



City of Dayton

City Plan Board

Summary Minute Record August 10, 2021

1. PLN2021-00334 – Record Plan – Wolf Creek Homes 1-4

Applicant: Midwest Properties

Priority Land Use Board: West

Planning District: Wolf Creek

Decision: Tabled

Staff Comments

Abigail Free presented the staff report and recommended conditions. The record plan is will consolidate and subdivide many residential City lots within the Wolf Creek Planning District into twelve (12) City lots and a private alley for construction of new single-family dwellings. The lots meet the requirements of the MR-5 Mature Single-family district.

Questions for Staff

Mr. Payne asked what type of units are to be built here. Ms. Free clarified that affordable single-family dwellings are proposed. Mr. Kroeger added that these lots were part of the NIP demolition program in partnership with the county land bank and removed nuisance properties within the Wolf Creek area. The land bank has been in possession of the vacant lots ready for redevelopment. The City was approached by the developers about this housing infill project and were interested in lots west of Broadway Street and east of Paul Laurence Dunbar Street.

Mr. Payne is concerned with saturation of affordable housing units. He has been requesting an analysis of affordable housing units compared to owner occupied units within West Dayton, but no such analysis has not been conducted by the City. He also stated than many of the affordable housing units are left vacant for long periods indicating that there is not a need for additional affordable housing units. He is worried that the Cares Act money will allow for funding additional affordable housing.

Applicant Comments

Greg Smith, representing County Corp and Oberer Companies, 3445 Newmark Drive, Miamisburg, gave the board some history of his company as an infill housing developer. Oberer has done infill housing projects using tax credits within the Twin Towers and Dayton View neighborhoods. All of their homes are occupied. Mr. Smith believes the home Mr. Payne referred to as vacant are owned by NRP and operates differently than Oberer. Oberer clusters their infill houses, NRP scatters housing without making improvements to any particular block. Oberer believes clusters allow for neighborhood revitalization.

Mr. Smith added that their homes allow for income levels up to 60% AMI and will serve most incomes in the area currently. He believes the saturation is a positive and management of the properties are better coordinated. They have been working on the Wolf Creek infill housing for over two years with a focus on lots owned by the land bank that did not have a realistic chance for market rate infill. There will be 28 homes, with two being handicapped, most are two-story dwellings with detached garages access from the alley. The blocks used for infill do not have many dwellings as it stands.

Mr. Payne asked if there was another affordable housing project being developed by Oberer within Dayton? Mr. Smith clarified that he doesn't have any other housing projects in the City currently. Mr. Payne's issue is with the aggregate of the affordable units within all of West Dayton. Mr. Smith is aware of the Cares Act funding, but how it can be used for housing has not been determined. Also, there are no available grant funding sources that allow for the development of market rate housing.

Mr. Sauer asked if Oberer is proposing a different type of housing on Broadway Street? Mr. Smith described the housing on Broadway to be slightly different, with the housing on either corner to have wrap around porches to make the corner houses more visually appealing on the side.

Public Comments

No Comments

Board Discussion

Mr. Sauer concurs with Mr. Payne's general concern, but says there may be an alternate approach with a homeownership program. Mr. Payne added that the concerns have been raised on affordable housing in the past and research has yet to occur. He would like to see the research and data regarding this issue. Ultimately, Mr. Payne advises to hold off on the approval of the case until data is presented. Mr. Kroeger reminds Mr. Payne that this is a replat case.

Board Action

A motion was made by Mr. Sauer to approve the case with the six 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. Revise Dedication Statement due to new dedication to right-of-way.
5. Verify landowners and deeds with County's records. Several have been updated.
6. Add existing DP&L easements 441 (Wolf Creek Homes 1), 426 & 446 (Wolf Creek Homes 4). See submitted documents.

No member of the Board would second to the motion causing the motion to fail.

Mr. Payne made a motion to table the case until such time the City Staff brings back information to address the concerns he has raised. Mr. Scott asked if the lots in question could be developed as infill affordable or market rate housing without the approval of the record plan? Mr. Kroeger stated that the zoning allows for single-family housing. The large lot (along Broadway Street) would not allow for multiple houses as proposed without subdivision.

Ms. Miller seconded the motion and carried to table Case PLN2021-00334.

Mr. Jeff Payne	Yes	Mr. Matt Sauer	Yes
Ms. Rosalyn Miller	Yes	Ms. Ann Schenking	Absent
Ms. Geraldine Pegues	Absent	Mr. Greg Scott	No

Note: The City Plan Board voted to table the Wolf Creek Homes 1-4 Record Plan. Per Ohio Revised Code, 711.09(C), as well as City of Dayton Revised Code 151.27, the replat is approved (with conditions) due to inaction within 30 days of the submission of application and meeting the requirements of the MR-5 Zoning District.

