

Members Present: Julie Denning
Jonathan Hairston
David Owens
Tony Rodgers
Harold Vazquez

Others Present: Lane Frost, Community Development Technician
Josh Rauch, City Manager
Pete Williams, Ex-Officio
Dalma Grandjean, Law Director

CALL TO ORDER: The Planning Commission meeting was called to order at 6:30 p.m.

ROLL CALL: Mrs. Denning, present; Mr. Hairston, present; Mr. Owens, present; Mr. Rodgers, present; and Mr. Vazquez, present.

APPROVAL OF AGENDA: Mr. Vazquez moved, seconded by Mr. Rodgers, to approve the agenda. All were in favor. **Motion carried.**

APPROVAL OF MEETING MINUTES: Mr. Vazquez moved, seconded by Mr. Owens, to approve the minutes of the June 21, 2023, meeting. All were in favor. **Motion carried.**

Chairwoman Denning stated that all those wishing to speak need to fill out a form and turn it in. She asked that speakers should state their name and address as well as take the oath to give sworn testimony. She reviewed the guidelines for speaking on a case. Those wishing to give testimony are allowed three minutes to speak; applicants are not held to the time three minute rule. All those wishing to speak should adjust the microphone accordingly.

PUBLIC HEARINGS/REVIEW:

- a. **PC Case #23-0001 – Conditional Use – 2518 Valley Pike (Parcel ID# I39 00717 0006).** A Conditional Use application for automobile service and sales in the B-2 Zoning District.
 - (i) Public Hearing on application

Chairwoman Denning opened the public hearing for Case #23-0001.

Mr. Rauch and Mr. Frost both took the oath to give sworn testimony. Mr. Frost presented an aerial map, zoning, site plan (including parking), and site photos of the subject site. He also presented a photo of the proposed new addition along with the proposed on site and off site parking. He stated that the conditional use application is not adequately justified and does not meet all the standards for approval. Staff recommends denial based on it being a key commercial corridor for development. It does not meet the policies or recommendations of the Land Use

Plan. It could potentially limit opportunities for higher uses and investment potential; it will not contribute to the overall economic welfare of the community. It is also located in the Water Resource Area.

Mr. Rauch stated that this was a case continued from last month. Staff's position has not changed. Where they are driving to in the community with regard to the Land Use Plan is realizing the investment potential of that property than what this specific case in staff's view represents. In addition, the other elements center around this parcel's location in the source water protection area. It is not in the protection area proper, but in the next band where there are still source water protections that would apply to a parcel like this. The source water protection board still has oversight of what could get into the ground.

Chairwoman Denning asked if the applicant has provided the necessary documents about the additional parking from the business next door. Mr. Rauch stated he did not know this but will attempt to find out. In the event of approval, that is a condition of it and there is a time frame specified in the condition by which it needs to be in place, so the commission can move for approval with the condition being in place. They will keep an eye out for that.

Mr. Stephen Butler, Community Civil Engineers, 2440 Dayton-Xenia Road, Suite B, Beavercreek, Ohio, took the oath to give sworn testimony. He asked if they were in the source water protection area. Mr. Rauch replied it is in the water resource area, a narrower geographic boundary that is the source water protection area that has a higher level of restrictions. His understanding is it is the next regulatory ring out from the protected area. Mr. Butler stated when Mr. Dorsey obtained his services, he initially approached the city and indicated his interest in purchasing this property, approximately 45' wide with a 26' x 26' building on it, formerly used as an auto mechanic place. He stated that Mr. Dorsey wished to continue the same type of activity at this site. He stated it has been somewhat of a battle to make everything work. They have worked with staff back and forth. He stated there is no storm sewer in the area, so there is no ability for this lot to connect to a storm sewer. They show the maximum ability of development of this site. They worked it out with the consultant that the city uses for their engineer, and agreed with their calculations that this was as much parking, as much development this could have without requiring a detention basin. There is no infrastructure in the street to allow for a detention basin to drain into the city storm sewer. They feel they have developed the property to its maximum. He does not see a higher use at this 45' lot. He added they went to the BZA to get various setbacks as the existing building is already in violation of the setbacks. The BZA did give approval to put an addition on the back. He reviewed the parking and stating due to its size it will not get more parking on the site. He cannot see how the city sees higher density use for the parcel. He stated when Mr. Dorsey approached the city about purchasing the property and continuing the business, he wasn't met with any resistance. Once he spent time and resources cleaning the lot up, the city presented other concerns and are not allowing that use. He stated this sends the wrong message to people who want to invest. Mr. Dorsey is from Trotwood and wants to invest in Riverside. Denying at this late stage after he has retained design and civil engineers, he has shown a level of investment. He has already invest so much. He asked the commission to consider going against

