

City of Riverside Planning Commission Meeting March 18, 2024

Members Present: Julie Denning
Jonathan Hairston
Tony Rodgers

Members Absent: David Owens
Harold Vazquez

CALL TO ORDER: The Planning Commission meeting was called to order at 6:30 p.m.

ROLL CALL: Mrs. Denning, present; Mr. Hairston, present; Mr. Owens, absent; Mr. Rodgers, present; and Mr. Vazquez, absent.

MOTION TO EXCUSE: Mr. Rodgers moved, seconded by Mr. Hairston, to excuse Mr. Owens and Mr. Vazquez. All were in favor. **Motion carried.**

APPROVAL OF AGENDA: Mr. Rodgers moved, seconded by Mr. Hairston, to approve the agenda. All were in favor. **Motion carried.**

APPROVAL OF MEETING MINUTES: Mr. Hairston moved, seconded by Mr. Rodgers, to approve the minutes of the February 21, 2024, meeting. All were in favor. **Motion carried.**

Chairwoman Denning explained the process for filling out the form to speak, taking the oath, and speaking at the podium. She reviewed the rules of the day for the March 18, 2024, planning commission meeting. She thanked the people in attendance for coming to the meeting and being interested in what happens in the city.

TEXT AMENDMENT RESEARCH UPDATE: Ms. Taryn Smith, UD student and intern for the City of Riverside, presented information regarding research on the sign code and urban agriculture. She stated that a few court cases have made it to the Supreme Court that have made the sign code something that needs to be amended such as use of temporary signs. From researching other cities, she found there is a lot of out of date sign code that could be fixed through use of more cohesive definitions of how signs are used. She stated that once they get definitions and use of sign codes on the right track, they will be able to move forward.

Ms. Smith reviewed the current code for urban agriculture. She stated there are things to consider like the outbreak with illnesses, the inspection process, animal abuse, and any additional code needed to be added for loose chickens, tagging, and housing. She compiled a list of restrictions she obtained from other cities across the country and found numerous ways to regulate such as through the humane society. She did find that many had land requirements and no roosters were allowed. Some places do not allow selling of the chickens or the eggs because they cannot be kept or bred in the city. Slaughtering is also not allowed. She stated that Xenia has had some issues and has a nuisance clause where neighbors report if it becomes a problem. In Riverside, one restriction is a deed restriction. While the city can regulate them, on certain lots there cannot be chickens due to the deed restrictions. Nearly half the people in the city would not be able to have chickens due to deed restrictions, and it is not the City's authority to enforce deed restrictions. She reviewed questions that she asked other communities: Xenia and Urbana,

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OH; Cedar Rapids, Iowa; Knoxville, Tennessee; Mesa, Arizona; and Fort Collins, Colorado. They stated there has been a challenge to enforcing it, but there is interest due to educational exemptions such as 4H and nature centers. She stated Knoxville amended the number of chickens based on lot size and dropping coop inspection since people have been buying them pre-made. The biggest challenge in Ohio is that state law requires chickens to be sold in quantities of at least six. There is concern over the avian flu and banding and tagging not being humane to the chickens. She stated that setbacks associated with coops has been an issue along with education of having chickens. She added that Urbana has discussed doing away with their code simply because it does not seem worth it for the few that have chickens. Fort Collins has received helpful feedback with allowing the flock size to scale with the property size. Xenia would like to make language more specific on what type of animals are allowed as some have roosters and that is not something they want. She reviewed what has worked well, an updated registry in case of avian flu outbreak and residents opinion and believing allotment is a step in the right direction. She reviewed the different departments that are involved with code enforcement in the various cities. She stated a robust code would include: structure permitting, chicken registry, no roosters, vaccination requirements, setback mandates, educational opportunities, educational exemptions, specific language, and minimums that meet state law.

Mr. Rauch thanked Ms. Smith for her research and her time being an intern with the city. He stated this information will help them with recommended code for the planning commission to consider as far as urban agriculture is concerned.

PUBLIC HEARINGS/REVIEW:

- a. **PC Case #23-0009 – Site Plan & Sidewalk Waiver – Glendean Ave** (Parcel ID# I139 00110 0007). A site plan review for a 99-unit townhouse development and a sidewalk waiver.
 - (i) Public Hearing on application

Chairwoman Denning opened the public hearing for Case #23-0009 at 6:47 p.m.

