

**Miami Township
Zoning Commission
Tuesday, March 19, 2019**

Members of the Zoning Commission present:

Brent Anslinger, Chairperson
Cynthia Griffith
John Barber
Kurt Hatcher

Members of Township Staff present:

Chris Snyder, Director of Community Development
Kyle Hinkelman, Deputy Director of Community Development
Alex Carlson, Planner for Community Development

Others Present:

None

Mr. Anslinger called the meeting to order at 6:00 P.M.

Special Announcements

None

Approval of Minutes

Mr. Barber made a motion to approve the minutes from February 19, 2019 with the corrections as noted. Mr. Anslinger seconded the motion and the vote was all ayes. The motion passed.

New Business

1. ZC #434-18 – Final Development Plan – Dayton Wright Brothers Airport

Mr. Hinkelman came forward and confirmed all the legal requirements have been met and all the surrounding property owners were notified as required.

Mr. Hinkelman stated that the applicant is requesting a Final Development Plan for the property generally known as Dayton Wright Brothers Airport located east of 741 for the purpose of installing a digital advertising sign with electric display on the property.

Mr. Hinkelman described how the sign would be constructed, the type of materials to be used, and noted the sign would be 370 square feet, 28' tall, and located on a 5' mound. He explained that the proposed sign is shorter and has less square footage than what would be permitted under the general advertising sign standard. He further noted that the digital advertising sign would also include additional static backlit signs.

Mr. Hinkelman informed the commission that a landscape plan had been provided and stated the applicant would be required to meet the general standards for the Airport District in addition to being subject to the required lighting inspections.

Mr. Hinkelman referenced a case previously heard by the commission that involved a digital billboard sign located on Kingsridge Drive, also in a planned development, which ultimately was denied.

Mr. Nick Keyes Jr. came forward.

Mr. Keyes informed the commission of his company background and explained why he was requesting a gateway sign at this location and how he felt it met all the necessary requirements.

Mr. Keyes provided visuals of the proposed sign and spoke of his plans to construct the sign and how he would meet all the necessary requirements.

Mr. Keyes further spoke of his plans for the landscaping and how he intended to meet any lighting requirements and standards.

Mr. Anslinger asked for clarification on where the sign would be placed on the property and Mr. Keyes replied it was across from the Jubilee Church on the east side of St. Rt. 741.

Mr. Barber asked if the sign would run for 24 hours per day and Mr. Keyes stated it would. Mr. Keyes also noted that any ambient light from the sign would not be visible from Jubilee Church due to the type of LED lights used and he noted it would be FAA compliant.

Ms. Griffith asked how often the ads change and Mr. Keyes stated every ten seconds.

Mr. Anslinger asked if anyone else would like to speak in favor of this case and Mr. Mike Cross came forward.

Mr. Cross stated he represented engineering and environmental with the City of Dayton was in support of constructing this sign at this location.

Mr. Anslinger asked if there was anyone in opposition to this case present and Mr. Jeff Trickey, with Lamar Advertising came forward.

Mr. Trickey commented that he was opposed to this case noting the development standards were written in such a way that no other sign company besides Key Ads would be permitted to place a sign at this location and provided slides to the commission for the record.

Mr. Trickey further commented that the zoning resolution states that digital advertising signs must be located 1000 feet apart and that the state of Ohio requires any digital advertising sign be located at least 500 feet from another static sign.

Mr. Trickey stated that he felt the sign was well within the required 1000 feet and formally requested that the commission recommend denial of this case.

Mr. Anslinger asked if there were any further question for Mr. Trickey and there were none.

Mr. Anslinger asked if staff would clarify the portion that Mr. Trickey was referring to regarding the standards being written specifically for Key Ads.

Mr. Hinkelman replied that the property owner can write in specific language as part of a rezoning request for the property which they own. He further noted that this was a decision made by the property owner and was not something requested by the township.

Mr. Anslinger asked if the request then applied to competition between privately owned businesses.

Mr. Hinkelman replied that if the private property owner has an agreement with another business that it would not be governed by the township. He noted the township would only govern the language written and approved for that planned development. He continued that the township would not govern the private agreement between the property owner and any preferred company they choose to hire for work on the property.

Mr. Anslinger asked Mr. Hinkelman to explain the difference between a planned development and the standard Miami Township zoning code for those who may not be familiar.

Mr. Hinkelman reiterated that a planned development may contain specific language that is unique to that property and that once approved that language would be what the township would govern. He reiterated that any agreement

between the property owner and a private business would not be governed by the township.

Mr. Hinkelman further noted that the current language was approved in November by the Zoning Commission and the Board of Trustees at which time an opportunity for any record of opposition or referendum was made available.

Mr. Anslinger summarized that essentially when the property was rezoned into a planned development the development standards language became the property's unique code and nullified any other language of the Miami Township Zoning Resolution unless specifically included in the standards that were written which overruled the 1000 feet requirement required in other zoning districts.

Mr. Anslinger asked if there were any further public comments for this case and there were none.

Mr. Anslinger made a motion to close the public hearing portion of this case and move into formal deliberation. Mr. Hatcher seconded the motion and the vote was ayes. The motion passed.

The commission discussed the case.

Ms. Griffith made a motion that the proposed final development plan comply with the standards and recommend approval of zoning case #434-18 a final development plan to Dayton Wright Brothers Airport.

Mr. Barber seconded the motion and the vote was all ayes. The motion passed.

