



# City of Dayton

## City Plan Board

### Summary Minute Record January 9, 2018

#### 1. PLN2017-00366 – Record Plan – Phillips Industries Plat

Applicant: Mr. Steve Harsley  
Bock and Clark Corporation  
7370 Kingsgate Way, Suite A  
West Chester, OH 45069

Priority Land Use Board: Northeast      Neighborhood Planning District: Springfield

Decision: Approved with Conditions

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#### Staff Comments

Abigail Free presented the staff report and recommended conditions. This case is a consolidation of many lots into one city lot.

#### Public Comments

None.

#### Board Discussion

None.

#### Board Action

A motion was made by Mr. Payne seconded by Ms. Pegues and carried to approve Case PLN2017-00366 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. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Add any easements required by DP&L, City of Dayton Water, etc.
4. Add a red outline around the new lot.
5. Add new lot with a blank line.
6. Add a vicinity map.
7. A dedication and easement statement is needed in a format acceptable to the Division of Civil Engineering.
8. Time Warner has existing aerial facilities running through the proposed Record Plan. TWC shall retain an easement for existing aerial facilities if found not to be in the public right-of-way.

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

Minutes approved by the City Plan Board on February 13, 2018.

Ann Schenking, Secretary  
City Plan Board



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January 9, 2018

#### 2. PLN2017-00334 – Record Plan – CareSource Management Group

Applicant: Mr. Brian Smallwood  
Woolpert, Inc.  
4454 Idea Center Boulevard  
Dayton, OH 45430

Priority Land Use Board: Downtown      Neighborhood Planning District: Downtown

Decision: Postponed to Future Meeting

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Mr. Kroeger announced that this case was postponed to a future meeting at the request of the applicant.

Minutes approved by the City Plan Board on February 13, 2018.

Ann Schenking, Secretary  
City Plan Board



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### Summary Minute Record January 9, 2018

#### 3. PLN2017-00365 – Record Plan — DT Retail Properties

Applicant: Ms. Kara Burkhardt  
KBM  
5335 Far Hills Avenue  
Suite 305  
Kettering, OH 45429

Priority Land Use Board: Northeast

Neighborhood Planning District: Kittyhawk

Decision: Approved with Conditions

#### Staff Comments

Abigail Free presented that staff report and recommended conditions. This is a subdivision of one city lot into two city lots.

#### Public Comments

None.

#### Board Discussion

Ms. Pendergast asked if there was a known use for the subject property. Ms. Free said that the intended use is a Dunkin' Donuts.

#### Board Action

A motion was made by Ms. Pendergast seconded by Mr. Payne and carried to approve Case PLN2017-00365 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. Ensure that the dimensions close to within a 1:10,000 ratio.
3. Check Lot numbers across the street.
4. Check the title of the record plan in the lower right hand corner.
5. The Department of Water requires an easement for the 8" sanitary sewer located along the north portion of the site.

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

Minutes approved by the City Plan Board on February 13, 2018.

Ann Schenking, Secretary  
City Plan Board



# City of Dayton

## City Plan Board

### Summary Minute Record January 9, 2018

#### 4. PLN2017-00337 – Public Way Vacation – Alley North of West Riverview Avenue from Central Avenue to the Alley East of Central Avenue

Applicant: Potamoose Partners LLP  
P.O. Box 2836  
Dayton, OH 45401

Priority Land Use Board: North Central Neighborhood Planning District: Grafton Hill

Decision: Established Conditions

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#### Staff Comments

Chido Moyo presented the staff report. She said staff believed the determinations and findings could be made and reviewed the conditions recommended by staff. The reasons for the vacation request are to better secure the area behind the property and the continued dedication of the alley right-of-way impedes the ability to fully improve the property.

#### Public Comments

The applicant, Carl Daugherty of Potamoose Partners LLP, P.O. Box 2836, Dayton, OH, explained that undesirable activities occur in the alley and this action will help secure the property. He explained that the other adjacent property owner supports the vacation.

#### Board Discussion

The Plan Board discussed the case. It was determined that the removal of the alley mouth and installation of a driveway is not necessary, since the opening already has been designed like a driveway entrance. Therefore, no condition addressing this is necessary.

#### Board Action

A motion was made by Mr. Payne, seconded by Ms. Pegues and carried to find that the proposed vacation (PLN2017-00337) met the criteria cited in R.C.G.O. Section 150.445 (B) as outlined in the staff report. Therefore the Plan Board established the following conditions:

1. The area shall be marked in a manner acceptable to the Division of Civil Engineering to indicate that it is not public right-of-way.
2. ATT reserves the right of easement or right-of-way in the vacated area. ATT has buried and pole-mounted aerial facilitates in the area. Changes to existing structures shall be billable to requesting party.

Ms. Beverly Pendergast	Yes		
Mr. Richard Wright	Yes	Mr. Matt Sauer	Abstain
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Yes
Mr. Jeff Payne	Yes		

Minutes approved by the City Plan Board on February 13, 2018.