the city staff recommendations and approve this.

Chairwoman Denning asked the applicant if he obtained a letter from the other business for parking. Mr. Sampson Dorsey, 5351 Norfolk Road, Dayton, OH, 45426, took the oath to give sworn testimony. He stated the letter will be put in this week; the owner next door drives trucks and has been gone a month. He will be here this week, and he has talked to his daughter and him. If it is a condition of approval, that is fine.

Chairwoman Denning closed the public hearing at 6:56 pm.

Mr. Owens asked if the condition use is for automobile service and sales and is that what he wants to do there. Mr. Dorsey stated as far as the mechanics side, he is actually wrapping vehicles. There isn't oil or changing of vehicles. Wrapping vehicles is a much cleaner situation. More people are going electric so a lot less changes with motor and transmissions. He is not doing that; he is just wrapping vehicles and will have three or four cars for sale at a time. Mr. Owens asked staff if there is a way to limit that many vehicles. Chairwoman Denning stated he will only have so many spaces available. Discussion was held on the number of spaces. Chairwoman Denning stated if he is selling cars, it will all be on his neighbors lot. Mr. Dorsey stated that those spaces are halfway on his lot and halfway on his neighbor's lot. Right now, it is an empty space that he is not using and his is just empty. He had a verbal agreement, but a more formal one was requested, and he is fine with that. The neighbor has promised it will be this week for the agreement. He added that there are plenty of car lots on Valley Street along with plenty of tire changing places; he does not want that competition. He will be the only place wrapping cars on Valley Street.

Mr. Rodgers asked if what was in the staff report regarding a variance to reduce parking comes to the number they have or is it to reduce it further. Mr. Rauch stated they have already had the required variances go through the BZA process. The action with the planning commission is the parking plan, but that would be the last remaining condition with respect to parking. Mr. Dorsey stated the reason he is adding an add-on is because most vehicles are kept inside to be wrapped. The limited space outside didn't matter because what he does has to be inside.

Mr. Hairston asked with maxed out mechanics and car sales how many cars and parking spaces he would have on the property. Mr. Dorsey stated it would be no more than 10. He is doing all the work himself. He added that the cars won't be there overnight. They will be there in the morning until around 5:00 – 6:00 pm. Traffic for the restaurant picks up around 6:00 pm. He won't leave his cars for sale on the street; he will put them back in the building. He won't leave them outside.

Mr. Owens asked what the uses are in the B-2. Mr. Rauch stated it will be general business uses similar to the Skin Kemp shopping center, general commercial and sales. The auto repair/maintenance are conditional uses and not a by right in any B-2 district. Mr. Hairston asked if the wrapped sales or car sales is primary. Mr. Dorsey stated wrapped sales. Mr. Hairston asked

if the condition was only to be a wrapping business would he be okay with that. Mr. Dorsey replied he would be able to manage the wrapping business, but he wants to sell some cars, too. If he could only wrap, the business would continue, but he prefers to sell cars, too.

Mr. Rauch reviewed the B-2 Business District permitted uses. Mr. Dorsey asked if he would have to be concerned with a conditional use if he wanted to turn it into a gas station. Mr. Rauch replied no, but that he may have source water regulations that would apply to that. Mr. Dorsey asked if a tire and lube would be the same. Mr. Rauch replied it would be the same concern. All this shows that in any B-2 district across the city these are the things a developer or applicant can do by right. If other rules, regulations, or laws apply, then those can affect the outcome of what can be developed.