Mr. Anslinger noted that the commission recommendation would be forwarded to the Board of Trustees at their next regularly scheduled meeting.

Mr. Hinkelman noted the next Board of Trustees meeting would be March 6, 2019 at 6pm.

2. ZC #435-19 – Text Amendment – Article 3

Mr. Hinkelman came forward and confirmed that all the legal requirements have been met and all the surrounding property owners notified as required.

Mr. Hinkelman explained that the proposed amendment pertains to modifying the language pertaining to agricultural exemptions and how they relate to agritourism.

Mr. Hinkelman noted that the changes would affect requirements for off street parking and would clarify those requirements.

Ms. Griffith asked if a separate entrance or exit would be required and Mr. Hinkelman stated that so long as the necessary safety requirements are met a single entrance/exit would not be required.

Ms. Griffith asked if festivals would require fire district approval.

Mr. Hinkelman noted that other organizations codes would govern those requirements.

Mr. Hinkelman further noted that a formal recommendation from the Montgomery County Planning Commission was not received in time for this meeting and asked if the commission would continue this case until the next meeting to make a final recommendation.

Mr. Anslinger asked if there were any further comments or questions and there were none.

Mr. Anslinger made a motion to continue this case until the next regular meeting. Mr. Barber seconded the motion and the vote was all ayes. The motion passed.

2. ZC #436-19 – Text Amendment – Article 38

Ms. Griffith made a motion to open case ZC #436-19. Mr. Hatcher seconded the motion and the vote was all ayes. The motion passed.

Mr. Anslinger asked if there was a formal recommendation from the Montgomery county planning commission.

Mr. Hinkelman noted that a formal recommendation from the Montgomery County Planning Commission was not received in time for this meeting and asked if the commission to continue this case until the next meeting after hearing staff's report.

Mr. Hinkelman continued that the proposed amendment to Article 38 involves modifications to the language regarding attached and detached accessory structures and the location of those structures and the required setbacks.

Mr. Hinkelman discussed with the commission how the various type of lots would be affected by the proposed changes.

Mr. Hinkelman added that an amendment applicable to home occupations is also being proposed as concerns regarding business traffic and activities where residential use is expected has become of concern.

Mr. Hinkelman added that front, side, and rear definitions of a property would need to be more clearly defined to allow placement of accessory structures in areas that are currently not permitted on unique shape lots due to the way the language is currently written.

Mr. Anslinger and Ms. Griffith both commented on the difficulties involved in defining the permitted placement of those structures.

Ms. Griffith asked if requiring screening on corner lots was a viable option.

Mr. Snyder discussed with the commission the limitations and complications that currently apply to corner and three-sided lots.

Mr. Anslinger asked if those definitions could be based upon what is considered the address façade.

Mr. Barber asked what happens if the address façade side changes.

Mr. Hinkelman noted the accessory structure would likely become a non-conforming use in that case, but that type of situation would be unlikely. He explained that the township does not require anyone to bulldoze an existing structure.

Ms. Griffith asked about sending these cases to the Board of Zoning Appeals.

Mr. Hinkelman stated the Board of Zoning Appeals would still be a viable option for some unique cases. He noted staff is proposing amending those definitions to better define permitted locations that would include visual examples. This could alleviate the requirement that many residents would be required to apply to the Board of Zoning Appeals.

Mr. Hinkelman explained that the proposed changes apply also to outdoor kiosks and limit the number that would be permitted on a single property. The intent is to limit visibility and require all businesses to move additional kiosks indoors and out of sight.

Mr. Anslinger asked how this change would affect existing gas stations.

Mr. Hinkelman stated that it is likely that all gas stations would be in violation if this standard is approved.

Ms. Griffith stated some have a fenced area and Mr. Hinkelman stated that it would clearly be defined as visible or not visible.

Mr. Anslinger asked if a wall structure could be used for screening.

Mr. Hinkelman explained that a wall structure would have to be permitted and would involve the definition of the exterior.

Mr. Hinkelman also noted changes that would clarify definitions of solar panels, swimming pools, hot tubs, and other accessory structures.

Mr. Hinkelman further noted the proposed changes would remove the exemption of fences and place them into accessory structures.

Mr. Hinkelman stated that temporary structures such as tents in both residential and commercial locations would be permitted for a certain number of days with these changes.

Mr. Anslinger made a motion to continue ZC 436-19 until the next regular meeting. Mr. Barber seconded the motion and the vote was all ayes. The motion passed.

Work Session

Mr. Hinkelman noted that changes are needed to amend text that references Article 39 and strike the paragraph in Article 6 that requires the township to receive a recommendation from the Montgomery County Planning Commission.

Mr. Hinkelman explained that an Ohio law recently passed for home rule townships would no longer require the township to request a letter of recommendation from the Montgomery County Planning Commission.

Mr. Anslinger asked if passed and a letter is requested that the township would still be able to request one and Mr. Hinkelman confirmed.

Mr. Hatcher made a motion to initiate a text amendment to article 6 and article 39 of the Miami Township Zoning Resolution. Ms. Griffith seconded the motion and the vote was all ayes. The motion passed.

Other Business

None


Meeting Close

Mr. Anslinger made a motion to adjourn the meeting at 7:33 p.m., Mr. Barber seconded the motion, and the vote was all eyes. The motion passed

Respectfully submitted,
Nicole Kessel, Recording Secretary



Chairperson



Date