Ann Schenking, Secretary  
City Plan Board



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## City Plan Board

### Summary Minute Record January 9, 2018

**5. PLN2017-00340 – Public Way Vacations – Alley-1: Alley South of East Sixth Street from the Alley East of South Main Street to South Jefferson Street. Alley-2: Alley east of S. Main Street from the alley south of E. Sixth Street to 108.30’ south of the alley south of E. Sixth Street**

Applicant: Ms. Jerri Stanard  
K12 Gallery and TEJAS  
341 South Jefferson Street  
Dayton, OH 45402

Priority Land Use Board: Downtown      Neighborhood Planning District: Downtown  
Decision: Established Conditions for Alley-1; Denied Request for Alley-2

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#### **Staff Comments**

Chido Moyo presented the staff report. She explained that the K12 Gallery & TEJAS desired to vacate the following two alleys:

- Alley-1: Alley south of E. Sixth Street from the alley east of S. Main Street to S. Jefferson Street
- Alley-2: Alley east of S. Main Street from the alley south of E. Sixth Street to 108.30’ south of the alley south of E. Sixth Street

The reason for the request to vacate Alley-1 (the alley south of E. Sixth Street from the alley east of S. Main Street to S. Jefferson Street) is because the alley is positioned directly in front of the entrance door of K-12 Gallery. It is not used very much and is not in a good position.

The reason for the request to vacate Alley-2 (the alley east of S. Main Street from the alley south of E. Sixth Street to 108.30’ south of the alley south of E. Sixth Street) is because the alley has not been in use for a very long time, several buildings and businesses block any use of the alley and K12 & TEJAS would like to add the unused space to their parking lot.

Ms. Moyo said that staff recommended approval of the vacation request for Alley-1 because the determinations and findings could be made. She reviewed the conditions recommended by staff.

Ms. Moyo said that staff recommended denial of the vacation request for Alley-2 because staff did not believe that the determinations and findings could be made.

#### **Public Comments**

Walt Hoy, Board President for K-12 Gallery, 341 South Jefferson Street, Dayton, OH, spoke on the vacation requests. The priority is the vacating of Alley-1 for safety reasons. Joe Weinel of the City’s Civil Engineering Division stated that because there is limited traffic in this area, the vacating of Alley-1 is not a concern.

Len Roberts, a Board Member for K-12 Gallery, 341 South Jefferson Street, Dayton, OH, reiterated the safety concerns in Alley-1 which is adjacent to K-12 Gallery’s front door.

#### **Board Discussion**

Plan Board members discussed the case and the reasons outlined in the staff report related to staff’s recommendation that the request to vacate Alley-2 be denied. Plan Board members agreed with staff’s

reasoning concerning Alley-2. The Plan Board determined that Alley-1 could be approved based on the staff report, including the required standards for consideration.

**Board Action**

A motion was made by Mr. Payne seconded by Ms. Pendergast and carried to find that Alley-1 (PLN2017-00340) met the criteria cited in R.C.G.O. Section 150.445 (B) as outlined in the staff report. Therefore the Plan Board established the following conditions for the vacation of Alley-1:

1. An easement shall be established for the existing 8” sanitary sewer and the 4” water main. The easement boundaries shall be 10-feet east of the sanitary sewer and 10-feet west of the water main.
2. ATT reserves the right of easement or right-of-way in the vacated area. ATT has buried and pole mounted aerial facilitates in the area. Changes to existing structure would be billable to requesting party.
3. The vacated area shall be marked in a manner acceptable to the Division of Civil Engineering to indicate that it is not public right-of-way.
4. The street opening at South Jefferson Street shall be removed and replaced with curb and walk, or a driveway shall be constructed. All work shall be completed within 90 days of the final approval of the vacation and to City of Dayton standards.

The Plan Board found that Alley-2 (PLN2017-00340) did not meet the criteria cited in R.C.G.O. Section 150.445 for reasons outlined in the staff report and therefore denied the proposed vacation.

Ms. Beverly Pendergast	Yes		
Mr. Richard Wright	Yes	Mr. Matt Sauer	Abstain
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Yes
Mr. Jeff Payne	Yes		

Minutes approved by the City Plan Board on February 13, 2018.

Ann Schenking, Secretary  
City Plan Board



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### Summary Minute Record January 9, 2018

#### **6. PLN2017-00357 – Public Way Vacation – Creston Avenue from Tony Stein Way to the alley North of Tony Stein Way**

Applicant: Ms. Katie Lunne  
CityWide Development Corporation  
8 North Main Street  
Dayton, OH 45402

Priority Land Use Board: Northeast

Neighborhood Planning District: McCook Field

Decision: Established Conditions

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#### **Staff Comments**

Chido Moyo presented the staff report. She said staff believed the determinations and findings could be made and reviewed the conditions recommended by staff. The reason for the vacation request is to facilitate a better development site.

