MIAMISBURG PLANNING COMMISSION MEETING

MINUTES

JUNE 20, 2022

The meeting was called to order by Mr. DeYoung at 7:00 p.m. on Monday, June 20, 2022.

Mr. Melton was sworn in as a member of the Planning Commission by Mayor Collins.

The following Commissioners were present: Mike McCabe, Tim Finney, Jim DeYoung, Ron Mahan, Rick Melton, and Steve Beachler.

Supporting the Planning Commission was the City Planner, Andrew Rodney.

Mr. Rodney reported Mrs. Glotfelter was absent due to illness.

Mr. DeYoung made a motion to excuse Mrs. Glotfelter. Mr. Beachler seconded the motion. Motion carried.

VOTE: McCabe, aye; Finney, aye; DeYoung, aye; Mahan, aye; Beachler, aye; Melton, aye.

Mr. DeYoung motioned to approve the meeting minutes of October 18, 2021, December 6, 2021, January 24, 2022, March 21, 2022, and May 16, 2022 as written. Mr. Mahan seconded the motion. Motion carried.

VOTE: McCabe, yes; Finney, yes; DeYoung, yes; Mahan, yes; Beachler, yes; Melton, yes.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Public Hearing:

Special Use, SU-02-2022: 4501 Lyons Road

Mr. Rodney introduced the applicant’s proposal.

Mr. Rodney stated the current building is zoned in the I-1 district.

Mr. Rodney presented a variety of photos including different views photographed from Kohnle Road and Lyons Road, facing both toward and away from the building.

Mr. Rodney stated the nearest neighbor is across Kohnle Drive to the east. No other buildings are visible from the subject site.

Mr. Rodney explained that the current zoning code permits business, professional, administrative, and contractor’s offices as special uses in the RO-1 district, as well as “other office and service uses similar to the above listed as determined by the Planning Commission.” He stated that I-1 zoning allows the same permitted and special uses as RO-1 zoning.

Mr. Rodney described the proposed business as a neurological practice, specializing in neck and back pain. He stated the applicant intends on seeing 15 to 20 patients a day during normal business hours. He stated the applicant intends to hire approximately ten staff members. He stated the number of parking spaces will be about three times higher than what the code requires.

Mr. Rodney stated the building, driveway, and parking lot will not affect surrounding businesses.

Mr. Rodney explained that all standards for a special use can be met. He stated staff recommends approval with the following conditions:

Condition #1: The Planning Commission hereby finds that Medical Office is commensurate to a business, professional, or administrative office.

Condition #2: Street trees shall be planted along Kohnle Drive in accordance with Chapter 1290.04, Streetscape Landscaping. Such landscaping shall be in place prior to the issuance of a Certificate of Occupancy.

Condition #3: Any trees removed along the Lyons Road frontage adjacent to the building or parking lot shall be replaced in accordance with Chapter 1290.04, Streetscape Landscaping.

Mr. Rodney concluded his presentation.

Mr. DeYoung opened the public hearing.

The applicant, Aaron Savino, a representative of Dr. Kamal Woods, was sworn in by Mr. DeYoung.

Mr. Savino stated Dr. Woods works with both Premier and Kettering as part of his independent practice.

Mr. Savino stated there will be no changes to the exterior of the building other than cleaning up the landscaping.

Mr. Savino described the proposed use of the building in detail. He stated the front offices will be used as consulting rooms, an x-ray room will be created, and a surgical room will be created where Dr. Woods will perform minimally invasive procedures. He stated more surgical rooms may be created depending upon how many doctors practice within the office. He also stated the building is well organized for physical therapy sessions.

Mr. Savino stated Mr. Woods has been practicing in the area for approximately seven years and was employed by Kettering Health Network prior to establishing an independent practice. He described Mr. Woods’ unique way of doing procedures and foresees this type of practice becoming popular. The adjacent lot also being purchased will provide room for expansion and adequate parking.

Mr. DeYoung asked for questions from members to Mr. Savino.