Chairwoman Denning stated the fact that it is the water source area, even some acceptable uses wouldn't be allowed or have strict restrictions on them. Mr. Hairston asked with regard to the water protection area, he will have to meet whatever that requirement is. Mr. Rauch stated if approved, functionally it is similar to an overlay in a sense of another set of rules that are applied.

Planning commission reviewed the parking area.

Mr. Vazquez moved, seconded by Mr. Hairston, to approve Case #23-0001, 2518 Valley Pike, with the conditions listed on staff report and the evidence and testimony heard today. Roll call went as follows: Mr. Vazquez, yes; Mr. Hairston, yes; Mrs. Denning, no; Mr. Owens, yes; and Mr. Rodgers, no. **Motion carried.**

b. PC Case #23-0012 – Final PUD Development Plan – 7544 Union Schoolhouse Road (Parcel ID# I39300201 0053). A final development plan for the Riverside Redwood Planned Unit Development (PUD) District.

(i) Planning Commission review and decision

Chairwoman Denning opened the public hearing for Case #23-0012.

Mr. Rauch and Mr. Frost took the oath to give sworn testimony. Mr. Frost reviewed the PUD and stated this would be the first project under the PUD. He presented a zoning map, an aerial map, the site plan, renderings of the potential construction, site photos from various directions. Staff finds that the site plan is adequately justified and meets the standards for approval. Staff recommends approval with conditions of the site plan as the proposed development is consistent with the zoning code of the Comprehensive Plan, consistent with the preliminary PUD plan and applicant regulations, complements the surrounding subdivisions with its design, and provides an alternative housing type. Mr. Rauch added that this is the second phase of the PUD process. The rezoning was first. The role of planning commission is to decide on the final site plan. The TRC has reviewed the details of the plan and found the plan to fall in line with the code. A traffic study was performed, and the city engineer reviewed the storm water and drainage. He stated there were not many substantive changes from the initial plan. One change was in the southeast;

another party purchased that for a buffered zone. Another change is the applicant putting in 30 percent native, stormwater friendly landscape. The applicant has also agreed to expand Union Schoolhouse Road all along the frontage to create more consistency in the roadway and accommodate any other traffic that may come. The staff has had a collaborative relationship with the applicant. There has been fruitful conversations with the neighborhood nearby. The city is comfortable with how the concerns has been addressed.

Mr. Gregory Thurman, Redwood USA, 20 Village Square, Cincinnati, Ohio, took the oath to give sworn testimony. He stated they do not have any further presentations. The plan is nearly identical to what they came in with. They planned on 90 units, and they still plan to do 90 units. They worked out a detail with a neighbor, Mr. and Mrs. Dix, who had a first right of refusal on some acreage, and they worked it out. They discussed the greenspace with Ms. Holt; it was an elimination of 2/10 of greenspace. They concur with staff and have been working with them on a weekly basis. Mr. Rodgers asked for further detail on the buffering plan. Mr. Thurman stated it is 6/10 of an acre that will be transferred to Mr. Dix. He had a first right of refusal as he owns three lots on the neighboring street to the east. They collaborated with the seller and the neighbor, and it ended up being 6/10 of an acre. It is a private deal between the seller and the neighbor. It did not change the buffer at all. It will be a protected area. Mr. Rodgers asked about the landscaping along the borders with the adjacent homes to the east and west. Mr. Thurman stated they have a landscaping plan approved through the TRC process. It is shown on their site plan. Anything that is not existing is a new plant they will put in place. This exceeds any buffering requirements the city has.

Chairwoman Denning closed the public hearing at 7:13 pm.

Mr. Rodgers moved, seconded by Mr. Owens, to approve PC Case #23-0012, 7544 Union Schoolhouse Road, with conditions listed based on the Comprehensive Land Use Plan, staff report, Redwood Riverside PUD text, and evidence and testimony heard today. Roll call went as follows: Mr. Rodgers, yes; Mr. Owens, yes; Mrs. Denning, yes; Mr. Hairston, yes; and Mr. Vazquez, yes. **Motion carried.**

- c. **PC Case #23-0013 – Rezoning – 1009 Fairfax Avenue (Parcel ID# I39 00115 0014, -0015, -0023, -0024, -I39 00116 0013, -0014).** A zoning map amendment application to rezone six (6) parcels from R-3 Medium Density Residential to B-2 General Business.
 - (i) Recommendation to City Council

Chairwoman Denning opened the public hearing for PC Case #23-0013.