Minutes approved by the City Plan Board on September 14, 2021.

Tony Kroeger, Secretary
City Plan Board



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2. PLN2021-00345 – Record Plan – Willow Hills Section 2

Applicant: Willow Hills Developers
Priority Land Use Board: Northeast Planning District: Kittyhawk
Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and recommended conditions. The record plan will subdivide one (1) City lot into forty-five (45) City lots and two (2) public roads for construction of new single-family dwellings known as Willow Hills. The lots meet the requirements of the SR-1 Suburban Single-family district and Planned Development Overlay (PD-175).

Applicant Comments

Greg Smith, representing Oberer Companies and Ryan Homes, 3445 Newmark Drive, Miamisburg, stated that this is a market rate development in Northeast Dayton. These lots are part of phase 2, with phase 1 already under construction. Mr. Scott asked if having a large developable area lends itself more appropriate for market rate project regardless of where it is located? Mr. Smith stated not necessarily, but added that infill housing is more expensive and must comply with the contextual standards in the zoning code. New housing on a large, vacant tract has less risk.

Public Comments & Board Discussion

None.

Board Action

A motion was made by Ms. Miller seconded by Mr. Payne and carried to approve Case PLN2021-00345 with the following recommendations:

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. All new lots need pins set at corners, and PC and PT of Curves along road right-of-way.
5. Revise notes for covenants & restrictions.
6. Show and dimension area used for detention.
7. Ensure Lot drainage plan is approved before City of Dayton signatures.
8. New callouts are required for right-of-way to be dedicated.
9. Add text for the extinguishment of easement.

Mr. Jeff Payne	Yes	Mr. Matt Sauer	Yes
Ms. Rosalyn Miller	Yes	Ms. Ann Schenking	Absent
Ms. Geraldine Pegues	Absent	Mr. Greg Scott	Yes

Minutes approved by the City Plan Board on September 14, 2021.

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3. PLN2021-00346 – Record Plan – Gimmel Investments

Applicant: Admiral Logistics

Priority Land Use Board: Northeast

Planning District: McCook Field

Decision: Approved with Conditions

Staff Comments

Abigail Free presented the staff report and recommended conditions. The record plan will subdivide one (1) City lot into two (2) City lots. The lots meet the requirements of the EGC Eclectic General Commercial district. The use is a vacant bank but is proposed as a retail dispensary. The subdivision will allow the lot with the structure to be 1,000-ft away from the nearest church.

Applicant Comments

None.

Public Comments

None.

Board Discussion

Mr. Sauer asked where the church was located? Ms. Free clarified on the map the located of the church (south of the subject property on the east side of Keowee Street). Ms. Miller asked if the front lot will be parking or landscaping? Ms. Free clarified that it will remain parking as shown on the aerial map.

Board Action

A motion was made by Mr. Sauer seconded by Ms. Miller and carried to approve Case PLN2021-00346 with the following recommendations:

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 15' radius at the corner of Leo Street and North Keowee Street.
5. Revise Dedication Statement to reflect dedication of radius to ROW.
6. Add existing DP&L easements 1234 and 2434. See submitted documents

Mr. Jeff Payne	Yes	Mr. Matt Sauer	Yes
Ms. Rosalyn Miller	Yes	Ms. Ann Schenking	Absent
Ms. Geraldine Pegues	Absent	Mr. Greg Scott	Yes

Minutes approved by the City Plan Board on September 14, 2021.

Tony Kroeger, Secretary
City Plan Board



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4. PLN2020-00307 – The Greater Dayton School PD

Applicant: The Greater Dayton School
c/o Ryan Ernst
10510 Springboro Pike
Miamisburg OH, 45342

Priority Land Use Board: Northeast

Planning District: McCook Field

Decision: Approved with Conditions

Staff comments

Jeff Green presented the case, a zoning map amendment and final development plan request to apply a Planned Development (PD) Overlay for 10.18 acres at the southwest corner of Webster Street and Detrick Street (Deeds Point). The Planned Development would allow for the construction of an elementary/secondary school and accessory recreational uses. The underlying zoning district (Park/Open Space) would not change.

Mr. Green described the background of the case and presented plans and current photos. Staff recommended approval of the request.

The area would contain a new elementary/secondary school, wraparound services clinic, turf sports field, basketball court, play surface (playground), and accessory parking lot. The school would be 99,330 square feet in floor area. Planned Development standards have been developed to go along with the PD site plan, and those PD standards would be incorporated into an Ordinance if approved by City Commission. The Northeast Priority Land Use Board voted 3-2 in opposition of the request.

