

**PLANNING COMMISSION MEETING**  
**STAFF REPORT**  
**MONDAY, MARCH 18, 2024**

**CASE NO:** PC #23-0009  
**PROJECT NAME:** GLENDEAN TOWNHOME SITE PLAN & SIDEWALK WAIVER  
**PROJECT ADDRESS:** UNADDRESSED PARCEL  
**PARCEL ID:** I39 00110 0007  
**APPLICANT INFORMATION:** GLENDEAN TOWNHOMES LLC, 8534 YANKEE STREET, DAYTON, OH 45458  
**OWNER INFORMATION:** SAME AS APPLICANT  
**ZONING DISTRICT:** R-4 MULTI-FAMILY RESIDENTIAL DISTRICT  
**CURRENT USE:** VACANT LOT

**REQUEST:**

A site plan application review for a 99-unit townhouse development on 10.4 acres and a sidewalk waiver request.

**CASE BACKGROUND:**

The subject site is a 10.4 acre parcel located between Clarewood and Glendean Avenues. This site is within the Source Water Protection Area (Water Resource Area). The current proposal includes the construction of 99 townhouses. Each unit will be approximately 1,016 sf with an attached one-car garage on the ground level. Guest parking areas will be situated throughout the development. Street parking will not be permitted within the development and the speed limit will be 25 mph. A HOA will be established to maintain all the exterior infrastructure and communal areas. Landscaping will be provided per the zoning code to buffer the site from adjacent properties (excludes the areas which variances were granted). Variances to reduce the front yard setback along Glendean Avenue and reduce the landscape buffer yard along the rear of the development were granted by the Board of Zoning Appeals in November 2023. The current proposal does not include internal or external sidewalks. The applicant is requesting to waive the sidewalk requirement along the Glendean frontage.

**INTERESTED PARTY COMMENTS:**

Staff requests to view the case file prior to the public hearing.

**STAFF REVIEW/FINDINGS:**

**Site Plan.** Staff finds that the *site plan application* is adequately justified and meets the standards for approval. Staff recommends **approval with conditions** of the site plan, because:

- The proposed site plan complies with the UDO and aligns with ONE Riverside,
- The development is consistent with other nearby development,
- The proposed development will be designed in a manner that account for the unique characteristics of the site, and
- It will not have an adverse impact on adjacent properties.

**Recommended Conditions:**

- Submit a revised plan which responds to any outstanding TRC comments by May 31, 2024, and prior to the issuance of any Certificate of Occupancy.
- The development shall be in accordance with the approved site plan, all applicable sections of the Unified Development Code (UDO) and agreed upon conditions of approval. Any changes/additions/alternations of the approved site plan shall be submitted to the Planning Commission or the Community Development Department Staff for review and approval; any changes/additions/alternations not so referred shall not be valid per Section 1105.09.K(1)(c).
- A New Construction zoning permit must be obtained from the City of Riverside Community Development Department within 30 days of approval. Unless the required the zoning permit application is properly submitted and approved within the 30-day period, the site plan approval shall be voided unless written request for time extension is submitted to and approved by the Zoning Administrator. Such an extension shall not exceed six (6) months without Planning Commission approval.
- A Certificate of Occupancy must be received from the Montgomery County Building Regulation Division prior to occupancy of the structure.
- A development agreement for the expanded stormwater basin must be reviewed by the Law Director for easement establishment or a transfer of ownership of Parcel ID #I39 00110 0006. This agreement will require City Council final approval. The development agreement must be approved prior to construction.
- A Regulated Substance Activity Inventory Report (RSAIR) must be submitted to the City of Riverside within 90 days of obtaining the Certificate of Occupancy.
- The site plan must receive full construction approval from the City of Riverside, the Montgomery County Building Regulations Division, and the Montgomery County Environmental Services.

**Sidewalk Waiver.** Staff finds that the requested *sidewalk waiver* is **not** adequately justified and **does not** meet the standards for approval. Staff recommends **denial**, because:

- The waiver does not align with the ONE Riverside Comprehensive Plan,
- The strict application of the regulations will not deprive the applicant of the reasonable use of the land, and
- Sidewalks promote the health and safety of community.

**The question(s) before the Planning Commission is:**

- **Does the proposal meet the standards for approving the proposed site plan established in Section 1105.09(J)?**
- **Does the proposal meet the standards for granting a waiver request established in Section 1105.13(E)?**

In order to answer this question, the Planning Commission should consider:

- information in the staff report (standards for approval, attachments, etc.), and
- testimony and/or evidence provided at the public hearing which directly relates to the site plan application.
- whether the waiver aligns with the goals and objectives of the Comprehensive Land Use Plan & zoning code.

**ATTACHMENTS:**

- Zoning Map
- Aerial Map
- Site Plan
- Justification Statement Page
- Supplemental Information

**SITE PLAN STANDARDS OF APPROVAL AND STAFF ANALYSIS FROM SECTION 1105.09 (J):**

The following criteria shall be followed when approving site plan application.