Mr. Rauch and Mr. Frost took the oath to give sworn testimony. Mr. Frost presented an aerial map, a zoning map, and site photos. Staff finds that the requested zoning map amendment is adequately justified and does meet the standards for approval. Staff recommends approval with conditions of the site plan as the proposed rezoning is consistent with the Comprehensive Land Use Plan, will align with the current and future development of the Springfield Corridor, and

provides a considerable number of well-paid jobs to the City's tax base. Mr. Rauch added that the condition effectively limits the B-2 related uses that could go on the property to the items listed: business offices, grocery stores, basic research and development facilities and accessory uses or structures customarily incidental to any of the forementioned permitted principal uses. The Springfield Street corridor is a primary corridor identified for redevelopment and investment in the community. This positions the corridor for future investment that aligns with the land use plan. He stated that because it is rezoning, should the planning commission approve the rezoning, it will still need to be heard by council.

Chairwoman Denning stated she did not see the conditions listed in the packet. Recommended conditions were reviewed.

Mr. Doug Smith, Abercrombie & Associates Civil Site Engineer, 8111 Chevy Road, Suite 200, Cincinnati, Ohio, took the oath to give sworn testimony. He stated that with him are Greg Davis, the applicant with G Davis CCM, and John Stewart and Nick Davis with Mechanical Services and Design (MSD). They are asking for recommendation for approval to zone a property from R-3 to B-2. MSD's offices are currently across the street from the property where they have office, business, storage, and production. They need to expand as business is growing. They want to build an office facility across the street in Riverside. He stated it is a family owned business and has been operating since 1984. They provided mechanical services and design for companies. He stated that Mr. Stewart owns 11 parcels. The five parcels on Springfield Street are already zoned B-2. The back six parcels are zoned R-3. To implement the plan and create the office building and infrastructure to support it, they need to rezone it. It is consistent with the Comprehensive Plan, surrounding land uses, and makes a nice fit on this property. The client is familiar with the wellfield protection program as he is across the street.

Mr. Hairston asked if parcels -0017 and -0016 residential. Chairwoman Denning stated that is Hall's Market.

Ms. Robin Pope, 4501 Byesville Blvd, Dayton, Ohio, took the oath to give sworn testimony. She stated she is present with a group of people. They are all residents of the area. She listed the residences surrounding the property being discussed. She stated that there is no reason she can think of to not being able to raise children in an area that is not completely commercialized. She is aware that across the street it is. She stated that this is where they live, and their children and grandchildren play. It is a small community of 10 streets and already they have issues with people rushing through stop signs. This business will add to the traffic. She stated there is no place to put the traffic overflow, and there are so many other concerns for their area. She does not agree with turning a residential area into a commercial area. She likes looking at the greenery and not an office building. She stated that this is not what they want in their community.

Mr. Edward Kimmerly Jr., 4508 Fairpark Avenue, Riverside, Ohio, took the oath to give sworn testimony. He stated he is opposed to this. He stated a neighbor of his at the last council meeting wished to turn his property into a business just to park four trucks. He was told by the council and mayor that the Byesville plat was going to remain residential. If they change one then they

would have to change it for everybody. He stated it was told on record. This upsets him since that statement was made and now they are trying to rezone this for business.

Mr. Rauch stated with respect to what the resident referenced on a prior zoning issue, that had to do with an industrial request, and there are no neighboring industrial sites in the neighborhood. This request is to rezone to a B-2, and there are neighboring B-2s. It is a difference case and that is why the staff recommendation is different as well. Chairwoman Denning asked if they already own the front five parcels. Mr. Rauch stated that was correct.