Ms. Holt took the oath to give sworn testimony. She stated the request is a site plan application for a project off of Glendean Avenue, a 10-acre property that is in a source water protection area. Each unit is approximately a little over 1,000 sf. There would be an attached one-car garage underneath the unit with guest parking throughout the development. No on-street parking would be allowed. She presented an aerial map and the site plan. She stated an HOA will be established to maintain the exterior infrastructure such as the stormwater basin, streets (private roads), landscaping throughout the community. There are variances on the back because the vegetation will remain there. She stated the current proposal does include a sidewalk waiver along Glendean; sidewalks will not be included in the internal portion of the site. She presented site photos of the vacant lot along with adjacent properties. She presented photos of the access point location and the proposed stormwater basin. She added that the stormwater basin will not solve the problems of drainage, but it will help. Staff finds that the site plan is adequately justified

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and does meet the standards for approval with conditions as the proposed site plan complies with the UDO and aligns with ONE Riverside, it is consistent with other nearby development, it will be designed in a manner that account for the unique characteristics of the site, and it will not have an adverse effects on adjacent properties.

She presented site photos for the requested sidewalk waiver. She stated that staff recommends to deny the sidewalk waiver due to the city's complete streets policy passed in 2012 and due to the comprehensive plan that asks for more connectivity and safe connections for pedestrians and bicycles.

Mr. Rodgers asked if there was only one ingress/egress on the site plan and if the fire department signed off on that. Ms. Holt stated because it has less than 100 units, they only have one access that is required. Discussion was held on the fire hydrant locations where two companies could come from each way as it is a circle.

Mr. Lance Oakes, the applicant, 8534 Yankee Street, Dayton, OH, stated he has collaborated with staff for some time and believes they have produced a good site plan that is a win-win. He stated the units will be around 1,400 sf. They feel they have addressed the drainage and the fire department concerns. He asked for a sidewalk waiver as there is currently no other sidewalk on Glendean. If the city wants it and requires it, he is happy to do it and is okay with the denial. He added that he may add internal sidewalks within the community for walking trails. He is happy to do it should the city require it. He thanked staff for collaborating with him.

Mr. Dale Patrick, 4700 Derwent Drive, Riverside, OH, stated he lives on the northwest corner of the property development. He wanted to know if there was any insight with power outages and cable outages that might interfere with his work during construction. Ms. Holt stated that Mr. Oakes can speak to that, but that there will most likely be a project manager on site who would call and notify local utilities in any emergency situation. Mr. Patrick asked if there would be a fence line surrounding the property as he did not see anything on the site plan. Ms. Holt stated that there are requirements for fences and landscaping.

Mr. Oakes stated he will be back as he plans to put a fence around the property except for around the back since that is fielded by the tree line. He will put up nice, decorative fencing. Regarding the utilities, they will call OUPS multiple times as the developer and the excavator. They will try to avoid anything happening. If a line is cut, they will try to get it repaired as quickly as possible and will take every precaution not to do that.

Chairwoman Denning closed the public hearing at 7:00 p.m.

Mr. Rodgers moved, seconded by Mr. Hariston, to approve the site plan for Case #23-0009, Glendean Avenue, with the conditions listed on page two of the staff report, City of Riverside Comprehensive Plan, and the evidence and testimony heard today. Roll call went as follows: Mr. Rodgers, yes; Mr. Hairston, yes; and Mrs. Denning, yes. **Motion carried.**

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Mr. Hairston moved, seconded by Chairwoman Denning, to deny the sidewalk waiver for Case #23-0009, Glendean Avenue, based on the staff report and the City of Riverside Comprehensive Plan that states complete streets. Roll call went as follows: Mr. Hairston, yes; Mrs. Denning, yes; and Mr. Rodgers, yes. **Motion carried.**

Chairwoman Denning stated they have approved the site plan and have denied the sidewalk waiver.

- b. PC Case #24-0004 – Site Plan & Parking Waiver – 1009 Fairfax Avenue (Parcel ID# I39 00115 0014, I39 00115 0015, I39 00115 0018, I39 00115 0019, I39 00115 0020, I39 00115 0021, I39 00115 0022, I39 00115 0023, I39 00115 0024, I39 00116 0013, and I39 00116 0014).** A site plan to review a new one-story, 26,000 sf office building and parking waiver to reduce the spaces from 67 to 55 spaces.

