

## ***City of Riverside Planning Commission Meeting August 19, 2024***

**Members Present:** Julie Denning Jonathan Hairston  
David Owens Anthony Rodgers  
Harold Vazquez Mayor Pete Williams, Ex-Officio

**CALL TO ORDER:** The Planning Commission meeting was called to order at 6:33 p.m.

**ROLL CALL:** Mrs. Denning, present; Mr. Hairston, present (arrived at 6:34 p.m.); Mr. Owens, present; Mr. Rodgers, present; and Mr. Vazquez, present. Also in attendance: Nia Holt, Community Development Director; Josh Rauch, City Manager; Jim Miller, Law Director; and Katie Lewallen, Communications Manager/Clerk of Council.

**MOTION TO EXCUSE:** No members were absent.

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

**APPROVAL OF MEETING MINUTES:** Mr. Owens moved, seconded by Mr. Rodgers, to approve the minutes of the July 15, 2024, meeting. All were in favor. **Motion carried.**

Chairwoman Denning reminded speakers to speak into the microphone and that speakers other than applicants, have three minutes to make their comments. Speakers will need to state their name and address and take the oath that will appear either on the screen or at the podium. She reminded attendees that it is a business meeting and to treat everyone's opinion with respect. She added they are only able to discuss the issue on the agenda. For instance, if it is a site plan, it is only about the plan, not the zoning, or other things. She asked speakers to fill out a form so she can call on speakers for the appropriate agenda item.

### **PUBLIC HEARINGS/REVIEW:**

- a. **PC Case #24-0011 – 4740 Linden Avenue** – A preliminary review of a major site plan for a sports facility. (Parcel ID #I39 401505 0032)

Chairwoman Denning opened the public hearing at 6:35 p.m. Mr. Rauch stated the next two cases are similar. The city has a zoning code to indicate what types of land uses are permitted on specific parcels. Both cases have proposed uses on the parcels that fit the currently designated zoning. This is called a by-right development meaning that the property owner has the right to do the thing they want to do on the property. The job of the planning commission in these cases is to look at the site plans the developer is proposing and to be sure that those site plans fit what the rest of the code requires for those plans. The question for the planning commission is not whether or not they want that development on the property, but is the site plan submitted consistent with what the code requires.

Ms. Holt took the oath to give sworn testimony. She presented an aerial of the subject site, the former Smiley's Golf Center. She presented a site plan for an indoor/outdoor pickleball sports

facility. This will be built in several phases beginning with an indoor court then moving to outdoor. She presented a rendering of the site along with site photos and photos of adjacent properties. She stated that the preliminary site plan is adequately justified and does meet the standards for approval. Staff recommends approval with conditions: submit the final development plan application within 30 days of planning commission approval; submit infiltration design calculations related to stormwater management with final development submittal; and work with the public service director on the fee in lieu agreement of required road improvements.

Mr. Mike Bettencourt, applicant, 807 Conifer Trail, Bellbrook, Ohio, took the oath to give sworn testimony. Mr. Bettencourt stated he is one of the co-founders of Black Barn Pickleball and has been playing about eight years. It has changed his life as he has found community, fitness, fun, and a group of friends he had not had before. They are aware that the Dayton area has multiple pickleball players. However, due to the weather in Ohio, there are about 215 days a year that pickleball cannot be played outside due to wind, rain, snow, or cold. A dedicated facility would give players a place to play year-round. They found the Smiley's facility available and heard from many who used to work at Smiley's or just visit Smiley's for the various activities that were excited this could be a modern iteration of a family fun center that was there in the past. The 13 acres gives them a lot of room for development. It gives them ability for out lots to add in some retail or restaurants or things that go well with frequent visitors to the pickleball court. It is also an awesome location in Dayton. He stated they have met with the city and understood there are some challenges to it which they believe they have addressed. Once they get the blessing from the city, they will begin construction on the first eight indoor courts. In the spring they will construct the eight outdoor courts followed by a second building. Hours for the indoor facility will be either 7 am – 9 pm or 10 pm. The outdoor courts would be from dawn to dusk as they will not be adding lighting.

