



# City of Dayton

## City Plan Board

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### Summary Minute Record May 11, 2021

#### 1. PLN2021-00085 – Vacation ROW – Alley (Tulsa Lane) abutting 141 Ringgold St

Applicant: Dayton Area Lift LLC c/o Seth Dolibola

Priority Land Use Board: Northeast

Planning District: Historic Inner East

Decision: Approved with Conditions

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#### Staff Comments

Abigail Free presented the staff report and recommended conditions. This vacation includes the alley abutting 141 Ringgold Street also known as Tulsa Lane. Only a section is proposed for vacation, 15-ft wide by 70-ft long for use as pedestrian access to the building's primary entrance. The building is being developed into an event center. The area is zoned Transitional and within the Huffman historic district.

Please note that the visuals show a stair, which has since been relocated within the building, due to underground utilities within the alley. The redevelopment includes two parking areas. The parking area on the west of the building will utilize the remaining alley (Tulsa Lane) for egress. There is also a new turnaround proposed coming from the south for egress from the remaining alley. City engineers have advised that the turnaround is a requirement for the vacation once approved.

#### Public Comments

Seth Dolibola asked about Condition 4 about the prohibition of structures within the alley. An overhang is proposed (attached to the building) and wonders if this would be considered a structure within the vacated area. It will be 12-ft above the easement.

#### Board Discussion

Ms. Pegues asked about the vacation as it pertains to future City projects and noted that the Railroad right-of-way just south of the proposed vacation is a proposed bikeway from downtown Dayton to Kettering. Will the vacation impact the planned bikeway. Ms. Free stated that alley access across the railroad will not be vacated and may include caution signage if a bikeway is established. There will also be other instances in the immediate area where the future bikeway will cross over roads and alleys. Also, there are only two property owners to the south. Cars at the event center will not be crossing the alley at all, and car usage to the south should be minimal. Mr. Kroeger added that when and if the Flight line happens the remaining alley may be eliminated in the future.

Ms. Miller asked if the vacated section will be blocked off at the southern end. Ms. Free stated that the applicant has not clarified what is proposed in terms of blocking it off. Mr. Sauer asked about communication with the South property owners. The applicant has reached out to the south property owners and a notice was sent to them as well.

Mr. Scott asked about the type of properties to the south. Ms. Free said that there is a dwelling with a couple vacant lots enclosed by a privacy fence to the west and a gravel vacant lot with semi-truck parking to the east. Also, asked should they clarify the fourth condition as a separate condition to prohibit construction on the vacation. Will the overhang be considered within the easement? Mr. Sauer added that typically 13-ft of clearance is required. Vectren has not weighed in on the overhang, but can be notified.

**Board Action**

A motion was made by Mr. Sauer seconded by Ms. Miller and carried to approve Case PLN2021-00085 with the following recommendations:

1. The correct title for the vacation is: Alley east of June Street (AKA Tulsa Lane) from 78' south of the alley south of E Fourth Street to 25' north of the Norfolk Southern north property line.
2. 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.
3. All work for the turnaround shall be completed within 90 days of the vacation and to City of Dayton standards.
4. Establish the entire area to be vacated as an easement for AT&T, DP&L, Vectren, and City water utilities, both underground and aerial. See submitted drawing for dimensions. No structures shall be built within this easement.

Mr. Jeff Payne	Yes	Mr. Matt Sauer	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes	Mr. Richard Wright	Absent

Minutes approved by the City Plan Board on June 8, 2021.

Tony Kroeger, Secretary  
City Plan Board



# City of Dayton

## City Plan Board

### Summary Minute Record May 11, 2021

#### 2. PLN2021-00170 – Record Plan – Liane Green

Applicant: Donald & Liane Green

Priority Land Use Board: Northeast

Planning District: Eastern Hills

Decision: Approved with Conditions

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#### Staff Comments

Abigail Free presented the staff report and recommended conditions. This record plan will reconfigure two (2) City lots into two (2) City lots. The lots meet the requirements of the ER-4 Eclectic Single-family district.

#### Public Comments

None.

#### Board Discussion

None.

#### Board Action

A motion was made by Ms. Pegues, seconded by Mr. Payne and carried to approve Case PLN2021-00170 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. The tax map shows a 5-ft existing easement at south boundary of existing lot 76270. Please verify and add to record plan if applicable.
5. Revise record plan in accordance with mark-ups provided by the City engineer.

Mr. Jeff Payne	Yes	Mr. Matt Sauer	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes	Mr. Richard Wright	Absent

Minutes approved by the City Plan Board on June 8, 2021.

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### Summary Minute Record May 11, 2021

#### 3. PLN2021-00173 – Record Plan – Wellness Way

Applicant: Woodard Development

Priority Land Use Board: Downtown

Planning District: University Park

Decision: Approved with Conditions

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#### Staff Comments

Abigail Free presented the staff report and recommended conditions. This record plan will consolidate six (6) City lots into one (1) City lot. The lot meets the requirements of the MNC Mature Neighborhood Commercial district.

Ms. Free clarified that two lots to the west (current parking lots) are not part of the same zoning district and are not included within the proposed consolidation. Also, she pointed out where the current zero lot line condition exists that will remain and will not be affected by proposed redevelopment.

#### Public Comments

None.

#### Board Discussion

Ms. Pegues asked for more information about the fire department comments within the staff report concerning the zero lot lines. Ms. Free clarified that the existing school was constructed without the now required fire separation rating for being located on the zero property line. The condition is existing and will remain. However, the current building is proposed for demolition and redevelopment of the site. If demolition takes place any new buildings will have fire separation and the zero lot line condition will be eliminated.

Mr. Scott asked that if the plan doesn't go through and the abutting lots being residentially zoned what are the fire separation issues? Mr. Kinsky clarified that consolidating the six lots is actually improving the current fire separation conditions and property lines running through the existing buildings. The fire department comments in the staff report asked why the parking lots were not included in the consolidation, but was determined that they are excluded due to being zoned residentially.

Mr. Payne asked if the zoned of the lots fronting on Brown Street goes through, will the abutting lots be added? Mr. Kroeger clarified that a rezoning is not being considered currently. The abutting lots are proposed to stay residentially zoned, but have been applied for a conditional use to use them as a restricted parking lot. Mr. Scott asked if there is a planned development considered. Mr. Kroeger stated no planned development has been discussed.

#### Board Action

A motion was made by Ms. Pegues, seconded by Mr. Payne and carried to approve Case PLN2021-00173 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. A 15-ft radius is required at the intersections of Sawmill Road and Brown Street, and Stonemill Road and Brown Street. Dedicate excess from the radius' to public ROW.



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5. The City does not require a superimposed map. Remove map and add a superimposed note instead.
6. Add a dedication/easement statement.
7. Add the City engineer's signature block.
8. The supervisor of plats and planning director title blocks shall be revised to meet City requirements.
9. The Montgomery County engineer title block shall be revised to meet City requirements.
10. Revise record plan in accordance with mark-ups provided by the City engineer.
11. Retain an easement for AT&T aerial facilities.

Mr. Jeff Payne	Yes	Mr. Matt Sauer	Yes
Ms. Rosalyn Miller	Yes	Mr. Greg Scott	Yes
Ms. Geraldine Pegues	Yes	Mr. Richard Wright	Absent

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Tony Kroeger, Secretary  
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