- (i) Public Hearing on application**

Chairwoman Denning opened the public hearing for Case #24-0004 at 7:03 p.m.

Ms. Holt stated this project is off of Springfield Street located between Fairfax and Kimbolton Avenues on 1.7 acres. She presented an aerial map and stated it is in the source water protection area, the water protection overlay district and in the floodplain zone. The applicant will consolidate the parcels before construction and build the office building with the number of spaces indicated. She presented the site plan, which will be the administrative building of Mechanical Services and Design, MSD, which is across the street. The building will have a rear dock for service vehicles. The existing building will remain across the street and be used for overflow parking. She is comfortable recommending approval for the reduced parking spaces. They do not get a number of outside guests, so it will not be a big lift to have the parking reduced. They are reducing parking by 18 percent and therefore do not require a traffic study. She presented site photos of the property along with adjacent property site photos. She presented site photos of the proposed parking lot area, the rear dock off of Kimbolton Avenue, the bioswale location on Fairfax to manage stormwater on site, and overflow parking at the existing MSD Site. She added there would be another access point on Fairfax. Staff finds the site plan application is adequately justified and meets the standards for approval. Staff recommends approval with conditions as the site plan complies with the UDO and aligns with ONE Riverside, it is consistent with other nearby development, it will be designed in a manner that accounts for the unique characteristics of the site, and it will not have an adverse impact on adjacent properties.

Ms. Holt stated that staff finds the parking waiver application is adequately justified and meets the standards for approval. Staff recommends approval with conditions as the proposed waiver will not have adverse effects on adjacent property owners, it is consistent with the Comprehensive Land Use Plan, and the applicant has made a good faith effort to provide additional parking spaces.

Mr. Doug Smith, civil site engineer with Abercrombie & Associates, 8111 Cheviot Road, Suite 200,

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Cincinnati, OH, took the oath to give sworn testimony. He stated that MSD is excited to move its administrative offices to Riverside and be in close proximity to its other building. They have worked with city staff and addressed the technical review committee comments. With regards to the parking waiver, they feel it is in the spirit of the comprehensive plan and encourages shared parking across the street and reduces the impervious surface footprint.

Chairwoman Denning closed the public hearing at 7:11 p.m.

Mr. Rodgers moved, seconded by Mr. Hairston, to approve the site plan with the conditions listed on page two of the report for Case #24-0004, 1009 Fairfax Avenue, based on the staff report, City of Riverside Comprehensive Plan, and the evidence and testimony heard today. Roll call went as follows: Mr. Rodgers, yes; Mr. Hairston, yes; and Mrs. Denning, yes. **Motion carried.**

Mr. Hairston moved, seconded by Chairwoman Denning, to approve the parking waiver with the conditions listed on page three of the report for Case #24-0004, 1009 Fairfax Avenue, based on the staff report. Roll call went as follows: Mr. Hairston, yes; Mrs. Denning, yes; and Mr. Rodgers, yes. **Motion carried.**

- c. **PC Case #24-0005 –Waiver – 2121 Harshman Road (Parcel ID# I39 0020 0002).** A waiver to permit an accessory structure in the front yard.
 - (i) Public Hearing on application

Chairwoman Denning opened the public hearing for Case #24-0004 at 7:13 p.m.

Ms. Holt presented an aerial of the subject site located at the northern corner of Transportation Drive and Harshman Road. This was the former Morris Furniture site that has been converted into an indoor self-storage and truck rental facility. The applicant is proposing to put an 800 sq ft canopy accessory structure in the front area. This will be used to have vehicle pick up, truck washing, and be a permanent structure anchored to that area. Riverside zoning code requires all accessory structures be put on the side or rear of any primary structures and not in the front. The applicant is requesting a waiver to that requirement. She presented the site plan and proposed location of the canopy. She presented an example photo of another location, and site photos along with adjacent properties. She stated that the property owner does own the rear property and could put the canopy in the back. She presented photos of the back of the property. Staff finds that the requested waiver is not adequately justified and does not meet the standards for approval. Staff recommends denial because the strict application of the regulations will not deprive the applicant of the reasonable use of the land, and there is an alternative location which is compliant with the zoning regulations and could meet the applicant's needs.

