

RECORD OF PROCEEDINGS

0323

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

MIAMI TOWNSHIP ZONING COMMISSION

Held _____

June 2, 2022

(YEAR)

The Miami Township Zoning Commission met in regular session on Thursday, June 2, 2022, at 7:00 pm at the Miami Township Civic Center, 6101 Meijer Drive, Miami Township, Ohio 45150.

The meeting was called to order by Chair Jeff Baumgarth.

The Pledge of Allegiance was led by Mr Baumgarth.

Upon roll call the following members were present: Jeff Baumgarth, Tim Brandstetter, Ed Marcin, Carol Turchick and Karen Wikoff. Also present: Planning & Zoning Administrator Brian Elliff and Board Secretary Lori Pegg.

Mr. Brandstetter made a motion to approve the minutes as submitted for the meeting date of May 5, 2022, seconded by Ms. Turchick and the motion carried unanimously.

There was no old business.

The Common Rules of Conduct were read by Ms. Pegg

Public Hearings: Case #583, Remington Clean Fill, 70 State Route 126, I-PUD Major Amendment was called and the notice of public hearing was read.

Mr. Elliff noted that the Clermont County Regional Planning Commission considered this case and recommended approval with the following conditions that the applicant is working on with the County:

1. The .84 acre portion from parcel 18-25-12G-123 will need to be consolidated into parcel 18-25-18G-245 before obtaining building permits;
2. All I – Planned Industrial Park District: 12.08 General Provisions be addressed and adhered to;
3. Secure necessary right-of-way and access permit(s) from ODOT for any access to SR 126;
4. Sewer will need to be provided by an onsite sewer system or be extended by the developer.
5. Stormwater detention/retention will need to be provided for this development.

Mr. Elliff gave a brief history of the property which in the past was an abandoned mobile home park and then substantial litigation over a rezoning effort by Irvine Wood Recovery (Case #531) which eventually ended without the property being rezoned. The property was purchased by the current owner in 2018 and was rezoned in 2020 from "T" Mobile Home Park to "I" Planned Industrial District (Case #574). The approved plan, which was offered by the current Applicant as part of that rezoning, called for 10 self-storage/flex ("SSF") buildings and one 3,600 square foot model sales unit building. Nine of the SSF buildings would contain 10 rental units and 12,000 total square feet each. One unit would contain seven units at 9,000 total square feet. No construction occurred after approval.

The Applicant is now requesting an amendment to the plan approved in 2020 to allow outdoor storage of RV's, boats, semi-trucks and tractor trailers (collectively, "outdoor storage"), along with three reconfigured SSF buildings. As an alternative, the Applicant proposes to keep the current approved site plan in place as well, should it become feasible later. The amended plan proposed deletes most of the SSF buildings to provide the new area for outdoor storage. See plan images below. Three re-configured SSF buildings are proposed to be built at the front of the parcel. As a backup alternative plan, the Applicant would like to keep the potential for construction of the SSF buildings over the entirety of the site. The primary reason for the change request is because Goodwill Industries has stated interest in using the ground for storage of tractor trailer units.

Mr. Chase Decker, property owner at 70 State Route 126, addressed the board and noted that he had been approached by Goodwill Industries looking for a location to store semi-trailers. They anticipate 10 trips per day in and out of the property. He has spent a great deal of time and money to clean up the property of the dilapidated trailer park and had planned to build SSF buildings over the entirety of the site to house small businesses and for indoor storage. That plan has not been carried out due to the very high cost of building materials. He would like to keep that plan in place as he is not sure how long Goodwill would be using the space and intends to build the SSF buildings once costs go down.

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(YEAR)

Mr. Decker addressed some of the concerns noted in the staff report including an increase in noise on the property, he noted that semis do not have back up beepers, any lighting added would conform to township building rules and the few materials that are currently stored on the site are for three buildings that are being constructed on his adjoining property and will be gone as those are built. The property is gated and fenced with security systems, and he will plant a buffer of trees along the bike trail in the rear of the property.

Mr. Baumgarth asked if there were any correspondence and Ms. Pegg noted that there was a letter from Berkshire Hathaway realty referencing the information that had been discussed about Goodwill occupying the property.

Mr. Baumgarth asked for public comment:

Ms. Carrie Geiger of 9 Rose Farm Lane, an adjoining property spoke about previous litigation and cases on the property. She has a great deal of concern about the noise and overall look of the property. In her opinion the site plan does not provide enough detail and believes it opens up risk for activities on the site. She questioned the hours of operation, the traffic flow, the look of the stored semi trailers, the lighting plan and the buffer along the bike trail and she thinks these types of things as well as number of trucks and frequency should be in writing so they can be monitored.