**1. It fully complies with the applicable requirements of the UDO and conforms to the Comprehensive Land Use Plan;**

Yes. The applicant has worked with City staff to ensure the stormwater infrastructure and other standards align with the UDO. The project also conforms to the ONE Riverside Comprehensive Plan; it is within the Middle Neighborhood area which calls for diverse housing types at various sizes, price points, and all life stages.

**2. That it adequately protects other property or residential uses located in the vicinity from the potential adverse effects of a nonresidential use which includes noise, lighting, signage, landscaping, accumulation of litter and other factors deemed to affect public health, welfare, safety and convenience;**

Yes. The lighting, signage, and landscaping will meet the UDO requirements.

**3. It is consistent with other development on nearby property;**

Yes, this is an appropriate use for this residential area. There is a mix of housing types in this neighborhood.

**4. It provides safe conditions for pedestrians and motorists and prevents a dangerous arrangement of pedestrian and vehicular ways nor causes traffic congestion;**

The development provides each unit with a two-car garage and driveway. There are five (5) parking visitor lots throughout the site. Internal sidewalks are not provided and the applicant has requested a waiver for the external sidewalk. Traffic will be permitted to only travel one-way, at a reduced speed to prevent congestion and accidents.

**5. It provides safe ingress and egress to emergency vehicles on the site;**

Yes. The proposed access on Glendean Avenue will accommodate the City's emergency vehicles.

**6. That it reflects and is sensitive to the history, climate, topography, vegetation, natural features, and building characteristics of the surrounding community;**

Yes, the applicant is working with the City to construct a larger stormwater basin to aid the flooding issues in the neighborhood.

**7. That it shall not result in undue or unnecessary burdens on the City's existing infrastructure and public improvements, or arrangements shall be made to mitigate such impacts.**

No. The applicant will construct a large infiltration basin to ensure the better stormwater managed. The development will not solve the current flooding issue but will improve it. They are also paying a fee-in-lieu to support the installation of a turn lane on Springfield Street.



**STANDARDS FOR APPROVAL AND STAFF ANALYSIS PER UDO §1115.13 (E):**

THE FOLLOWING CRITERIA SHALL BE CONSIDERED IN REVIEWING A WAIVER REQUEST; 1115.01(E)(3)(B).

**1. Whether the waiver will have an adverse effect on adjacent property owners.**

Yes, the requested waiver would have an adverse effect on adjacent property. The subject site is located near a school. A sidewalk provides an appealing and safe place for students from the development and existing neighborhood to walk or bike to school with their families.

**2. Whether the proposed development is in conformance with the principles of the City's Comprehensive Land Use Plan.**

No, the ONE Riverside Comprehensive Plan encourages investments in infrastructure which safely connects residents to transit, housing, employment, and other resources. This includes sidewalks, trails, and bus stops.

**3. Whether the applicant can show that the regulation will cause a practical difficulty or strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land.**

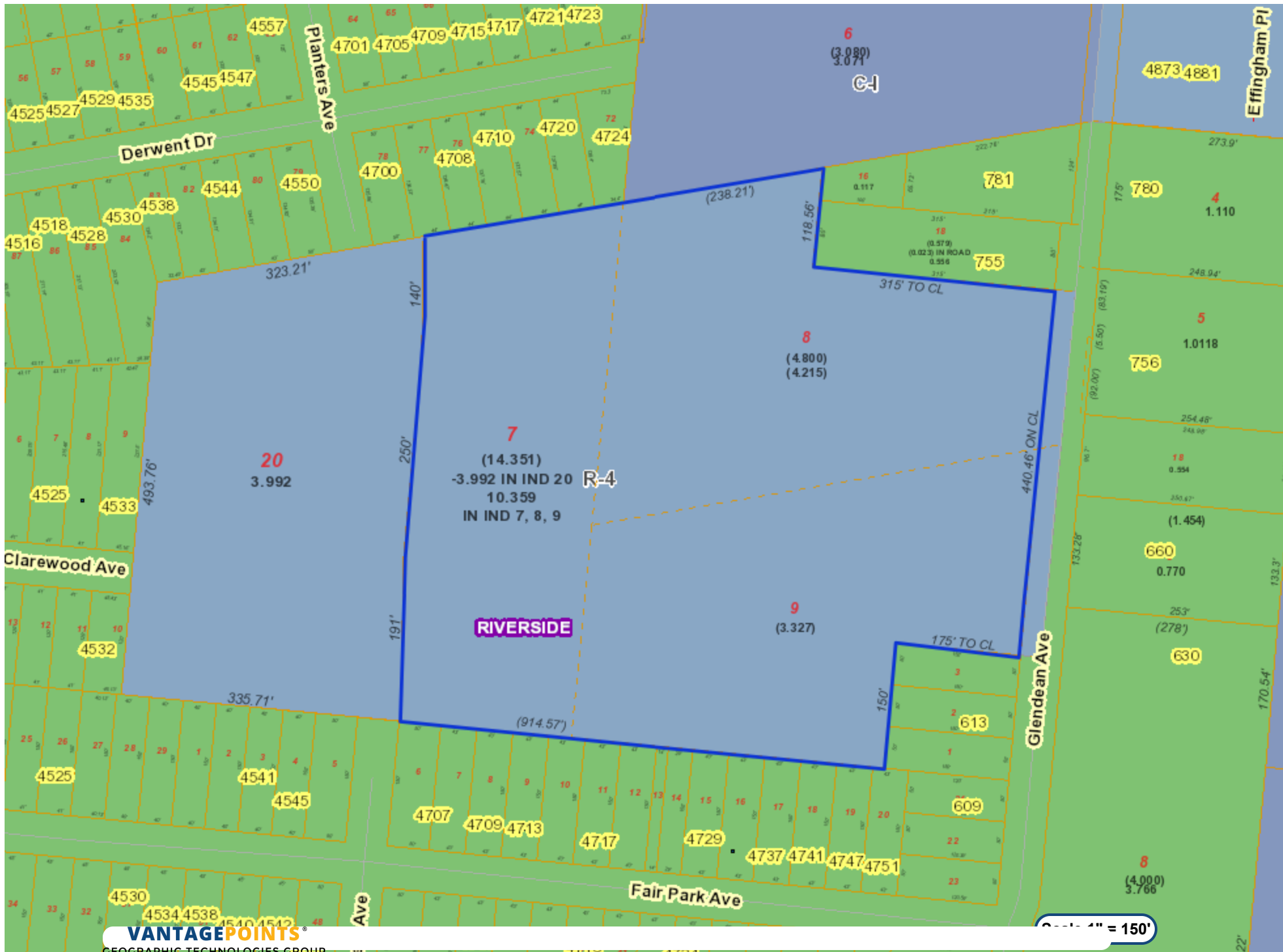
No, the strict application of the regulation will not cause practical difficulty or deprive the application reasonable use of the land. There is enough right-of-way available for sidewalks to be installed along the frontage of the subject site.