Mr. Richard Henry, owner representative, 7821 Lois Circle, Dayton, OH, took the oath to give sworn testimony. Mr. Henry stated that the side yards are too narrow and within the fire lane. The retail establishment is in the front. The back yard is 700' from there. Every time they have to do a transaction, they are asking the team to go 700' each way and seems to be a bit unnecessary.

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There is little adverse to the neighbors with the rendering. He stated it is tasteful and is not in the way of neighbors. It is a good option for them. Mr. Rodgers asked what he means by a transactions. Mr. Henry stated the customer comes in to either rent or return a vehicle. This canopy is somewhere where the team and customer can get out of the elements during that transaction. Depending on the time of year that can be between 100 – 200 transactions per week. He stated the manager of the site will speak and provide the physical activity to exert to serve the rear yard. Chairwoman Denning asked how many parking spaces this would take up and will it affect the allotted parking spaces they are required to have. Mr. Henry stated he would have to get confirmation on that. Ms. Holt stated it would not affect it. Chairwoman Denning stated it looks like it is a high canopy and asked if it does protect from the elements. Mr. Henry stated that it does; it is 13'6". The canopy can protect 65 percent; not perfect, but the biggest thing is the sun in the summer. Chairwoman Denning asked Ms. Holt if there was anything that would allow a temporary structure for the summer versus a permanent structure year round. Ms. Holt stated they would be permitted to get a temporary use permit for a structure like that, but that is not what was proposed.

Ms. Davisha Upshaw, employee at U-Haul, 1004 Linda Vista Avenue, Dayton, OH, took the oath to give sworn testimony. Ms. Upshaw stated that she considers this to be a decent idea due to the amount of time her and her staff spend outside. This would help keep them protected from snow, sleet, and rain. As of right now, when there is not rain or snow it is not a big deal, but when it does, they have to pull the equipment inside to clean and do repairs. This makes it harder to serve their storage customers as they are then in their way when trying to load and unload their equipment or vehicles. Also, the front of the structure is where the showroom is; this is where they do all their dispatches and returns. Considering the customers that are not in the best physical shape, it will make it more difficult on them. There are a couple of people they serve that already have a challenging time. There is a customer who comes in every month and uses crutches. This would impact him and others like him that use crutches and walkers. Having a canopy in the front would make it a little easier on the customers.

Ms. Pat Matheney, 1132 Beatrice Drive, Riverside, OH, took the oath to give sworn testimony. She stated she would rather see the awning out front. She stated when they bought the old Morris Building they were from Kentucky. There was talk about the traffic and lots of questions she had. She was given the answers from city council that there would be no store, there would be no trucks, there would be no trailers. She asked what the next step would be if that man decides to sell that property within six months. She was told by the council that that would not happen, also, by the owner. Next thing she knows, U-Haul owns it and there are trailers, trucks, vans, and a big U-Haul sign out front which was not supposed to be there. They have a store. It was not put in the deed. It is hard for her to trust what some people say now. When told one thing by city council and it is written down that it cannot happen and it does, then it is hard for residents to trust anybody. She would rather see it in front. Her back yard backs up to the empty lot U-Haul bought. They cut the trees down and they cut them down between 7-Up and her property. She knows people at 7-Up that tell her they can see her every morning sitting outside on her back porch. They used to not be able to do that. Now, when they get in their trucks in the

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morning it wakes her up as there is no sound barrier. She stated if they agreed to put the car wash thing in her backyard, then it is going to be busy. They have 100-200 transactions per week that will be busy. She has already bought a \$9,000 privacy fence when they bought the house so they will have some privacy. This will not give them any privacy as the sound alone will intrude. She asked them to think of the people who live there and how they would like to have people looking at them in their backyard. She asked that they take that into consideration.

Chairwoman Denning closed the public hearing at 7:27 p.m.

Mr. Rodgers asked if the applicant is able to explain how easy it is to install/uninstall a temporary structure. Mr. Henry stated the proposed structure is permanent and will have footers installed in the ground with mesh cages that hold up the poles. Chairwoman Denning stated the manager indicated during inclement weather that they pull into the storage building. It seems like that is somewhat of an inconvenience, but it is a work around. Mr. Henry stated that it can be a temporary work around, but business has picked up to where it would interfere as they now have 300 customers in there and that is the only access point, and it takes up over half the drive and is not safe. Chairwoman Denning asked if it could be a work around for those with disabilities. Mr. Henry stated he did not think it is a reasonable option for them and not safe.