Mr. Hairston asked if the section in red on the arial map is already rezoned or residential. Mr. Rauch replied the red section is the residential that is requested to be rezoned. The front are already business. Half of the site is already zoned properly. It would be a continuation of the rezoning to a B-2. Mr. Hairston asked if they owned all the parcels in blue and red. Mr. Rauch replied that was correct.

Chairwomen Denning asked if there has been talked about making it all one lot versus small lots. Mr. Rauch stated he is not sure if Ms. Holt has raised the possibility. Should planning commission and council move forward, this may be a discussion held during the site plan process.

Chairwoman Denning closed the public hearing at 7:33 pm.

Mr. Hairston asked if they recommend rezoning the green sliver on Kimbolton. Mr. Rauch stated it is under separate ownership and it's not part of their proposed development site. He added should the road ever be extended it would be on that parcel. Mr. Rodgers asked what the structure is on lot 15 and what will happen to it. Mr. Smith stated that it is an old aerial photo, and the house has already been razed.

Mayor Williams stated he looked at an old aerial map of the plat of East Gardendale, and there is an area just below the parcels. It is a solid line that begins at Smithville and originally terminated at Northcliff. That was the original inter-urban rail line that ran through the neighborhood, so there was at one time a defined buffer starting at Springfield and ending behind the proposed site. It looks like there was a separation planned out. The urban archaeology is still present in the property lines. There is a buffer between business and residential. This neighborhood was founded in 1922.

Mr. Rodgers moved, seconded by Mr. Vazquez, to recommend approval of PC Case #23-0013, 1009 Fairfax Avenue, with the conditions listed in the presentation tonight based on the Comprehensive Land Use Plan, staff report, and evidence and testimony heard today. Roll call went as follows: Mr. Rodgers, yes; Mr. Vazquez, yes; Mrs. Denning, yes; Mr. Hairston, no; and Mr. Owens, yes. **Motion carried.**

ZONING ADMINISTRATOR DISCUSSION TOPIC:

a. Urban agriculture research update – Mr. Frost reviewed the current Riverside code, 1107.05(4)(g). He stated they have researched communities nearby and out of state with similar

cities to Riverside. He stated that common practices: prohibiting roosters, restricting to agricultural zones, following the Ohio ORC 901:12 Livestock Care Standards Board, prohibiting breed/sale of birds between neighbors, prohibiting slaughtering, requiring approval via permits through the city beforehand, setbacks of coop/run area from lot lines or residence, and noise and smell ordinance put into effect. He reviewed unique provisions of a few other municipalities. He stated that next steps will be to reach out to other city officials – city planners, code enforcement, and zoning to discuss personal experience with similar codes among different departments. Planning Commission will then be provided with key elements that are appropriate for a Riverside ordinance. Mr. Rausch stated they are working toward a draft ordinance that incorporates some of the unique things that cities throughout the country are doing or have considered and may be appropriate for Riverside. They want to be selective about the unique ideas other places have done that may work well for their context.

MATTERS BY COMMISSION:

a. Community Reinvestment Area (CRA) Housing Council Member Nomination – Chairwoman Denning stated they need to appoint a CRA Housing Council Member, tonight. Mr. Rauch stated this council is a body that meets on an as needed basis. If an applicant requests incentives for the purposes of building a housing development that qualify for a CRA, then the request has to be heard by the CRA Housing Council. They need a nomination from planning commission should they get an applicant. Mr. Rodgers asked if there was a map that identified the CRA areas. Mr. Rauch stated it is most of the city; they have a north, a central, and a south CRA. He stated this is not a heavy lift; it is an as needed council. Chairwoman Denning moved, seconded by Mr. Hairston, to nominate Mr. David Owens as a representative for the CRA Housing Council. Roll call: Mrs. Denning, yes; Mr. Hairston, yes; Mr. Owens, yes; Mr. Rodgers, yes; and Mr. Vazquez, yes. **Motion carried.**

Mr. Owens stated the Montgomery County Board of Elections is open for early voting.

ADJOURNMENT: Mr. Rodgers moved, seconded by Mr. Vazquez, to adjourn. All were in favor. The meeting was adjourned at 7:51 pm.

Chair

Date