



# City of Dayton

## City Plan Board

### Summary Minute Record July 9, 2019

#### 1. PLN2019-00348 – Public Way Vacation: Alley South of K Street from the West Property Line of City Lot #25839 to the Alley East of Brown Street

Applicant: Mr. Mike Dooley  
Bayer Becker  
1404 Race Street, Suite 204  
Cincinnati, OH 45202

Priority Land Use Board: Downtown      Neighborhood Planning District: University Park  
Decision: No Conditions Established

#### Staff Comments

Abigail Free presented the staff report. She said no conditions were requested by city staff or utility stakeholders; therefore, no conditions for the vacation were recommended. She said that staff believes the determinations and findings can be made as outlined in the staff report. The vacation will allow the University of Dayton to build a small parking lot.

#### Public Comments and Plan Board Discussion

John Popelar, Greater Dayton Construction Group, 4197 Research Blvd, Beavercreek, OH, answered questions from the Plan Board. Mr. Scott asked Mr. Popelar to convey to UD that as it continues to develop its vacant land there will be need for the University to look at constructing a parking garage. Mr. Popelar said he would convey the comment.

#### Board Action

A motion was made by Ms. Pendergast, seconded by Mr. Wright and carried to find that the vacation proposed in Case PLN2019-00348 met the criteria cited in R.C.G.O. Section 150.445(B) as outlined in the staff report.

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

Minutes approved by the City Plan Board on August 13, 2019.

Ann Schenking, Secretary  
City Plan Board



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### Summary Minute Record July 9, 2019

#### 2. PLN2019-00319 – Record Plan – Gem City Market

Applicant: Mr. Jeffrey Van Atta  
Van Atta Engineering  
570 Congress Park Drive  
Centerville, OH 45459

Priority Land Use Board: North Central Neighborhood Planning District: Old Dayton View

Decision: Approved with Conditions

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#### Staff Comments

Abigail Free presented the staff report and recommended conditions. This is a replat to consolidate many lots into one lot.

#### Public Comments

None.

#### Board Discussion

None.

#### Board Action

A motion was made by Ms. Pendergast, seconded by Mr. Wright and carried to approve Case PLN2019-00319 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 intersection of Superior and Salem Avenues.
5. According to the schedule of thoroughfares, Salem Avenue requires 40-ft. from the centerline of the roadway to the new lot line. Add dimensions showing the width of Salem Avenue. Dedication of right-of-way is required if the width is found to be less than 40-ft.
6. Extinguish existing DP&L easement through this Record Plan. Add to drawing and include title block.

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

Mr. Sauer abstained because he is one of the project's architects.

Minutes approved by the City Plan Board on August 13, 2019.

Ann Schenking, Secretary  
City Plan Board



# City of Dayton

## City Plan Board

### Summary Minute Record July 9, 2019

#### 3. PLN2019-00321 – Record Plan – Letitia C Backus Subdivision Section 2

Applicant: Mr. Jason Woodard  
444 East Second Street  
Dayton, OH 45402

Priority Land Use Board: Downtown Neighborhood Planning District: Webster Station

Decision: Approved with Conditions

#### Staff Comments

Abigail Free presented the staff report and recommended conditions. This is a replat to consolidate 10 lots into one lot.

#### Public Comments

None.

#### Board Discussion

None.

#### Board Action

A motion was made by Mr. Bradley, seconded by Mr. Wright, and carried to approve Case PLN2019-00321 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. Show the 25-ft. radius that was dedicated as right-of-way in the Webster Street Bridge Replacement Plans at the intersection of Monument Avenue and Webster Street.
5. According to the schedule of thoroughfares, Webster Street requires 35-ft. from the centerline. Add dimensions showing the ROW width. If width is less than 35-ft., a right-of-way dedication is required.
6. Establish a 20-ft. wide, centered easement for each water utility that runs through the north of the site.
  - An existing 8-inch sanitary sewer
  - 6-inch water main

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

Minutes approved by the City Plan Board on August 13, 2019.

Ann Schenking, Secretary  
City Plan Board



# City of Dayton

## City Plan Board

### Summary Minute Record July 9, 2019

#### **4. PLN2019-00327 – Zoning Map Amendment — Establish a Historic District HD-2 designation for the Linden Center at 334 Norwood Avenue. The underlying zoning designation of OS Park/Open Space will not change.**

Applicant: Ms. Rachel Bankowitz for City of Dayton  
Department of Planning and Community Development  
101 West Third Street  
Dayton, OH 45402

Priority Land Use Board: West

Neighborhood: Five Points

Decision: Recommended Approval

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#### **Staff Comments**

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

The Linden Center was constructed in 1930 and closed in 2006. In 2014 the building was listed on the National Register of Historic Places (NRHP) under *Criterion A* (history) for its association with the African-American community in West Dayton and as an early example of an all-inclusive community center.