**4. benefits of the proposed development justify any deviation from the design standards found herein.**

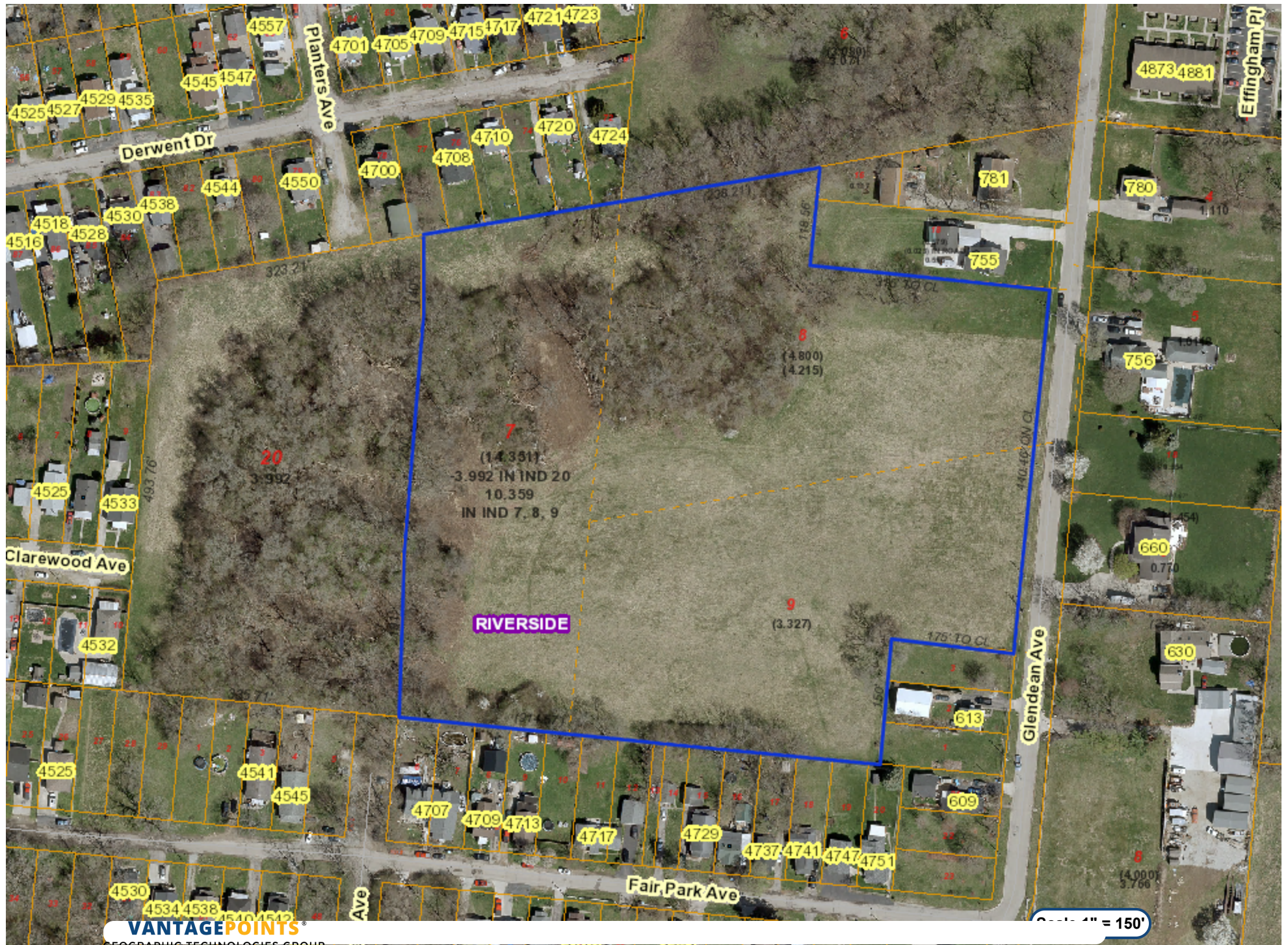
No. The City has been working for several years to make Riverside a more walkable community. The installation of sidewalks is consistent with this city-wide goal. The multi-family development at the corner of Northcliff and Glendean has sidewalks along each frontage.