Mr. McCabe commented that because of the separation and elevation between neighboring building, minimal screening is necessary. He stated the building appears to be a perfect space for a physician’s office.

Mr. Savino stated Kettering Health Network has offices near the building.

Mr. Melton commented there are already medical offices in the surrounding area and the building already looks like a medical office.

Mr. DeYoung thanked Mr. Savino and closed the public hearing.

Mr. DeYoung motioned to approve case SU-02-2022 with the staff recommended conditions. Mr. Melton seconded the motion. Motion carried.

VOTE: McCabe, yes; Finney, yes; DeYoung, yes; Mahan, yes; Beachler, yes; Melton, yes.

WORK SESSION:

Mr. Rodney introduced the work session topics.

Memorandum: Modify Public Notice Requirements for BZA Public Hearings

Mr. Rodney explained the ineffectiveness of public notifications published in the newspaper. He stated the residents who would be most impacted by a decision live nearby, especially in BZA cases.

Mr. Rodney proposed expanding notifications by mail to residents who live within 200 feet of the subject location and eliminating the newspaper publishing.

Mr. Rodney stated that currently, the BZA is required to a hold public hearing within 30 days of receiving an application. Meetings occur on the second Monday of the month. Mr. Rodney stated that on occasion, applications are not received in time to allow presentation of the case at the next meeting due to public notice requirements.

Mr. Rodney proposed a requirement to set the public hearing within 30 days of receiving an application for a BZA case.

Mr. DeYoung commented that the newspaper isn’t always an adequate way for notification.

Mr. Rodney stated staff would be fully responsible for notifying the appropriate residents in lieu of relying on a newspaper publishing. In addition, Mr. Rodney posts the meeting agenda on the City’s website.

Mr. DeYoung and Mr. Finney praised the proposed change.

Mr. Beachler asked if staff would notify adjacent property owners to subject locations that are greater than 200 feet away.

Mr. Rodney answered that properties greater than 200 feet away would not require notification. The measurements begin at the edge of the property line.

Memorandum: Modify Requirements for Securing a Residential Swimming Pool.

Mr. Rodney stated that the code requires residential swimming pools to be enclosed by a four-foot fence with a self-latching gate. He stated the proposal is to allow a pool cover to be installed in lieu of a fence if the cover meets ASTM F 1346 compliance.

Mr. Rodney disclosed that ten years ago, a variance was approved for a home on Russell Court to have a pool cover, meeting ASTM F 1346 compliance, instead of a fence. He stated that this year, the neighbor of that property applied for the same variance but was denied.

Mr. Rodney announced that BZA requested a change in the code to permit covers if that was the City’s wish.

Mr. Rodney presented a photo of an SUV in a pool being held by the pool cover. The photo indicated that the car never ripped the pool cover.

Mr. Rodney clarified that staff’s role is to make sure residents are securing the pool, not monitoring the way it is being secured. Mr. Rodney stated it is better to give people different options as to how to secure pools rather than a fence being the only option. He stated that in addition, the city encompasses many other bodies of water (rivers, creeks, ponds, etc.) that are not required to be secured.

Mr. DeYoung commented that pools are attractive to kids.

Mr. Rodney clarified that if a resident is going to take advantage of the pool cover option, the pool would have to be built to accommodate a compliant cover. The cover must be flush and have enough static pressure that when pressed on, nothing is able to go beneath it.

Mr. Finney asked Mr. Rodney if the type of pool cover that fastens to pins in concrete would be covered under the proposed change.

Mr. Rodney answered that type of pool cover would be not covered under this change to the code as those covers do not comply with ASTM F 1346.

Mr. Finney commented that fences may not always protect against someone entering a pool as the gates can be opened or someone could climb over the fence. He asked Mr. Rodney if the proposed change creates any liability for the city.

Mr. Rodney answered it does not create a liability. During the permitting process, staff will validate that the pool cover is compliant. He stated that ultimately, it is the homeowner’s responsibility to secure the pool.

