate. (2002 Plan, p. 16) Create an age in place~~ environment with opportunities for various types of residential development for a variety of income levels and lifestyles. (2002 Plan, p. 17) Upscale housing walkable to business area (2002 Plan, p. 18) Special characteristics of the northwest neighborhood include: primarily single family homes in the area north of Montclair Boulevard; townhouses and small apartment houses fronting the southern edge of Montclair Boulevard... (2002 Plan, p. 27).

The Miami Township 2023 Land Use Plan ("2023 LUP") adopted earlier this year places the Location in the State Route 28 West Focus Area. The 2023 LUP provides the following guidance:



From the 2023 LUP

RESIDENTIAL DWELLING OPTIONS

A recurring theme during the Plan update process involved the correct placement of different residential housing products within Miami Township. It is important for the community to remain relevant to all demographic groups and their preferred housing choices, and it was recognized that a variety of housing types, including Medium - High Density Residential, can be a benefit to the community.

It was determined that Miami Township has a place for many different types of residential, including single family detached dwellings, "empty nester" style developments, patio homes, attached two-story townhomes, and Medium - High Density Residential units. The correct placement of Medium - High Density Residential development is in areas of the Township that will benefit from increased density, such as being a component of a larger Mixed-Use development, walkable to restaurants, shops, and other places of interest and/or in proximity to recreational facilities like the Little Miami Scenic Trail. (2023 LUP p. 12)

Medium - High Density Residential may be an appropriate use to complement the existing Mixed-Use environment or as a component of a new Mixed-Use development. New residential development east of the Business 28 and Bypass 28 split at Mulberry Square is not anticipated. (2023 LUP, p. 14-15)

A key part of this Focus Area is the west gateway entry to the Township, where Business 28 splits from Bypass 28. Miami Township has previously made public improvements here, including entryway monumentation, landscaped islands, decorative street lighting, sidewalks, and an electronic interstate pylon sign. Additional walkable development around Wings & Rings and Mike's Carwash should occur. This commercial development may be complemented by new High Density Residential to the north in the vicinity of Eastside Christian Church. Redevelopment of the northeast quadrant of the State Route 28 and I-275 Interchange would be beneficial as well, possibly as a high-quality hotel site.

~~Development in this Focus Area should be well-integrated and walkable. (2023~~

LUP, p. 15)

Held _____,

(YEAR)

The Board invited Michael Copfer, VP of Land Acquisition from Hills Properties to present information on the project.

Mr. Copfer noted the current text of the PUD doesn't allow them to build high-end, renter-by-choice apartments that are in high demand. He reminded the Board that he isn't there asking them to approve a specific plan tonight, but to approve a text that will allow the flexibility to build something like this in the future. Hills has worked with West Chester, Anderson, Deerfield and Liberty Townships to create unique communities that fit the uses in that community. He presented information and pictures from each of those communities along with demographics. Hills is family owned and self-funded, they do not build and sell, they continue to manage the communities they build.

Public Comment

Mr. Baumgarth asked for public comment.

Mr. Howard Kuhnell, Jr., 5623 Flagstone Way, addressed the Board with concerns regarding traffic impacts, noise and quality of life for the Bridgestone neighborhood if this project moves forward.

Mr. Rademacher of the Board asked for a five-minute recess, he discussed with staff and the developer his involvement with a separate project as an architect involving Hill's Properties and recused himself from the case. There was still a quorum.

Mr. David Pack, 6225 Watchcreek Way, feels that the presentation was vague regarding density of the project.

Mr. Paul Besl, 6205 Watchcreek Way, has concerns about changing the character and safety of the neighborhood. He asked for clarification on the voting process of the Board. The board makes a recommendation to the Township Trustees who vote independently of the recommendation.

Mr. Baumgarth asked for the recommendation of Staff. Mr. Elliff recommended approval of the proposed text amendments along with the additional staff recommended changes.

Mr. Baumgarth closed the open portion of the meeting and asked for Board comments.

Mr. Baumgarth presented questions regarding the ability of the Board to regulate several of the text changes proposed in the amendment by the applicant. The Board and staff discussed and made several recommendations regarding edits to the text, the applicant is going to propose another version of the text in the June meeting.

After discussion with the applicant regarding those recommendations, Mr. Brandstetter made a motion to continue the case to the June meeting, seconded by Mr. Marcin and all voted "AYE."

NEW BUSINESS

Miami Township Board of Trustees ~ Resolution 2023-15 Case #588

Set case for public hearing on May 4, 2023

Mr. Marcin made a motion to set case #588 for public hearing on June 1, 2023. Seconded by Mr. Brandstetter and all voted "AYE."

The next meeting is scheduled for June 1, 2023, at 7:00 pm

There being no other business the meeting was adjourned at 8:40 pm.

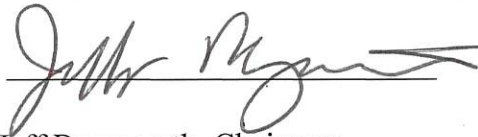
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Held Sincerely, _____, _____ (YEAR)



Jeff Baumgarth, Chairman



Lori J. Pegg, Secretary

Cc: file