**5. Whether the applicant has incorporated other design measures that exceed the minimums of the requirement and compensate for non-compliance with the requirements to be waived (net beneficial effect).**

No, the applicant has not offered an alternative.





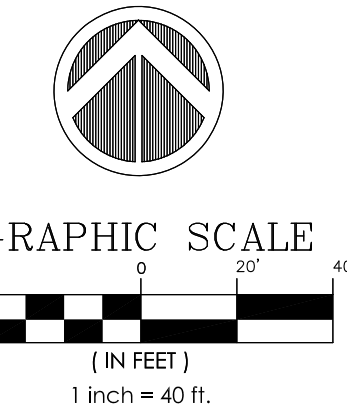
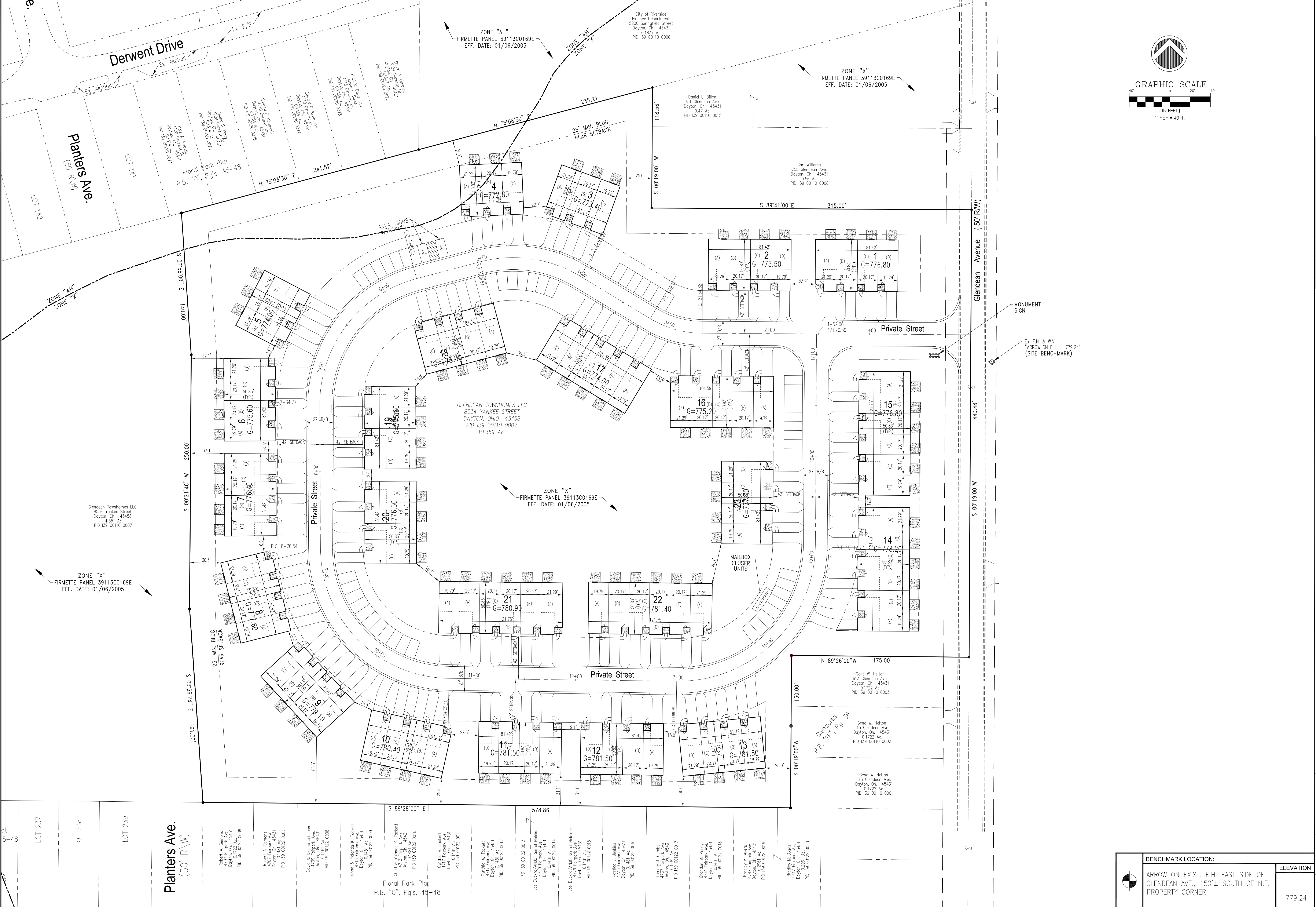