Mr. David Faile, 1380 Spaulding Road, Riverside, Ohio, took the oath to give sworn testimony. Mr. Faile stated that he is the pastor at the Church at Eastmont, adjacent to the proposed site plan. He stated they were a revitalization project that began about five years ago and since then have formed relationships with the surrounding properties and community members. He stated they love the city, the community, and the neighbors. He is strongly in favor of the proposed facility. He stated he knows Mr. Bettencourt as a person and as a businessman. He is a man of integrity and does things for his love of people. He added that out of the 200 people they serve in his church on a weekly basis, senior adults and young adults play pickleball. They are also excited about the possibilities of this project.

Ms. Rebecca Howard, 1460 Roseview Street, Dayton, Ohio, took the oath to give sworn testimony. She stated she lives directly behind where they will be building. She loves the idea of the pickleball court. Her concern is some of the building. They flood tremendously behind there. She is curious with the building and the retention pond and how that will affect her land. She also asked if there would be any type of fencing provided. It does directly affect her as she is behind this property. Chairwoman Denning stated the applicants will take notes on the questions, and she will call them back up to address those rather than go back-and-forth.

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Mr. Zachary Joseph, 4300 Arrowrock Avenue, Riverside, Ohio, took the oath to give sworn testimony. Mr. Joseph stated he is in support of the proposal. He has recently picked up pickleball as a sport to get more active and get out of his home. He stated the property on Linden Avenue has been brought before council a number of times, and it is a difficult property to develop. He is excited they have an applicant willing to develop the parcel; it is a great use. He stated there are many outdoor pickleball courts, but few indoor and many are like at the YMCA or membership only clubs. This would provide a service to the community and an attraction to the region.

Mr. William Weaver, 1429 Golf Street, Riverside, Ohio, took the oath to give sworn testimony. Mr. Weaver asked about the fence and trees in the back of the property and what will happen there. His property has 10' – 15' of the southeast corner. He likes the shade provided, but he believes some will be thinned out. He has a question on fencing and where it will be placed. He would like to know what will happen with the rainwater runoff. There is a problem on the side near Spaulding, and there is ponding at the bottom of their property when everyone else is flooded. He stated they welcome that sport there and hopefully it will be entertaining.

Mr. David Rash, 1444 Spaulding Road, Riverside, Ohio, took the oath to give sworn testimony. He asked about the fencing and the retention pond and how it will affect them with regards to mosquitos. There is water and flooding there a lot. This problem has not been addressed for over 70 years. There has nothing been done about the water since then. There have been engineers out in the neighborhood and nothing has been done. He asked about the grass cutting back there as well. He is concerned about the water and the flooding.

Ms. Ranjani Powers, 1387 Golf Street, Riverside, Ohio, took the oath to give sworn testimony. Ms. Powers stated she is concerned about the fencing as well. It is a mess back there. They back up to where there is some old netting. They are in the process of creating a lot of pollinator islands and have added endangered species of plants in their gardens. Behind them is a lot of invasive species and poison ivy. She added there is great shade with the locust trees, but he invasives are creating a lot of problems as they are coming into her property, and she can only clear so much. She stated the fencing is horrific.