Mr. Hairston asked if there were any questions asked to the Huber Heights U-Haul location and their canopy. Ms. Holt replied no. Chairwoman Denning stated Huber is a lot further off the road. Ms. Holt stated she did not know, just that it was another adaptive reuse of a building. She only looked at their locations, the one on Linden. Chairwoman Denning asked if there was any room on the side of the building. Ms. Holt stated there is not as that would be in the fire lane. Mr. Hairston stated the other option would be the rear of the building that is a separate property, but owned by the same. Ms. Holt replied yes; it would have to be consolidated before an accessory structure could be put up. Chairwoman Denning asked if it went to the back of the building, would there be requirements to shield that from residential properties. Ms. Holt stated she can check on that. Mr. Rodgers stated if the shielding was in the rear it might address that part of it, but that the applicant stated it was an inconvenience to them go around to the back of the building. Mr. Hairston asked if there was an entrance and exit on the back side of that building. Mr. Henry stated the exit on the rear sides are egress only; it is a fire restriction. There is no entry in as it is a secured building for the storage customers. Ms. Holt stated there is no requirement for accessory structures only dumpsters with regard to screening.

Mr. Rodgers stated they may wish to continue this until all members of the planning commission have an opportunity to weigh in. Ms. Holt stated they can table it to a date certain. Mr. Rodgers stated that any action would need to have all three of them present vote with a like response. Mr. Henry asked if he had was able to voice his opinion on the matter. Chairwoman Denning stated the commission would entertain his opinion or preference. Mr. Henry stated in order to achieve this he would have to have all three votes, he would like to table it, if possible. Discussion was held on how far off the road the canopy was in Huber Heights. Chairwoman Denning asked the law director if they deny the front usage and it has to go to the back, can they put conditions

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on shielding that from residential property. Mr. Miller stated that any condition that is reasonable would be appropriate as proposed by the commission and falls within their purview to impose.

Mr. Rodgers moved, seconded by Mr. Hairston, to continue PC Case No. 20-0005, 2121 Harshman Road, design waiver to the next meeting on April 15, 2024. Roll call went as follows: Mr. Rodgers, yes; Mr. Hairston, yes; and Mrs. Denning, yes. **Motion carried.**

ZONING ADMINISTRATOR DISCUSSION TOPICS: Ms. Holt presented the annual report from 2023 to the commission. She reviewed the department accomplishments: five zoning code updates, citizen portal launched, comprehensive plan adopted, two undergraduate intern students employed, CRA council established, and presentations at local, state, and national conferences. She presented the stats for all the planning and zoning applications and highlighted the cases for planning commission in 2023. She discussed the possibility of online training focusing on 10 hours of training specifically for planning and zoning and BZA. There would also be 300+ courses they would be able to tap into related to planning and BZA. It is focused on citizen planners; they are looking to do it this summer. It is a new way to get training.

MATTERS BY THE COMMISSION: Chairwoman Denning asked if they could get copy of the PowerPoint presented by Ms. Smith earlier. She added that next Thursday is National Down Syndrome Awareness Day and that her great grandson has come home from the hospital recently. He has been diagnosed with this. She asked people to recognize people with this diagnosis. They need to be treated as normal as anyone else is. There needs to be more advocacy for people with this type of diagnosis.

Mayor Williams thanked Mrs. Matheny for her comments this evening, and how he shares in her frustration. He recalled what happened at the former Morris Furniture site. He was frustrated with the process and the outdated zoning code. He thanked her and Ms. Freda Patterson who were not afraid to tell them how it would affect them directly. He does believe under Josh and Nia and what they have accomplished with zoning code rewrites and the strategic plan, it allows for people on the planning commission and the council to have a playbook to follow and indicate what is allowed in areas of town. He stated the council has room to make up and ground to cover, but believes they are now on the right path.

Chairwoman Denning stated to Mrs. Matheny that she does recall what they were talking about, and she was there. She believed at the time that those things would have been written in under the conditions. Now, with Josh and Nia, they have a solid staff. She stated they can now make much better decisions for the community. It is nice to have residents attend these meetings.

ADJOURNMENT: Mr. Rodgers moved, seconded by Mr. Hairston, to adjourn. All were in favor. The meeting was adjourned at 7:48 p.m.

Chair

Date