VANTAGEPOINTS  
GEOGRAPHIC TECHNOLOGIES GROUP

Scale 1" = 150'



FILE: T:\DESIGN HOMES\RIVERSIDE - GLENDEAN\CIVILS\GLENDEAN 03 06 24.DWG  
 PLOT DATE: 3/6/2024 12:28 PM



**REINKE GROUP, INC.**  
 ENGINEERS • LAND PLANNERS • SURVEYORS  
 63 Rhoads Center Drive  
 Columbus, OH 43260  
 www.ReinkeGroup.com

No.	DATE	DESCRIPTION	APPD.	DATE

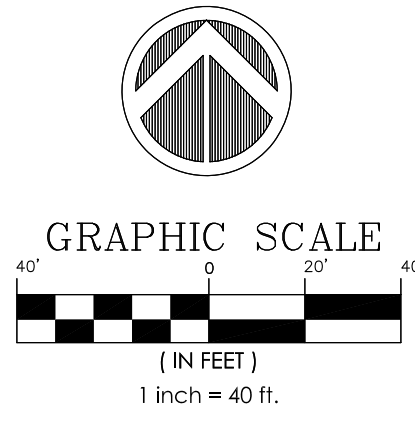
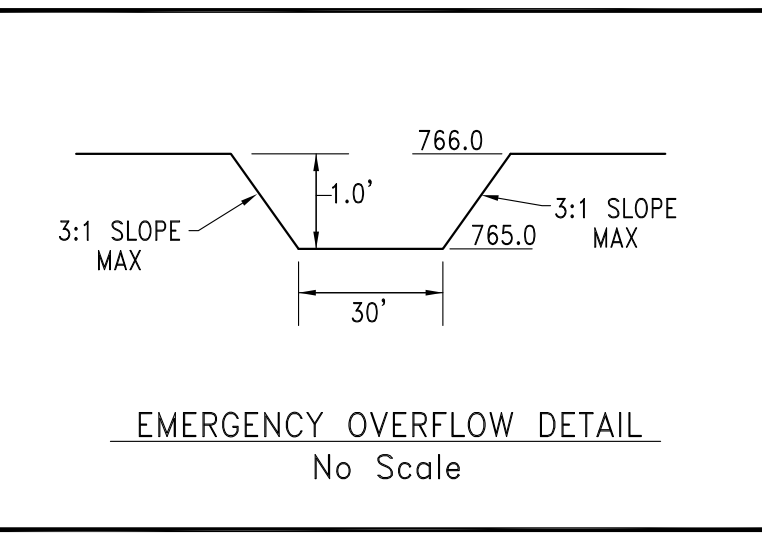
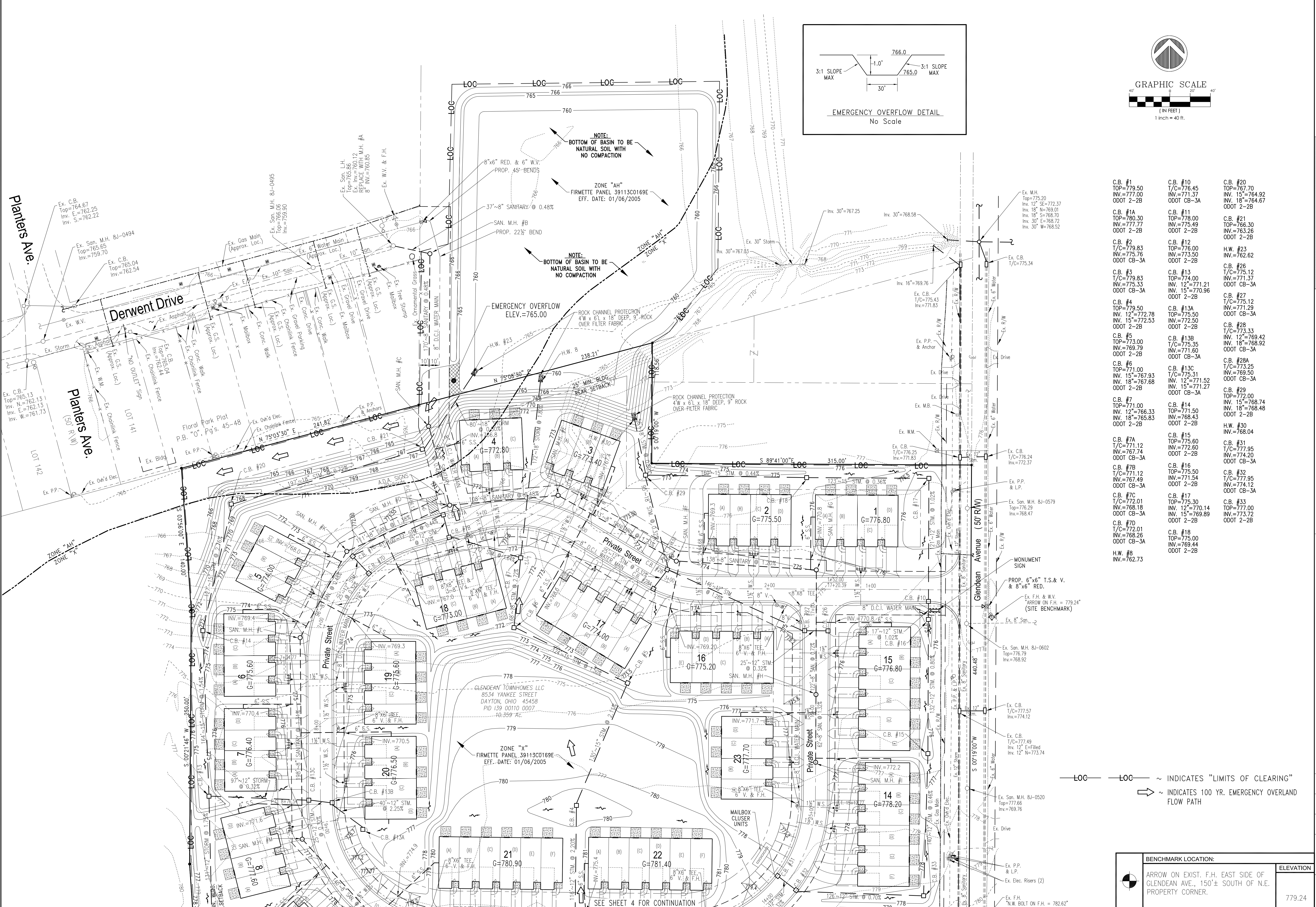
**SITE PLAN**  
 GLENDEAN TOWNHOMES  
 SECTION 23, TOWN 2, RANGE 7 MRS.  
 CITY OF RIVERSIDE  
 MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.	<b>March 6, 2024</b> SHEET NO. <b>2 of 13</b>
DRAWN BY: TTL	
JOB #: 2023-01-002	
DRAWING DATE: March 6, 2024	