Mr. David Marshall, 3171 Research Boulevard, Kettering, Ohio, took the oath to give sworn testimony. Mr. Marshall stated he is the engineer for the pickleball property. He asked those who spoke if they want fencing or if they do not want fencing. Comments were shouted from the audience on wanting fencing and the trees. Mr. Marshall stated that initially they were planning to augment the existing landscaping and trees. There were no plans to cut the existing vegetation; they can maintain what is there and get rid of some poison ivy. They were proposing fencing around the detention basin not fencing around the property. They can have further discussion about that whether a vegetative screen or a fencing screen is preferred. Both are permitted within the code. They will work with the resident on the preference on which way to go or a combination of both. The other issue is flooding. Everything drains from Linden back to the southwest corner and then heads out to Spaulding. Their concept is to provide a detention basin to capture all the runoff, keep it on site and infiltrate it into the ground so there is no runoff

from their site to the residents. He does not know if that will solve their flooding problem, but it will alleviate any contributing factor from them. Mowing and maintenance will be handled for the facility. Ms. Holt stated she will note that the code requires the developer maintain the runoff and does not contribute to the situation. They have to maintain the runoff on their site. The type of basin that it is does not hold water; it infiltrates into the ground. Mr. Owens asked when the retention pond is full how long does it take to infiltrate down. Mr. Marshall stated they have had additional borings done and are in the process of calculating that, whether 72 hours or three to four days. They are working on that for the final applications, and it will be addressed. Chairwoman Denning stated this is just he preliminary plan and they will still be working with staff to determine the size of everything they need to hold it but not for a long period of time. They are looking for it to be dry most of the time. Mr. Marshall stated they chose this as the way it currently flows is not beneficial to the neighbors. They want to maintain all their stormwater on site and infiltrate it into the ground to help alleviate the flooding issues. Ms. Holt stated this will come back to planning commission for a final site plan review. Mr. Marshall stated fencing will be addressed in the final site plan as they will work with residents on that.

Seeing no one else come forward for comment, Chairwoman Denning closed the public hearing at 7:05 p.m.

Mr. Owens moved, seconded by Mr. Vazquez, to approve the preliminary major site plan of PC Case #24-0011 with the conditions as recommended by City staff based on the evidence, testimony, and standards for approval in the Code. Roll call went as follows: Mr. Owens, yes; Mr. Vazquez, yes; Mr. Hairston, yes; Mr. Rodgers, yes; and Mrs. Denning, yes. **Motion carried.**

**b. PC Case #24-0013 – Glendean Avenue (Unaddressed Parcel) – A major modification to an approved site plan. (Parcel ID #I39 00110 0007)**

Chairwoman Denning opened the public hearing at 7:08 p.m.

Ms. Holt stated this is a major modification to an approved site plan; it includes a reduction in the density by a few units and increasing the set back to the rear of the property. She presented an aerial map of the R-4 residentially zoned multi-family proposed development. The planning commission heard this originally earlier in the year, so they are within their one-year time for modifications. She presented the original site plan from March 2024 and the updated July 2024 plan. She stated some units were lost due to a shift in the road. She presented site photos; the lot has been vacant for some time as it has some challenges. She indicated the location of proposed storm water basins. Staff finds that the site plan modification is adequately justified and meets the standards for approval. Staff recommends approval with conditions of the site plan: submit a revised plan that responds to any outstanding Technical Review Committee comments by August 30, 2024, (fire and engineering comments); and all other conditions from PC Case #23-0009 apply.

Chairwoman Denning stated originally it was discussed to have two fire hydrants. Ms. Holt stated

that the fire department would like to have this, and this has been sent over to the developer.

Mr. Lance Oakes, applicant, 8534 Yankee Street, Dayton, Ohio, took the oath to give sworn testimony. He stated they are back as they are getting close to starting construction. Originally, when he looked at the property to purchase it was 14 acres. He cut off the back four acres as it was used as a landfill for construction debris and other items back in the 1940s and 1950s. He thought he had pulled the property line close enough the first time, but when they dug their test for foundations, they had not pulled it far enough forward. This was his mistake. The engineering plans stay similar but with slight changes. He reviewed his construction schedule.

Mr. Owens asked him how many units will be there. Mr. Oakes replied it would be 97. It was originally 99.

Seeing no one else come forward for comment, Chairwoman Denning closed the public hearing at 7:15 p.m.

