



City of Dayton

City Plan Board

Summary Minute Record

March 12, 2019

1. PLN2019-00045 – Zoning Map Amendment – Rezone property owned by the City of Dayton's Department of Aviation and within the City of Dayton corporate limits from SR-1 Suburban Single-Family Residential to AP Airport District. The sites are generally located: 1) at the northwest corner of W. National Road and Dog Leg Road; 2) along the east side of Peters Pike south of Lightner Road; and 3) along the south side of Lightner Road east of Peters Pike.

Applicant: Mr. Terry Slaybaugh
City of Dayton Department of Aviation
3600 Terminal Drive
Vandalia, OH 45377

Priority Land Use Board: Not Applicable Neighborhood Planning District: Airport

Decision: Recommended Approval

Staff Comments

Ann Schenking presented the case. She said staff believed the determinations and findings could be made and recommended approval.

The City of Dayton's Department of Aviation has requested that three sites at Dayton International Airport are rezoned from SR-1 Suburban Single-Family Residential District to the AP Airport District. When the sites were annexed by Dayton they automatically received SR-1 zoning. The sites are generally located: 1) at the northwest corner of W. National Road and Dog Leg Road; 2) along the east side of Peters Pike south of Lightner Road; and 3) along the south side of Lightner Road east of Peters Pike.

All three sites are owned by the City of Dayton, within the City's corporation limits, and are reflected as future development sites or runway zones on the Dayton International Airport's Master Plan. These factors reflect the purpose statement for the AP District found in the Zoning Code:

The Airport (AP) District is designed to provide for the uses directly related to the Dayton International Airport. This district will be mapped on property that is an inherent part of the Dayton International Airport and owned by the City of Dayton.

AP (Airport District) zoning for the sites makes sense based on the zoning that surrounds the sites in Dayton, Butler Township, and Union and the proposed future use of the sites. Union, Butler Township, Dayton and the region view the airport as more than just a passenger airport. The airport environs are also seen as a logistics and warehousing hub, not locations for new single-family residential subdivisions, and zoning and development around the airport reflects this.

Accordingly, Union has zoned wide swaths of its land adjacent to the Dayton International Airport as L-1 (Light Industrial). Butler Township has zoned much of its land adjacent to the airport as OIS (Office and Industrial Sales/Service). The subject sites were zoned OIS (Office and Industrial Sales/Service) when located in Butler Township. Under OIS zoning, the following uses (and more) are allowed: distribution facilities, manufacturing and assembly, wholesaling centers, and warehouses. For the Airport, AP zoning allows development to occur in a way that complements its operations.

Public Hearing Comments

Suzanne Beck, General Counsel, City of Dayton Department of Aviation, 3600 Terminal Drive, Vandalia, OH, spoke in support of the case and answered questions from the Plan Board. She said the sites to be rezoned to AP are on the airport's master plan and are considered by the FAA to be part of the airport. She

said SR-1 zoning is not compatible with airport operations and that some of the land was acquired with FAA (Federal Aviation Administration) Noise Mitigation funds. Land acquired with these funds cannot be used for residential purposes.

Board Discussion

The Plan Board discussed the case and asked what plans were for the sites. Ms. Beck said that when the property adjacent to the Lightner Road site was annexed back in the 1990s the annexation did not go to the road centerline so this site is a map clean-up. Part of that site will be developed by chewy.com. For the other sites, with the exception of property that would be part of a runway protection zone and therefore not developed, they are listed as future development sites on the airport master plan. Nothing is planned for these sites right now.

Board Action

A motion was made by Mr. Bradley, seconded by Mr. Payne and carried to recommend City Commission approval of Case PLN2019-00045 based on the Plan Board's ability to make the determinations specified in R.C.G.O. Section 150.125.7 as outlined in the staff report.

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

Minutes approved by the City Plan Board on April 9, 2019.

Ann Schenking, Secretary
City Plan Board



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Summary Minute Record

March 12, 2019

2. PLN2019-00044 – Zoning Code Text Amendments – Amend Various Sections of the Zoning Code to Clarify Terminology and Provisions, Make Certain Regulations Consistent from One Zoning District to Another, Reflect Experience to Date and Best Practices, and Improve Administration and Enforcement

Applicant: Mr. Todd Kinskey for City Plan Board
City of Dayton
101 West Third Street
Dayton, OH 45402

Priority Land Use Board: All

Neighborhood Planning District: Various

Decision: Recommended Approval

Staff Comments

Ann Schenking presented the case. She said staff believed the determinations and findings could be made and recommended approval.