BENCHMARK LOCATION:	ELEVATION
ARROW ON EXIST. F.H. EAST SIDE OF GLENDEAN AVE., 150'± SOUTH OF N.E. PROPERTY CORNER.	779.24



FILE: T:\DESIGN HOMES\RIVERSIDE - GLENDEAN\CIVILS\GLENDEAN 03 06 24.DWG  
 PLOT DATE: 3/6/2024 12:56 PM



- C.B. #1  
TOP=779.50  
INV.=777.00  
ODOT 2-2B
- C.B. #2  
TOP=779.83  
T/C=779.83  
INV.=775.76  
ODOT CB-3A
- C.B. #3  
TOP=779.83  
T/C=779.83  
INV.=775.33  
ODOT CB-3A
- C.B. #4  
TOP=779.50  
INV.=772.78  
INV.=772.53  
ODOT 2-2B
- C.B. #5  
TOP=773.00  
INV.=769.79  
ODOT 2-2B
- C.B. #6  
TOP=771.00  
INV.=767.93  
INV.=767.68  
ODOT 2-2B
- C.B. #7  
TOP=771.00  
INV.=766.33  
INV.=765.83  
ODOT 2-2B
- C.B. #7A  
T/C=771.12  
INV.=767.74  
ODOT CB-3A
- C.B. #7B  
T/C=771.12  
INV.=767.49  
ODOT CB-3A
- C.B. #7C  
T/C=772.01  
INV.=768.26  
ODOT CB-3A
- H.W. #8  
INV.=762.73
- C.B. #10  
TOP=776.45  
INV.=771.37  
ODOT CB-3A
- C.B. #11  
TOP=774.00  
INV.=773.49  
ODOT 2-2B
- C.B. #12  
TOP=776.00  
INV.=773.50  
ODOT 2-2B
- C.B. #13  
TOP=774.00  
INV.=771.21  
INV.=770.96  
ODOT 2-2B
- C.B. #13A  
TOP=775.50  
INV.=772.50  
ODOT 2-2B
- C.B. #13B  
TOP=775.35  
INV.=771.60  
ODOT CB-3A
- C.B. #13C  
TOP=775.31  
INV.=771.52  
INV.=771.27  
ODOT CB-3A
- C.B. #15  
TOP=775.60  
INV.=772.60  
ODOT 2-2B
- C.B. #16  
TOP=775.50  
INV.=771.54  
ODOT 2-2B
- C.B. #17  
TOP=775.30  
INV.=770.14  
INV.=769.89  
ODOT 2-2B
- C.B. #18  
TOP=775.00  
INV.=768.44  
ODOT 2-2B
- C.B. #20  
TOP=767.70  
INV.=764.92  
INV.=762.67  
ODOT 2-2B
- C.B. #21  
TOP=766.30  
INV.=763.26  
ODOT 2-2B
- H.W. #23  
INV.=762.62
- C.B. #26  
T/C=775.12  
INV.=771.29  
ODOT CB-3A
- C.B. #27  
TOP=775.12  
INV.=771.29  
ODOT CB-3A
- C.B. #28  
TOP=772.00  
INV.=768.74  
INV.=768.48  
ODOT 2-2B
- H.W. #30  
INV.=768.04
- C.B. #31  
TOP=777.95  
INV.=774.20  
ODOT CB-3A
- C.B. #32  
TOP=777.95  
INV.=774.12  
ODOT CB-3A
- C.B. #33  
TOP=773.00  
INV.=773.72  
ODOT 2-2B

