

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

MIAMI TOWNSHIP ZONING COMMISSION

Held

June 1, 2023

(YEAR)

The Miami Township Zoning commission met in regular session on Thursday, June 1, 2023, at 7:00 pm at the Miami Township Civic Center, 6101 Meijer Drive, Miami Township, Ohio 45150.

The meeting was called to order by Chairman Jeff Baumgarth.

The Pledge of Allegiance was led by Mr. Baumgarth.

Upon roll call the following members were present: Jeff Baumgarth, Ed Marcin, Tim Brandstetter and Carol Turchick. 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 May 4, 2023, seconded by Mr. Marcin, all voted "AYE,"

There was no old business.

The Board reopened the Continued Hearing from May 4, 2023.

Case #587— State Route 28 Urban Village Planned Unit Development District – Imbus Enterprises Limited Partnership c/o Steve Hunt

Public Hearings: Case #587, State Route 28 Urban Village Planned Unit Development District was re-called, and Mr. Baumgarth invited the applicant to share updates that they made to the previous presentation.

Mr. Jim Obert, Vice President of Planning for Hills Communities, presented updates to the revision of the Chapter 17 text regarding the State Route 28 Village Planned Unit Development. 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 Commission discussed the updates and Mr. Brandstetter made a motion to reopen the Public Comments portion of the case, seconded by Mr. Marcin and all voted "AYE."

Public Comment

Mark Peterson, 6074 Bridgehaven, provided a short presentation of what his thoughts were on what the site would look like. The Board thanked him for his input and noted that the specifics of the development would be addressed at a future date if the request for the text amendment is approved by the Trustees.

Mr. Baumgarth closed the open portion of the meeting and asked for Board comments.

The Board discussed the text revision including a possible timeline for completion of the project. It was determined that a "dormancy" period restriction may be appropriate as a final development plan condition.

Mr. Marcin made a motion to recommend approval of the revised text amendments submitted by the applicant and received by the Zoning Commission on 5/22/2023 and as considered on 6/1/2023.

Plus the following revisions:

- Section 17.05I, line 2, change "Section 24.13 to Chapter 24"
- Insert missing commas in Section 17.06A2ci & ii.

Held _____, _____ (YEAR)

- Section 17.07, para 2, line 1 delete the word "a."

Seconded by Mr. Brandstetter and all voted "AYE."

NEW BUSINESS

Miami Township Board of Trustees ~ Resolution 2023-15 ~ Smoke Shop Ban Case #588

Public Hearings: Case #588, Resolution 2023-15, Smoke Shop Ban, was called and the notice of public hearing was read.

Mr. Elliff shared that on December 13, 2022, the Board of Trustees adopted Resolution 2022-54 implementing a six-month moratorium on new business permits for "smoke shops" and similar paraphernalia stores. A second six-month moratorium was adopted on February 13, 2023 in Resolution 2023-05.

At the February 2023 Trustee Work Session, staff presented a detailed memorandum on vaping, smoke shops and impact which he shared with the Commission. The memorandum sets forth several options concerning permanent regulation of these businesses.

The memo noted that Vaping and smoking stores have been shown to market to vulnerable populations and that this is the case with Business 28, where there are multiple shops within walking distance of one of Miami Township's few low-moderate income designated areas. Staff noted that Miami Township is also a gateway and shopping destination for rural Appalachian populations located to the east. It has been documented that rural Appalachia has been disproportionately affected by addictive substances epidemics.

The memo also explained that over concentration of drug paraphernalia and vape shops within certain business districts or corridors is detrimental to community image and health. Miami Township has experienced firsthand negative impacts from vaping products including:

- Underage selling
- Zoning violations by vape stores
- Use by school children
- Availability in the vicinity of school aged children.

With this information in mind, the Board of Trustees thereafter adopted Resolution 2023-15 banning the establishment of new smoke shops in Miami Township.

- Ban new establishments entirely.
- Impose locational restrictions away from vulnerable populations and students.
- Treat as normal retail.

It would be limited to mainline retailers that derive the majority of their income from such products, as opposed to, for example, gas or convenience stores.

Mr. Baumgarth asked for any public comments, there were none.

The Board discussed the potential damaging effects of vaping and the status of the current smokeshops.

Mr. Marcin made a motion recommending approval of the text amendment to prohibit the establishment of new smoke shops in Miami Township, as contained within Resolution 2023-15, seconded by Mr. Brandstetter and all voted "AYE."

Mr. Elliff noted that both of these cases will be set for Public Hearing in the near future by the Board of Trustees.

RECORD OF PROCEEDINGS

0347

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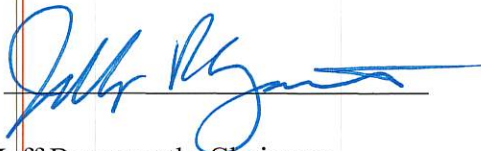
DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____, _____ (YEAR)

The next meeting is scheduled for July 6, 2023, at 7:00 pm

There being no other business the meeting was adjourned at 8:43 pm.

Sincerely,



Jeff Baumgarth, Chairman



Lori J. Pegg, Secretary

Cc: file