Comments/Board Discussion

Mr. Sauer asked about the overall capacity of the school and the number of employees that would be present. Mr. Green noted that the school would house 400-600 students and have 68 full time employees. Mr. Payne asked about the discrepancy between the Northeast Priority Board vote in opposition and the McCook Field Neighborhood letter of support. Mr. Green stated that the Northeast Priority Land Use Board was conflicted which is shown with the 3-2 vote and further explained that the board was influenced not only by some public comments received, but also neighbors and acquaintances to the board that had opinions on this case.

Mr. Scott asked about whether the dog park would close in synch with the new dog park being opened. Mr. Kroger noted that this is the goal. Mr. Sauer asked about North Bend Boulevard being closed. Mr. Green noted that North Bend Boulevard would be capped before the underpass. Mr. Kroger stated that it is the goal of the Riverfront Masterplan for North Bend Boulevard and further explained the long-term planning goals for that area.

Public Hearing

Mr. Ryan Ernst, 10510 Springboro Pike, Miamisburg, OH, applicant introduced himself and invited AJ Stich up to speak on the operational side of the proposed school.

AJ Stich, 11 Cass St, Dayton OH, spoke about his background experience and why the school is considered transformational. Noted the challenges facing lower income students. Mr. Stich spoke about the features of the school and its programming. He further explained that they went around the country looking at different models to see what works the best.

Mr. Ernst, applicant, came back up to speak (He loaded his own PowerPoint presentation for the board). Mr. Ernst noted that this will be Ohio's first private secular school and explained how they selected the site. Mr. Ernst stated that they want to be invested in the community and will be holding bi-annual meetings with neighborhood association leaders and will be creating a 2.5 acre park just to the north of the site (shown on site plan as "future park") and further explained the features of the park. Mr. Ernst noted that this has been a 4-year journey and noted all the people/organizations that are in support of the proposal.

Mr. Payne asked about the agreement between Dayton Public Schools (DPS) and The Greater Dayton School. Mr. Ernst noted the history of the talks and summed up by saying that The Greater Dayton School would support the programming of DPS, cap (at 40%) the number of students that would come from DPS, and not recruit their teachers.

Ms. Miller asked how students would be selected. Mr. Ernst noted the admission standards are to select under-resourced kids (such as at or below 130% of the federal poverty line) from within Dayton and just outside it.

Mr. Payne asked how the operation would be funded. Mr. Ernst explained the major funder is The Conner Group.

Mr. Scott asked if the applicant would be willing to do the remediation recommendations as noted in the environmental letter from Partners Environmental Consultants. Mr. Scott also asked about archeological concerns as noted in some public comments. Mr. Ernst stated that they have no environmental concerns and will comply with what is required. With regards to the archeological concerns, Mr. Ernst noted they have a relationship with the Boonshoft Museum and will be doing due diligence, though they were told by the lead archeologist that there is little chance anything of historical significance is located at the site.

Curt Moody, 300 Spruce St Columbus OH, architect for the project. Mr. Moody explained the building orientation and general site layout. Mr. Moody pointed out that the goal was to keep as much green space as possible with the idea of a school within a park. Mr. Moody explained the building design and influence.

Mr. Sauer asked about what areas on the campus will be accessible to the public for recreational purposes. Mr. Ernst noted nothing will be more important than the safety of the students and they would want to know who is on the campus at all times. Mr. Ernst further explained that they are

holding bi-annual meetings with the neighborhood associations and can foresee an agreement where the field and other outdoor areas can be used by certain parties.

Ms. Miller noted that public schools outdoor recreational spaces become public open space after-hours. Mr. Ernst reiterated that will dedicate a 2.5-acre park for public use, but the initial intent was for the campus to be largely utilized for the students and their families.

Mr. Sauer asked if the basin on the site plan was a detention basin and if the existing trees would be retained. Mr. Moody confirmed it was a detention basin and further explained the standards and that would be met for site drainage. Mr. Moody stated that all mature trees would be kept that are not in the way of the building (and play areas/park) and its construction.

Ms. Miller asked what was present to protect kids that might go over to the detention basin. Mr. Moody explained the roll of the basin and that there should be no water hazard for children.

Jerry Bowling III, 522 Herbert St Dayton OH, on behalf of the McCook Field Neighborhood Association stated support for the proposal and referenced the letter he submitted to the board. Discussed the history of the site and positive impact of the proposed request. Mr. Bowling stated he has heard no opposition from the neighbors in the immediate neighborhood.

Mr. Payne asked what the plans that Mr. Bowling knew about had envisioned for this site. Mr. Bowling stated mostly green/open space or a development that would benefit the community.

Mr. Bowling noted that he had notes from Matt Tepper (702 Troy St Dayton OH), but Mr. Tepper had to leave. Mr. Tepper in his notes, is supportive of the proposed request and believes it will help right the wrong (segregation, disinvestment) of the past that occurred in this area.