LOC LOC ~ INDICATES "LIMITS OF CLEARING"  
 ~ INDICATES 100 YR. EMERGENCY OVERLAND FLOW PATH

BENCHMARK LOCATION:	
ARROW ON EXIST. F.H. EAST SIDE OF GLENDEAN AVE., 150'± SOUTH OF N.E. PROPERTY CORNER.	ELEVATION 779.24

# REINKE GROUP, INC.

ENGINEERS • LAND PLANNERS • SURVEYORS  
 63 Rhoads Center Drive  
 Columbus, OH 43240  
 www.ReinkeGroup.com

SUBMITTAL/REVISION RECORD				
No.	DATE	DESCRIPTION	APPD.	DATE

## GRADING & UTILITY PLAN

### GLENDEAN TOWNHOMES

SECTION 23, TOWN 2, RANGE 7 MRS.  
 CITY OF RIVERSIDE  
 MONTGOMERY COUNTY, OHIO

DESIGNED BY: G.P.	<p>March 6, 2024</p>
DRAWN BY: TTL	
JOB #: 2023-01-002	
DRAWING DATE:	
SHEET NO. <b>5 of 13</b>	







**Waiver Justification:**

In order to justify approval of any waiver staff and/or the Planning Commission considers the following criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Whether the waiver will have an adverse effect on adjacent property owners.**

The adjacent property owners will not suffer ill-effects from this waiver. They don't have sidewalks either.

**2. Whether the proposed development is in conformance with the principles of the City's Comprehensive Land Use Plan.**

The use conforms with the comprehensive land use plan.

**3. Whether the applicant can show that the regulation will cause a practical difficulty or strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land;**

A strict application of the provisions will result in a "sidewalk to nowhere". While it will not deprive the applicant of reasonable use, it will needlessly drive up the cost of the units.

**4. Whether the proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the design standards found herein;**

The variance will result in a reduction of impervious area, which will reduce the storm water run-off volume.

**5. Whether the applicant has incorporated other design measures that exceed the minimums of the requirement and compensate for non-compliance with the requirements to be waived (net beneficial effect).**

We will not be adding sidewalk to compensate for the waiver elsewhere in the development.

# RECORD OF RESOLUTIONS

BEAR GRAPHICS 800-325-8094 FORM NO. 30045

Resolution No. 15-R-2109

Passed November 5, 20 15

**A RESOLUTION AFFIRMING THE CITY OF RIVERSIDE'S INTENT TO INCORPORATE COMPLETE STREETS PRINCIPLES AND TREATMENTS IN ITS 2015 MAP-21 APPLICATION PROJECT (EAST) AIRWAY ROAD GENERAL ROAD CONDITION IMPROVEMENT PROJECT**

**WHEREAS**, the Riverside City Council adopted Resolution 15-R-2096 on October 1, 2015, authorizing the submittal of the (East) Airway Road General Road Condition Improvement Project; and

**WHEREAS**, the aforementioned project was submitted to Miami Valley Regional Planning Commission (MVRPC) for review and funding consideration on October 8, 2015, and

**WHEREAS**, the MVRPC adopted a Complete Streets Policy on January 6, 2011, requiring local jurisdictions to consider the implementation of Complete Street principles when designing projects seeking Surface Transportation Program (STP) or Congestion Mitigation/Air Quality (CMAQ) federal funds, and

**WHEREAS**, the City of Riverside intends to implement portions of MVRPC's Complete Street Policy by including bike lanes within the scope of this project; and

**WHEREAS**, in accordance with Item #3 under MVRPC's Complete Streets Policy, the City of Riverside seeks exemption to providing walkways within the scope of this project for the following reasons:

- a) That pedestrian infrastructure currently exists along the south side of the project area; and
- b) The Greater Dayton Regional Transportation Authority has reported in its most recent ridership survey that those public transit stops within the project area which do not already have pedestrian infrastructure have an average daily ridership of zero riders.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RIVERSIDE, STATE OF OHIO:**

**SECTION 1:** That the Council of the City of Riverside, Ohio, hereby affirms its intent to incorporate Complete Street principles and treatments in the construction of the (East) Airway Road General Road Condition Improvement Project as stated within this legislation if this project is selected for Surface Transportation Program (STP) or Congestion Mitigation/Air Quality (CMAQ) federal funds under MAP-21.