The current zoning code took effect August 1, 2006. Since then the code has been amended on a regular basis to clarify terminology and provisions, make certain regulations consistent from one zoning district to another, update regulations to reflect experience to date and best practices, and improve administration and enforcement of the Code. These periodic amendments allow the Zoning Code to more effectively support the current and future needs of Dayton's residents, neighborhoods, and businesses. This 2019 package of Zoning Code text amendments continues this work.

On June 12, 2018, the Plan Board authorized staff to proceed with a package of text amendments. On February 12, 2019, the amendments in the attached package were reviewed by the Plan Board at a work session. At that meeting, the Plan Board directed staff to proceed with the package of text amendments which includes amendments recommended by Plan Board members.

The proposed group of text amendments was attached to the staff report. The attachments contain a summary explanatory chart and the proposed text amendment language. Numbers in the margins of the draft text amendment language packet correspond to numbers in the summary chart. Proposed changes are shaded with deletions in ~~strike through~~ and proposed additions in **bold** font.

As staff noted in the February 12 work session, a few items on the list stand out. Staff proposes to continue to emphasize design standards. We recommend turning the Pedestrian Oriented Design (POD) principles into design standards that apply to all of the CBD (downtown core) and UBD (Urban Business District). Currently, the POD standards only apply to certain streets in the CBD and UBD with many parts of the CBD and UBD without design standards. This proposed amendment (like others in this package) has a domino effect because any place in the Zoning Code that mentions POD has to be revised also.

In addition, staff recommends adding design standards for the EGC (Eclectic General Commercial) District and adding more design standards for the T (Transitional) District.

In light of development trends in some of our commercial districts, staff proposes adding to all of the city's commercial districts **mixed-use/residential** as a new Conditional Use with specific requirements for that use.

As is the case each time we amend the Code, many items are routine. For example, we propose adding, revising, and/or deleting definitions because one of the following applies: 1) the location of the definition has been shifted from another part of the zoning code (e.g., from the Sign Regulations section and the Landscaping and Screening Regulations section) to the Definitions section because, with the exception of the Adult Regulations section, we believe it is a best practice and more user friendly to have definitions contained in one part of the Code rather than scattered throughout the Code; 2) the definition is no longer needed; 3) the definition is being updated to provide more clarity; 4) the definition is being added because regulations for the defined use are being added to the code; 5) the term was never defined and should be for consistency in application; or 6) a cross-reference definition is being added for user friendliness.

Some amendments clarify and update provisions and terminology. Throughout the Code we are clarifying and making consistent regulations that state when something is not permitted (and therefore could be considered for a variance or inclusion in a Planned Development if circumstances warrant) vs. banned by prohibition and only allowed if the Zoning Code is amended first. We are also proposing a number of amendments to our sign regulations in order to reflect the decision of the U.S. Supreme Court in *Reed v. Gilbert*.

On March 4, 2019, the package was reviewed by the Priority Land Use Boards at a joint meeting. Twenty-one Land Use Board members representing all five Boards were in attendance. One proposed amendment drew a good deal of discussion. Land Use Board members agreed with removing the prohibition (i.e., ban) on the construction of new two-family flats and residential conversions to two-family flats, but recommended changing the “is prohibited” language to “shall not be permitted.” This will allow two-family flats to be considered for a variance or inclusion in a Planned Development if circumstances warrant vs. banned by prohibition and only allowed if the Zoning Code is amended first. Land Use Board members thought these uses needed the additional review the BZA or Plan Board would provide. Staff agrees with this recommendation and has revised the attached text amendments accordingly. At the meeting no concerns were voiced about the remaining text amendments.

Public Comments

None.

Board Discussion

The Plan Board discussed the case and the regulations regarding two-family dwellings. Ms. Schenking said the major concern of Land Use Board members was single-family dwellings being converted to two-family use. The proposed amendment removes the prohibition on two-family flats and that is important. Mr. Daugherty said the requests he receives are to reconvert two or more unit dwellings back to the single-family dwellings they were originally.

Board Action

A motion was made by Ms. Pendergast, seconded by Mr. Payne and carried to approve Case PLN2019-00044 based on the Plan Board’s ability to make the determinations specified in R.C.G.O. Section 150.125.6 as outlined in the staff report.

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

Minutes approved by the City Plan Board on April 9, 2019.

Ann Schenking, Secretary
City Plan Board