#### **Public Comments**

None.

#### **Board Discussion**

Plan Board members discussed the case and felt that the alley vacation request could be approved based on the staff report, including the required standards for consideration.

#### **Board Action**

A motion was made by Ms. Pegues seconded by Mr. Payne and carried to find that the proposed vacation (PLN2017-00357) met the criteria cited in R.C.G.O. Section 150.445 (B) as outlined in the staff report. Therefore the Plan Board established the following conditions:

1. The applicants address the Dayton Fire Department's concerns related to:
  - a. Providing a "turn-a-round" at the "new" Creston Avenue "dead-end;"
  - b. Providing a water system engineered solution for fire flow capability;
  - c. Installing a new fire hydrant to service Creston Avenue.
2. An easement shall be established for the existing 6" water main, 15" sanitary sewer, and the 78" storm sewer. The easement boundaries shall be 10-feet west of the water main and 10-feet east of the storm sewer.
3. The area shall be marked in a manner acceptable to the Division of Civil Engineering to indicate that it is not public right-of-way.
4. The street openings at both ends of the proposed vacation shall be removed and replaced with curb and walk, or a driveway shall be constructed. All work shall be completed within 90 days of the date the vacation receives final approval and to City of Dayton standards.
5. No drainage shall be impounded on the remaining right of way of Creston Avenue. The drainage plan shall be submitted to the Division of Civil Engineering for review and approval.
6. Charter has existing coax and/or fiber facilities in the request location that may provide a conflict with the work to be performed. Easements shall be reserved for these facilities. Please contact OH811 at (800) 362-2767 to have facilities marked and located within the affected easements before any excavations are started.

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

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## City Plan Board

### Summary Minute Record January 9, 2018

#### 7. PLN2017-00358 – Area Plan – Dayton Public Schools District-Wide Safe Routes to School Plan

Applicant: Mr. Joe Weinel  
City of Dayton  
Division of Civil Engineering  
101 West Third Street  
Dayton, OH 45402

Priority Land Use Board: Not Applicable      Neighborhood Planning District: Not Applicable  
Decision: Tabled to a Future Meeting

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#### Staff Comments

Jon White presented the staff report and the input that went into creating the report. A School Travel Plan (STP) is a requirement for funding requests through the ODOT SRTS program. An STP is the written document that outlines a community's intentions for enabling students to engage in active transportation (i.e., walking or bicycling) as they travel to and from school. Serving as the foundation for an SRTS program, the STP can be updated and modified as needed to meet community values and goals.

The STP will serve as the school district's foundation for Safe Routes to School for all of Dayton Public School's 24 schools serving students in kindergarten to 8<sup>th</sup> grade. Schools that only serve grades 9-12 are excluded from this STP since they are not the focus of the federal SRTS program. The STP will largely be administered and implemented, particularly non-infrastructure countermeasures, by a designated Safe Routes to School Coordinator within the Dayton Public Schools administration.

City of Dayton staff will also play a role in facilitating and implementing the STP. City staff will continue to participate on the Dayton SRTS Team in support of the STP's recommendations. Staff from the City of Dayton Departments of Public Works, Planning and Community Development, and Police will continue to participate. A major emphasis for City staff, specifically the Public Works Department, will be to look for opportunities to include DPS STP infrastructure priorities into planned City roadway improvement projects. A number of prioritized infrastructure countermeasures including safety and bike/ pedestrian improvements located within close proximity to each school have been identified in the STP.

#### Public Comments

Stephanie Tresso, 1650 Watermark Drive, Suite 210, Columbus, OH, spoke on behalf of the plan as its primary author. It was explained how having a Safe Routes to School Plan can bring in funding for programs and projects. The Board expressed concern that there was data yet to be completed in the plan.

Kjirsten Frank Hoppe of the Miami Valley Regional Planning Commission, 110 North Ludlow Street, Suite 700, Dayton, OH, explained the process through which projects can be funded.

Audrey Logan, the Safe Routes to School Coordinator for Dayton Public Schools, 115 South Ludlow Street, Dayton, OH, spoke to the issues that caused the delay in receiving parent survey responses.

Emmy Fabich of Bike Miami Valley, 110 North Ludlow Street, Suite 700, Dayton, OH, spoke in support of the plan.

**Board Discussion**

Plan Board members discussed the case. The Board agreed that a number of items would help complete the plan, including: the parent survey results, input from law enforcement, being able to view the plan in its entirety, and the impact of attendance and truancy.

**Board Action**

A motion was made by Ms. Pendergast, seconded by Mr. Payne and carried to table action on this case to a future meeting to allow time to address comments from the Plan Board.

Ms. Beverly Pendergast	Yes		
Mr. Richard Wright	Yes	Mr. Matt Sauer	No
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Yes
Mr. Jeff Payne	Yes		

Minutes approved by the City Plan Board on February 13, 2018.

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