Mr. Decker responded to these questions noting that this is a significantly lower impact than the currently approved plans. His gates are open from 7:30am – 5:00pm and there is a lighting plan, which will have to go for approval when the site plan is submitted. Mr. Baumgarth asked if there is any off-loading of trailers and there will not be, just trailers being dropped and picked up. The question of stormwater retention as mentioned by the county came up and the applicant believes that there is already enough existing impervious surface as well as drains on the property that release storm water to the river. The county is also working with them on the question of sanitary sewer, which is not required for this plan. The board also mentioned the storage of containers and the applicant will not have storage containers on the property.

The following conditions are recommended to be included from the staff report:

- Compliance with the conditions recommended by the County Regional Planning Commission, except for screening which will be per the approved plan.
- Authorization of staff to approve revised building footprint configurations and locations for any SFF building constructed.
- Storage on the location may not include raw materials, waste items, items stored in bulk piles, items for recycling or shipping containers.
- Elements from the prior approved plan from Case #574 that were not amended or addressed such as building elevations, remain in effect.

Mr. Brandstetter made a motion to approve the change based on the conditions in the staff report, modified to allow no container storage on the property, seconded by Mr. Marcin and all voted "AYE."

Case #584, Aldi, 1155 State Route 28, PBD Major Amendment was called and the notice of public hearing was read.

Mr. Elliff noted in 2020, Aldi took interest in the Location and obtained approval for an amended PBD (Case #572) which included some site and building reconfigurations from the original Lidl plan. In Case #572, a 20,442 square foot Aldi grocery store, with attendant parking and road improvements was approved. In that case the amendment affected 4.2259 acres of an original 6.04 acre Planned Business District zone. A small portion of adjoining "R-2" zoning, approximately 7,334 square feet on the east property line (that will be part of future right of way) was also rezoned to PBD at that time.

After the amendment in 2020, the property owner ran into site development constraints affecting the feasibility of the project. As a result, a request for approval of a second amended plan for Aldi has now

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been submitted in this current Case, #584. The amended plan for this case change the location of the Aldi store footprint, adds an outlot and reconfigures parking.

On May 24, 2022, the Clermont County Regional Planning Commission considered this case and entered a recommendation of approval with several conditions.

Doug Smith from MSP presented the amended plan to the board noting that the new street will extend to Algore Acres, helping with traffic circulation and making it much safer and easier for residents of that neighborhood to access State Route 28. For feasibility of the project the developer has determined that the outlot is needed. The outlot has not been marketed as of yet, so it is not known what will go there in the future, but it could be retail or fast food.

Mr. Baumgarth asked for any public comments:

Marvin Hudson, 5969 Pinto Place, shared his concerns with the board regarding any storm water draining through his property, which was address by Mr. Smith who noted the retention area will be below Mr. Hudson's property. The developer is currently working with Mr. Hudson on an easement to construct a slope on his property and maintain trees and vegetation. He was also concerned that construction vehicles will be accessing the site via his property. Mr. Hudson did note that he is all for having the road extended and making entering and exiting from State Route 28 safer.

Michael Budkie, 5923 Pinto Place, shared his concerns about continuing development throughout his neighborhood, he noted that a number of his neighbors had been given offers to purchase their property. He also noted his concern that a fast food restaurant may cause a lot of excess noise and he wanted natural barriers to remain in place after the project is complete. He asked if there is anything planned for the property behind ALDI and the developer noted not at this time and they would have to bring that back to the zoning commission before anything would be allowed.

Benny Wethington, 5961 Pinto Place, asked that they consider a fence along the property to keep people from throwing trash onto their property. The developer noted there will be a buffer of evergreen trees to the east of the retail development.

The Board asked if there is a time-line and Mr. Smith responded the sooner the better and they would have already started if the original plan could have come together. The marketing of the outlot will not hold up the beginning of construction.

Mr. Marcin made a motion to approve the ALDI amendment including the following conditions:

1. Concrete pavement shading will be added to the entirety of the sidewalk span as show on sheet C101.
2. Staff may approve revisions to the outlot building placement, footprint and site details, and shall have approval over building finishes and elevations.
3. Staff may approve a future lot division separating the outlot into its own parcel.

seconded by Ms. Wikoff and all voted "AYE."

NEW BUSINESS: There is currently no new business.

The next meeting is scheduled for July 7, 2022 at 7:00pm

Mr. Marcin made a motion to adjourn, seconded by Mr. Brandstetter. All Voted "AYE."

Sincerely,


Jeff Baumgarth, Chair


Lori J. Pegg, Secretary

Cc: file