



City of Dayton

City Plan Board

Summary Minute Record October 11, 2016

1. V-005-2016 — Public Way Vacation: Alley South of East Third Street (Cathcart Lane) from South Jefferson Street to South Saint Clair Street

Applicant: Mr. Austin Sprenkel
Ellway Group
124 East Third Street
Dayton, OH 45402

Priority Land Use Board: Downtown Neighborhood Planning District: Downtown

Decision: Denied Because Criteria Could Not Be Met at This Time

Staff Comments

Tony Kroeger presented the staff report. Per the application, the reason for the vacation request is to “Redirect pedestrian traffic from RTA station to 4th or 3rd Street and combine the parking lots into the block. A new north/south alley is proposed.”

Mr. Kroeger noted that the Police and Fire Departments did not support the proposed vacation and that the President of the Downtown Priority Board thought this working alley would be important at some point. Mr. Kroeger said staff agreed with the positions of the Police and Fire Departments. He did not think the request for vacation was ripe at this time.

Public Comments

The applicant, Austin Sprenkel, Ellway Group, 124 East Third Street, Dayton, OH, described the properties they own and said the Ellway Group wants to create an entertainment district here, combine the parking lots it owns, and have pedestrians use Third and Fourth Streets. The vacated alley would be fenced off in some way. He discussed building a new north/south alley to replace the one proposed for vacation.

Board Discussion

The Plan Board discussed the case. Plan Board members said they needed additional information to place the request in context. They would like to see a concept/master plan for the Ellway Groups' properties at this location that laid out their plans to redevelop the properties and redevelop and improve the parking lots.

Board Action

A motion was made by Mr. Payne, seconded by Mr. Wright and carried to deny the vacation request in Case V-005-2016. In reviewing the proposed vacation, the City Plan Board was unable to determine the proposed vacation met the criteria cited in R.C.G.O. Section 150.445 (B) at this time.

The City’s Zoning Code requires that the criteria in Section 150.445 (B) be met before the Plan Board can establish conditions for a vacation.

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|------------------------|-----|----------------|-----|
| Ms. Beverly Pendergast | Yes | Mr. Jeff Payne | Yes |
| Mr. David Bohardt | Yes | Mr. Matt Sauer | Yes |
| Mr. Richard Wright | Yes | Mr. Greg Scott | Yes |
| Ms. Geraldine Pegues | Yes | | |

Minutes approved by the City Plan Board on November 8, 2016.

Ann Schenking, Secretary
City Plan Board



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Summary Minute Record October 11, 2016

2. S-030-2016 – Record Plan – JS Flyers LLC Plat

Applicant: Mr. Tom Dusa
Haley Dusa Engineering and Surveying Group
270 Regency Ridge Drive
Suite 203
Dayton, OH 45459

Priority Land Use Board: Northeast

Neighborhood Planning District: Old North Dayton

Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and the recommended conditions. This is a consolidation of many city lots into two city lots and a dedication of public right-of-way.

Public Comments

None.

Board Discussion

None.

Board Action

A motion was made by Ms. Pendergast, seconded by Mr. Payne and carried to approve Case S-030-2016 with the following conditions:

1. Revise the Record Plan and any Construction Drawings per the City of Dayton Subdivision Regulations and comments from the Division of Civil Engineering.
2. Show any new easements requested by DP&L, AT&T, Vectren, Water Engineering, etc.
3. Ensure that the dimensions close to within a 1:10,000 ratio.
4. The Department of Water shall retain a 20-foot centered easement for an 8” sanitary sewer running through the vacated alley.
5. DP&L shall retain an easement for existing aerial facilities located within the vacated alley.
6. Time Warner has existing aerial facilities running through the proposed Record Plan. TWC shall retain an easement for existing aerial facilities that are not found to be within the public right-of-way.

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|------------------------|-----|----------------|-----|
| Ms. Beverly Pendergast | Yes | Mr. Jeff Payne | Yes |
| Mr. David Bohardt | Yes | Mr. Matt Sauer | Yes |
| Mr. Richard Wright | Yes | Mr. Greg Scott | Yes |
| Ms. Geraldine Pegues | Yes | | |

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Summary Minute Record October 11, 2016

3. RC-008-2016 -- Amend the Rubicon Urban Renewal Plan to Allow Office Uses in “Parcel N” which is to the southeast of the intersection of Main and Caldwell Streets.

Applicant: Mr. Aaron Sorrell, Director
Department of Planning and Community Development
City of Dayton
101 West Third Street
Dayton, OH 45402

Priority Land Use Board: Downtown Neighborhood Planning District: University Park
Decision: Approved with Modification; Found in Conformance

Staff Comments

Tony Kroeger presented the case and said staff recommended approval of the requested amendments.

This is the third amendment that has been proposed for the Rubicon Urban Renewal Plan since 2009. Previous amendments sought to reflect changing conditions. The purpose of this proposed amendment is to allow office uses in “Parcel N” which is to the southeast of the intersection of Main and Caldwell Streets and is currently an unused parking lot.

The underlying zoning for the parcel is ER-4 (Eclectic Residential); so allowing office uses will also require a zoning change or a use variance. While this is not a site review, the applicant at this time is considering a building of four attached single family residential units and four office units.

The Introduction of the Urban Renewal Plan, on Page 1, says: “The ultimate goal of the Rubicon Urban Renewal Plan is to both facilitate the expansion of the University of Dayton Campus, support the efforts of UDRI, promote the Aerospace Hub designation, and encourage future redevelopment with the Urban Renewal Area, all while creating an environment that complements the existing neighborhood and incorporates urban design principles.”