**SECTION 2:** That this Resolution shall take effect and be in force from and after the date of its passage.

PASSED THIS 5<sup>th</sup> DAY OF November, 2015.

APPROVED:

  
MAYOR

ATTEST:

  
CLERK



## **Exhibit A**

### *City of Riverside Complete Streets Policy* (Effective Date)

#### **Vision**

All users of the surface transportation network, including motorists, pedestrians, bicyclists, mass transit, children, senior citizens, individuals with disabilities, freight carriers, emergency responders, and adjacent land users, will experience a visually attractive and functional environment while travelling safely and conveniently on and across all surface roadways within the City of Riverside.

#### **Purpose**

Streets are an integral component of the City of Riverside. They play a vital role in the social and economic health of the community by providing the primary physical link between the citizens, businesses, and institutions of the City of Riverside. Though facilitating the movement of motor vehicles will continue to be the primary role of the surface transportation network, it is increasingly important to recognize that alternative methods of surface transportation play a pivotal role in moving people and goods throughout the City of Riverside. The purpose of this Policy is to promote the design of surface transportation corridors that balance the needs of all users of the surface transportation network while incorporating the community values and qualities of environmental stewardship; scenic, aesthetic, historic and natural resource preservation; safety; security; mobility and individual freedom.

#### **Goals**

- A. Ensure the needs of all users are balanced throughout the surface transportation network to the greatest reasonable measure.
- B. Incorporate the vision, purpose, and goals of this Policy into all aspects of the project development process for surface transportation projects.
- C. Create a balanced, comprehensive, integrated, fully interconnected, functional, and visually attractive surface transportation network as depicted in the Thoroughfare Plan of the City of Riverside.
- D. Promote the use of the latest and best “complete streets” design standards, principles, policies, and guidelines within the context of the community.

## Directives

The City of Riverside's surface transportation network shall balance the needs of all current and future users. Project identification, planning, scoping, and design for new construction, reconstruction, resurfacing, rehabilitation, repair, and maintenance within the public right-of-way shall adhere, where applicable, to the following:

- 1) Accommodations for all users of the surface transportation network shall be balanced in accordance with the latest and best "complete streets" standards, principles, policies, and guidelines, except under one (1) or more of the following conditions as determined by the Director of the Department of Public Works:
  - a) Where bicyclists and pedestrians are prohibited by law from using the roadway, or
  - b) Where the cost of providing such accommodations would be disproportionate given the need or probability of use, or
  - c) Where severe topographic or natural resource constraints prohibit such accommodations, or
  - d) Where conditions or restrictions outside the purview of the City of Riverside prohibit such actions.
- 2) Where accommodations for all users cannot be made, reasonable effort shall be made to identify adjacent alternative routes and/or methods of travel to provide a safe, reliable, integrated, and interconnected surface transportation network.
- 3) Roadways, sidewalks, shared-use paths, street crossings, pedestrian signals, signs, street furniture, transit stops and facilities, and all connecting pathways shall be designed, constructed, operated, and maintained so that all users of the surface transportation network can travel safely, reliably, and independently.
- 4) The implementation of this Policy shall reflect the context and character of the surrounding built and natural environments and enhance the appearance of such.
- 5) The design and development of surface transportation infrastructure shall be in accordance with all City of Riverside ordinances, codes, plans, policies, and guidelines where appropriate.

- 6) A system of performance measurements shall be established to gauge the success of this Policy with regards to the stated Goals above.

### **Exemptions**

The City of Riverside Complete Streets Policy shall be in effect immediately upon adoption by the City Council. Surface transportation projects in the final stages of design of under construction at the time of adoption are exempt from this Policy.



Wetland



**\*\*DISCLAIMER:**  
 This map is a visual presentation of data to be used as a public resource of general information and is provided strictly as a courtesy. The Montgomery County Auditors Office makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any information provided herein.

Furthermore The Montgomery County Auditors Office shall assume no liability for  
 1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused; or  
 2. Any decision made or action taken or not taken by the reader in reliance upon any information furnished hereunder.  
 Note: Exact property boundaries must be derived by a legal survey of the property.



1 inch = 205 ft





Front of Subject Site



Adjacent Property to the North



Adjacent Property Across Glendean Ave



Adjacent Property to the South



Proposed Access Location



Proposed Location of Townhouses





Proposed Location of Stormwater Basin



Rear View of School from Subject Site



Sidewalk Waiver Location: View 1



Sidewalk Waiver Location: View 2