

RECORD OF PROCEEDINGS

MIAMI TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

July 18, 2023

Held

20

The Miami Township Board of Trustees met in a special meeting, on Tuesday, July 18, 2023, for the purpose of hearing Case #587, a Text Amendment to MTZR Chapter 17 to accommodate a proposed mult-family apartment complex and Case #588, a Text Amendment to ban smoke shops, and any other business to come before the Board. Mr. Tracy called the meeting to order and led the Pledge of Allegiance.

Mr. Ferry called the roll, Ken Tracy, Mary Makley Wolff, and Mark Schulte, were in attendance.

Public Hearings: Case #587, a Text Amendment to MTZR Chapter 17 to accommodate a proposed mult-family apartment complex was called and the Notice of Public Hearing was read. Miami Township Zoning Resolution ("MTZR") Chapter 17 contains the State Route 28 Urban Village Planned Unit Development ("SRUV"). This Chapter was adopted in Zoning Case No. 482 (2003) resulting from the recommendations contained in the Miami Township - S.R. 28 Redevelopment/Transformational Plan.

The Miami Township Board of Trustees enacted the SRUV under the authority of Ohio Revised Code ("ORC") Section 519.021. Under Ohio Zoning Law, a Planned Unit Development ("PUD") may be applied to a property only at the request of the property owner. Under PUD zoning, a unique adopted plan covering an area determines its land use restrictions, as opposed to more general zoning. ORC 519.021(A) provides that a Township may adopt a PUD which does not become effective until the property owner determines to adopt it. It is essentially a "floating" plan that the property ownership may grab when it chooses and develop its property accordingly. If the property owner does not want to take advantage of the floating PUD, then the existing regular zoning applies.

Approval under the SRUV is structured a little differently than a customary zoning case processed by the Zoning Commission. Since the PUD guidelines are already adopted and in place as recited in the SRUV, the final plan approval rests solely with the Zoning Commission. See MTZR 17.06A3. In this circumstance, instead of issuing an advisory recommendation, the Zoning Commission is the final approving authority of the PUD plan. Once that is approved by the Zoning Commission, the applicant then can proceed to the Community Development Department to apply for and obtain zoning certificates, which will be approved if the application is consistent with the Zoning Commission's approval.

Mr. Elliff noted the the SRUV identifies the PUD geographically, and further breaks it down into different development areas, including several "neighborhoods." The Applicant's property is located within the area identified as the Northwest Neighborhood. Within the Chapter 17 SRUV regulations, various sections describe the allowed uses and other requirements authorized in the Northwest Neighborhood area.

The applicant is requesting a text change to accommodate a proposed multifamily apartment complex they would like to construct, but which is not authorized by the current SRUV regulations as written. The applicant states its reasoning for the text change in its submitted application: *An overall update to Chapter 17 – State Route 28 Urban Village Planned Unit Development District is proposed to align the requirements of the District with the changing needs of the Township and development trends needed to implement the vision of the State Route 28 Redevelopment / Transformation Plan created in 2002 in context with current development and economic realities.*

If the text amendments are approved by the Board of Trustees, then the PUD development plan will be back before the Zoning Commission at a future date for final approval.

Held ~~Mr. Michael Copfer, VP of Land Acquisition from Hills Properties presented information on the project. Mr. Copfer gave an overview of several of Hills properties and current projects.~~ ^{?)}

They have worked with West Chester, Anderson, Deerfield and Liberty Townships to create unique communities that fit the uses in that community. He presented information and pictures from each of those communities along with demographics. Hills is family owned and self-funded, they do not build and sell, they continue to manage the communities they build.

Mr. Jim Obert, Vice President of Planning for Hills Communities discussed the relationships that they have created in these other communities. He notes these updates would allow multi-family dwellings, including rental apartments and condominiums and all ancillary structures and services such as management offices, clubhouse, maintenance buildings, garages, trash structures and services, and other elements consistent with residential community use in the Northwest Neighborhood. The Board discussed the density and size of the building with Mr. Obert.

Mr. Howard Kuhnell, 5623 Flagstone Way, expressed his concerns with the development, and noted the need for single family housing.

Ms. Diana Kuhnell, 5623 Flagstone Way, also expressed her concerns with the development.

Mr. Elliff made a recommendation to approve the text amendments as presented.

The Board discussed the project and some of the barriers including traffic, density, and size of the buildings. They noted that it is also important to consider the services that the Township offers its residents and the additional stress on those services with additional multi-family housing.

Ms. Wolff made a motion to continue Case #587 to the Worksession on August 14, 2023, seconded by Mr. Schulte and all voted "AYE."

Case #588, Text Amendments to ban smoke shops, Chapters 25 and 28, was called and the Notice of Public Hearing was read.

On April 18, 2023, the Board of Trustees adopted Resolution no. 2023-15, which initiated text amendments to the Miami Township Zoning Resolution which if adopted would act to ban the establishment of new smoke shops within the limits of Miami Township. A copy of Resolution 2023-15 is appended hereto.

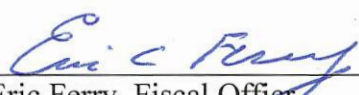
After consideration at its July 7, 2023 hearing, the Miami Township Zoning Commission adopted a recommendation to approve the text amendments as contained in Resolution 2023-15. The proposed text amendments are now before the Board of Trustees for final action.

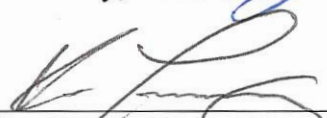
Mr. Elliff gave an overview of vaping and the existing smoke shops in Miami Township.

Ms. Wolff made a motion to approve the text amendments to Chapters 25 and 28 of the Miami Township Zoning Resolution as recommended by the Zoning Commission and as set forth in Resolution No. 2023-15, seconded by Mr. Schulte and all voted "AYE."

With no further business to come before the Board, the meeting was adjourned at 7:28 p.m.

ATTEST:


Eric Ferry, Fiscal Officer


Ken Tracy, Chairperson