The Rubicon Urban Renewal Plan notes: “CitiPlan 20/20 calls for increased economic activity through the redevelopment, reuse, and revitalization of the City’s undeveloped land. The underutilized land within the URA represents a tremendous opportunity to foster economic growth while improving the southern gateway into the City of Dayton.”

One of the objectives of the Plan is to “Complement the existing neighborhood by providing for the orderly redevelopment of the property through compatible, mixed-use development”

In terms of Office Uses, the Plan puts forth the following Objectives: “The Renewal Plan proposes that office uses be allowed where permitted to be a contributing function, rather than a dominant function, within the Renewal Area. Mixing office functions within a diverse land use approach for the Renewal Area will help to create daily vitality during both the work week and periods when students are not present on campus. The presence of daytime office workers will help to provide a daily, sustained base of customer traffic to help support commercial retail, service, and entertainment uses within and nearby the Renewal Area.”

Staff sees little downside to the proposed Amendment. After all, any office uses will require zoning action and public hearings. The Main Street location is an exceptional opportunity to create a gateway into the city. This amendment will at least offer the chance to incorporate some office use.

Mr. Kroeger said that one other alternative for the board is to only allow office uses only as part of a mixed-use project that is primarily residential.

Public Hearing Comments

Bo Bauer, Bottega CM, 146 Bristle Cone Lane, Wilmington, OH, the owner of Parcel N and developer of the site, described his project and answered questions from the Plan Board. He said he bought the property to develop something fantastic for the city. The façades will use limestone from the retaining wall at the Montgomery County Fairgrounds that was removed when South Main Street was rebuilt. Each of the four townhouse units will have basement offices similar to New York City brownstones. Commercial uses are across the street from the site. He said his project was a perfect transition from the residential to commercial uses on this part of South Main Street. He originally looked at using the lower level for condos but understood that the neighbors are not interested in small condos which look like they are designed for UD student housing. As a result, he changed the plan for the lower level from residential to offices.

Michael Wietzel, 17 Plumwood Road, Dayton, OH, spoke in opposition to the case. He said the zoning for the site is single-family residential. The office component of the project could have 12 employees and not enough parking will be provided. The project will adversely impact the surrounding neighborhood. There is a vast amount of area around here for commercial use; commercial use isn't needed here. The project is inconsistent with the residential character of the neighborhood.

Robert Rosell, 48 Plumwood Road, Dayton, OH, spoke in opposition to the case. He said the project's lack of parking is a concern and will exacerbate traffic problems in the neighborhood. Approval of the urban renewal plan amendment could have unintended consequences by leading to a zoning action that supports the project.

Grady Larkins, President, Rubicon Neighborhood Association, 41 Stonemill Road, Dayton, OH, said the neighborhood is relatively neutral on the project. The fact that UD turned mixed-use houses it purchased on Brown Street back to residential use was good for the neighborhood. He is concerned about allowing non-residential uses as part of the project.

Beth Keyes, Vice-President for Facilities Management, University of Dayton, 300 College Park, Dayton, OH, said that UD is working very hard with the neighborhood to keep housing that serves UD students east of Brown Street. UD doesn't want students in this neighborhood. UD parents have the wealth to purchase the proposed townhouses. Since the townhouses would contain rooftop terraces, parties can be held on them. Townhouse residents will park on the street.

Debbie Wietzel, 17 Plumwood Road, Dayton, OH, spoke in opposition to the case. She said the plan is not consistent with the rest of the neighborhood. The neighborhood is not affected by drugs. Home values are good and rising. There is not enough parking in the neighborhood; already Dayton Daily News employees park in the neighborhood.

Barb Blaumen, 39 Plumwood Road, Dayton, OH, said she loves brownstones and is in favor of the basement office space. She is appalled at the City's inability to enforce the zoning code's definition of "family." Students are slowly infiltrating the neighborhood. She is concerned the proposed height of the townhouses is too high.

Board Discussion

The Plan Board discussed the case. The zoning designation for the property was discussed. Staff said that the site allows single-family dwellings as a Permitted use, and townhouses as a Conditional Use. Conditional uses must be approved by the BZA. The proposed office use would also require a zoning

change or a use variance. Mr. Scott spoke of the need for enforcement of the zoning code's definition of "family."

Plan Board members discussed modifying the proposed Urban Renewal Plan amendments for Parcel N to allow office use only as part of a mixed-use project that is primarily residential. The office use is not to exceed 20% of total interior square footage built at the time of original construction.

Board Action

A motion was made by Mr. Sauer, seconded by Mr. Payne and carried to:

- 1) Approve the proposed 2016 amendments to Parcel N of the Rubicon Urban Renewal Plan modified as follows: On Parcel N, office use is allowed only as part of a mixed-use project that is primarily residential. The office use is not to exceed 20% of total interior square footage built at the time of original construction;
- 2) Certify the amendments as modified are in conformance with the comprehensive plan and program of the City; and
- 3) Recommend City Commission approval of the modified Plan amendments.

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| Ms. Beverly Pendergast | No | Mr. Jeff Payne | Yes |
| Mr. David Bohardt | Absent; left early | Mr. Matt Sauer | Yes |
| Mr. Richard Wright | Yes | Mr. Greg Scott | Yes |
| Ms. Geraldine Pegues | Yes | | |

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