Mr. DeYoung asked Mr. Rodney about the lifetime of the cover.

Mr. Rodney answered the cover will last 15 to 20 years according to companies that install the cover.

Mr. McCabe asked Mr. Rodney about the process for pumping water off the cover.

Mr. Rodney elaborated that a pump would be placed on the cover to remove standing water.

Memorandum: Modify Official Zoning Map to Eliminate the FW, Floodway Base Zoning District.

Mr. Rodney stated that the Floodway (FW) district was established originally as a base district but has since become an overlay district. He stated the Official Zoning Map incorporates the FW district, but that district does not appear in the list of districts included in Chapter 1240 of the code.

Mr. Rodney stated that since there are no regulations for the FW district, staff has used regulations from districts most applicable to the lot (AR, R-1, and R-2).

Mr. Rodney presented the zoning map and described the lots encompassed by the FW district. There are some residential properties, some industrial properties, the Hutchings property, and properties owned by the Miami Conservancy District. He stated the proposal is to rezone the residential and some commercial properties to either AR, R-1, or R-2, and other properties would be rezoned as I-1, I-2, or A.

Mr. McCabe asked Mr. Rodney about the connection between the floodplain and insurance.

Mr. Rodney answered that flood insurance is required by a lender if the property falls within the FEMA flood zone, not with local zoning regulations.

Mr. Melton commented that only if there is a mortgage on a property would flood insurance be required. He stated that if there is not a mortgage, flood insurance is not required.

Mr. Rodney clarified the proposal won’t change the process of how the city determines the floodway.

Memorandum: Modify Official Zoning Map to Add a Special Development District Over the T-Building at 945 Capstone Drive.

Mr. Rodney stated the owner of the building has a company that manages leases for cell towers on buildings. He added that the owner wanted to use the building as offices for his employees but later decided not to.

Mr. Rodney described the building as a unique challenge because of the lack of windows and the federal restrictions on the Mound properties.

Mr. Rodney stated that the owner wants to customize high-end sports cars. The owner would also store the vehicles on site for clients over the winter.

Mr. Rodney clarified that the MB-1 district does not permit vehicle repair. He offered the option of a special development district, applicable to the one parcel. All other aspects would default back to MB-1 regulations.

Mr. Rodney stated that nothing would change on the exterior of the building. There would not be any exterior storage, no detectable light, noise, or vibration. In addition, the building would have very limited signage and no obstructions to traffic on Capstone Drive.

Mr. Mahan asked Mr. Rodney what other rights to the building the owner has.

Mr. Rodney answered there are a couple of parking spaces allowed for employees, visitors, or clients. No storage is permitted in either of the parking lots.

Mr. McCabe said it has been challenging to obtain a purchaser for the building.

Mr. Finney commented that a special use would likely have to be designated because a practical business use for the building is not listed in the MB-1 list of permitted uses.

Mr. Rodney stated the city is pleased to have a different owner of the building.

Mr. McCabe asked Mr. Rodney when the proposal will be introduced to City Council.

Mr. Rodney answered next step is to discuss the restrictions with owner prior to the issue coming before City Council.

Mr. Mahan commented that there is a lot of space available within the building, creating plenty of room for indoor vehicle storage.

Mr. Rodney concluded the discussion of work session items and welcomed comments from members.

COMMUNICATIONS:

Mr. Rodney provided members with a few city planning-related articles and commented on particular issues.

Mr. Rodney informed members the next meeting is Monday, July 18, 2022 and so far, the following items are on the agenda:

* Rezoning at 88 S. Gebhart Church Road.
* Special Use for a gas station and food center at 310 N. Springboro Pike.
* Request from Sycamore Creek apartments for a minor plan amendment to add some parking.

There being no further business to come before the Commission, Mr. DeYoung motioned to adjourn the meeting at 8:10 p.m. Mr. Beachler seconded the motion. Motion carried.

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James DeYoung, Chairman Abby Branham, Secretary