Monnie Bush, 144 Central Ave Dayton OH, operates the Victory Project. The Victory Project worked closely with the applicant and has seen significant impacts with the kids they serve. Applicant has provided support for the Victory Project and the kids they serve, with the kids showing great progress. Mr. Bush noted that from working with the applicant, he can be certain they will do what they are proposing.

Mr. Scott noted that he and Mr. Bush worked closely together when Mr. Scott was with the juvenile court years ago when Mr. Bush first started the Victory Project and worked with the children that came through the court.

Megan Barkley, 426 Hart St Dayton OH, opposed to the request. Ms. Barkley stated she uses the Deeds Point Metro Park and Deeds Point Dog Park often. Ms. Barkley explained the benefits the dog park has had for her, and other dog owners. Ms. Barkley stated the best thing about the Deeds Point Metro Park was that there are no buildings currently present and that just because there is some undeveloped land doesn't mean it has to be developed.

Justin Barkley, 426 Hart St Dayton OH, opposed to the request. Reiterated points made by his wife (Megan Barkley) but also noted that the idea of the school is great but not the best location

for a school. Would like to know if the applicant has any successful in operation to look at before approving. Believes the area should be riverscape/community open space.

Matthew Noordsij-Jones, 517 McLain St Dayton OH, opposed to the request. Noted he is a parent of a child that goes to Rivers Edge Montessori School which can be seen by one of aerials shown earlier. Noted there are other schools within fairly close proximity to each other and does not believe another school should be constructed. Believes that the applicant should partner with DPS instead of taking kids/funds away from DPS.

Nichol Simmons, 2901 Ridge Ave Dayton OH 45414, opposed to the request. Part of DeWeese Ridgecrest Neighborhood and explained why the board probably got so much feedback from their neighborhood. Reiterated points made by Dr. Jones. Wanted it known \$300 million cut from state budget for education meaning less money for DPS students. Ms. Simmons noted that as a private school they are not accountable by the school report card system. Stated Lebron James partnered with public schools in Akron to success and helping the community as a whole.

Lon Allen, 2216 Bushnell Dayton OH, filled out a card to speak but was not present.

Justin Cohen, PO Box 26114 Trotwood OH, opposed to the request. Regular patron of the dog park. Noted that many people live downtown who can walk across the river and go to the dog park but will not be able to if the dog park is moved. Mr. Cohen stated he believes that the people in those apartments across the river should be asked about the loss of the dog park. Stated he has pictures from 1938 from the historical society and that the trees present are 100 years old. Reiterated that just because some land is undeveloped does not mean it should be developed and the school would take money from the voucher program (and DPS schools) and have no accountability or state testing. Noted the Northeast Priority Land Use Board voted 3-2 to oppose the request.

Natalie Rauf, 7524 Prestwick Ct Cincinnati OH, present and was there to answer any legal questions on behalf of the applicant.

Mr. Payne again asked the difference of opinions between the McCook Field Neighborhood Association and Northeast Priority Land Use Board. Mr. Scott stated they are different entities.

Mr. Scott requested Mr. Ernst address accountability and testing concerns that were raised by the public. Mr. Ernst stated the students would be on a voucher and take the state test so there will be accountability but noted you do have to look a little harder to find the scores.

Mr. Payne noted he thought that site would be housing or be any number of things. Ms. Miller agreed with Mr. Payne and believes the location might not be the best. Mr. Sauer noted that he had similar feelings, but also wanted to point out that the site is isolated due the roads/rivers that surround it. Mr. Sauer stated he was swayed by the plan going from development to open space and is a reasonable request from the land use perspective. Ms. Miller noted that she has seen things that were turned down and just sit there. Mr. Scott noted that whether or not something is reasonable in terms of land use is their job and that this could become a model that sets a standard and ultimately benefit all the students. Mr. Payne stated he anticipated that a

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spectacular building would be placed on this site, but he was not expecting a school. He further stated that this site is really more a connection of downtown and expected a fantastic building.

The board discussed the placement of a school in close proximity to downtown and the proposed open-air recreational facilities and the value that would bring to the public. The board discussed possible conditions to be placed on the site.

Board Action

A motion was made by Mr. Sauer, seconded by Mr. Payne, and carried to recommend approval with one condition of the proposed Planned Development and Final Plan application finding that the applicable criteria (150.125.7, 150.350.7 and 150.350.8) has been met.

1. To the extent feasible, so long as it does not conflict with the programming of the project or school, the owner will facilitate public access and use of the outdoor exterior athletic and open space facilities.

Ms. Rosie Miller	Yes	Ms. Ann Schenking	Not Present
Ms. Geraldine Pegues	Not Present	Mr. Matt Sauer	Yes
Mr. Jeff Payne	Yes	Mr. Greg Scott	Yes

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Tony Kroeger, Secretary
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