The Linden Center represented a response to the challenges faced by African American citizens in a segregated community early in the 20<sup>th</sup> century. The Center, conceived, created and administered by African American community leaders, provided comprehensive services that included recreation, medical treatment, educational programming, and life skills without regard to race or gender. The concept of the Linden Center was to develop a greater and mainstream model of community self-determination, autonomy, and integration through civic, cultural and recreational participation.

The Linden Center is currently owned by the City of Dayton. In the event of future redevelopment of the building, the City would like to establish the building as an individual landmark to provide maximum protection for the future preservation of the building. Protection would be accomplished through an HD-2 overlay. The HD-2 overlay is our most restrictive historic district designation and requires a COA for any exterior work.

The Linden Center is already a nationally-recognized historic structure, as it is already listed in the NRHP, and approval of the HD-2 overlay would provide local recognition by the City of Dayton. Based on these factors and the finding of eligibility of the Landmark Commission, staff recommends approval of the HD-2 designation. This designation would serve the public interest by accomplishing a means of preservation for an iconic Dayton building. Approval of the historic designation will recognize the significance of the property, protect it from incompatible alterations and demolition without a public hearing, and may potentially allow for a greater range of financing options.

#### **Public Comments**

None.

#### **Board Discussion**

Mr. Scott complimented Ms. Bankowitz on a very good staff report and said the history of the center was fascinating.

**Board Action**

A motion was made by Mr. Sauer, seconded by Ms. Pendergast and carried to recommend City Commission approval of Case PLN2019-00327 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	Yes	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Abstained; arrived during case	Mr. Greg Scott	Yes
Mr. Jeff Payne	Absent		

Minutes approved by the City Plan Board on August 13, 2019.

Ann Schenking, Secretary  
City Plan Board



# City of Dayton

## City Plan Board

### Summary Minute Record July 9, 2019

#### **5. PLN2019-00320 – Zoning Code Text Amendments – Amend Various Sections of the Zoning Code to Clarify Provisions, Make Certain Regulations Consistent, and Update Regulations to Reflect Current and Best Practices**

Applicant: Mr. Todd Kinskey  
City of Dayton  
Department of Planning and Community Development  
101 West Third Street  
Dayton, OH 45402

Priority Land Use Board: All

Neighborhood Planning District: Various

Decision: Recommended Approval

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#### **Staff Comments**

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

On May 14, 2019 the Plan Board authorized staff to proceed with a package of text amendments for its review. These amendments were reviewed in a work session held at the June 11, 2019 Plan Board meeting. Since the work session the following changes have been made to the package of text amendments:

- A minor revision has been made to Section 150.110.6(D) due to amendments being made to Section 150.350, Planned Developments.
- Based on comments made by Plan Board members, the proposed amendment to Section 150.550 has been dropped. This amendment would have added a provision to allow the BZA Secretary the authority to grant a six month extension to a Conditional Use approval without the prior approval of the BZA. Staff will look at this section further and save any proposed amendments to it for another time.
- Parking requirements have been added for the use, Mixed Use/Residential. These requirements mirror existing parking requirements for commercial and multi-family uses. Mixed Use/Residential was added to the Code in May 2019 and parking requirements need to be added to the Code for this use.

To recap information presented at the work session, the driver for this package of amendments is to codify the phased approach taken with many Planned Developments whereby the Plan Board approves a general Planned Development for a site and then as sections are developed, a site plan for each section is reviewed and approved by the Plan Board. While we were amending the Planned Development provisions of the Code, staff wanted to take this opportunity to make a few additional amendments to the Code.

Among the additional amendments are the following:

- Make wording consistent and thereby eliminate differing interpretations as to when the appeal filing clock starts for decisions made by the BZA, Plan Board, Landmark Commission, or City Commission.
- Reflect current practice and policy.
- Eliminate internal and external confusion as to the meaning and applicability of certain regulations.

Staff mailed the package of amendments to all Priority Land Use Board members for review on June 17 and offered to meet with any Land Use Board members who were interested in discussing the amendments. One Land Use Board member took staff up on this offer and had no objection to the amendments. No other comments were received from Land Use Board members.

**Public Comments**

None.

**Board Discussion**

None.

**Board Action**

A motion was made by Ms. Pendergast, seconded by Mr. Wright and carried to approve Case PLN2019-00320 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	Yes	Mr. Matt Sauer	Yes
Ms. Geraldine Pegues	Yes	Mr. Greg Scott	Yes
Mr. Jeff Payne	Absent		

Minutes approved by the City Plan Board on August 13, 2019.

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