Mr. Rodgers moved, seconded by Mr. Hairston, to approve the major site plan modifications of PC Case #24-0013 with the conditions as recommended by City staff based on the evidence, testimony, and standards for approval in the Code. Roll call went as follows: Mr. Rodgers, yes; Mr. Hairston, yes; Mr. Owens, yes; Mr. Vazquez, yes; and Mrs. Denning, yes. **Motion carried.**

**c. PC Case #24-0012 – Text Amendment** – A zoning text amendment for urban agriculture regulations. (Continued)

Chairwoman Denning stated that this is a case continued from last meeting. Mr. Rauch stated the staffs goal throughout the process has been to bring the best balance of what broadening the current code could look like. This is several months of work and outreach of peer cities and gathering research from other codes as well as addressing concerns and advocacy from residents. The planning commission is not the final stop in this matter as it will still move on to council.

Ms. Holt stated one of the recommendations from the planning commission was to reconsider the lot sizes. They looked at some of the code and that adjustment is now one poultry per 800 sq. ft. They kept the conditional use for larger lots and have the broader allowances. They are leaning heavily on the property maintenance codes making sure that the areas for chickens or ducks are well maintained, clean, sanitary conditions, and buffered from neighboring properties that does not cause a nuisance condition or hinderance nearby to smaller lots. She reviewed the other restrictions as previously reviewed. She stated that because it is a wider amendment, they are considering community gardens as part of this code update, which was reviewed at the last meeting as there have been no changes to that.

Mr. Rodgers asked when talking about some of the smaller lot sizes, in terms of square feet, what would be the smaller lots about which they are talking. For instance, when talking 800 sq. ft. for one chicken, does that exclude very many lots in the city? Ms. Holt stated it would not exclude a

lot as long as they meet the qualifications and get the permits. He stated most of the lots in the city that are not bound by some other type of restriction would be able to have six chickens regardless of the lot size. Ms. Holt stated that is correct; she would lean toward the law director when they have strange properties that are split up by several lots and how they would handle that situation.

Mayor Williams asked when they say 800 sq. ft. is that a parcel size or 800 sq. ft. of a backyard because they are only allowed in backyards. Ms. Holt stated it is looking at the entire area including building coverage. Mr. Rauch stated that is similar to how Cleveland drafts their code. Discussion was had to clarify that it is 800 sq. ft. of the entire parcel. Chairwoman Denning stated this is something Taryn researched for them that night so they could make sure they were not excluding too many residents with what was listed thus far in the text amendment. Mayor Williams stated that currently you can have chickens in Riverside if you have 1.5 acres in a residential lot meeting the conditions that are laid out; and this amendment would allow for any residential lot in the city to have chickens moving forward. He wanted to make sure he was reading it correctly. Ms. Holt stated as long as they follow other guidelines. He stated if this was going to BZA, for example, if right now you need 1.5 acres to meet that condition, and they are saying there is basically no size requirements that have any substance that need to be met that is about a 90 percent reduction. He does not believe that would pass BZA or that staff would ever make that recommendation. It is too large of a reduction. The planning commission came last month with a recommendation to go down to half an acre. The reason this does not gel with him is because planning should be able to be applied universally throughout a specific number of parcels or neighborhoods and not determining your destination and working your way backwards. He does not know the best planning practices were being employed by saying they want to make sure to have chickens on my lot so give me that. He added that they also took out the federal, state, and industry standards that are currently in the code as indicated in the red section, but they remain in the part of the code about keeping bees and community gardens. He stated he feels they wanted an outcome that they worked their way backwards to. This is how he reads this. He has a background in planning, and he does not like how they are getting here. The amount of reduction in size of lot is too much of a jump. Chairwoman Denning stated that is what she thinks they are seeing. Mayor Williams asked where are they seeing it. She stated in Xenia as they have no reductions. Mayor Williams stated there is nothing like this in their adjacent communities. She stated that Xenia has no restriction on lot size. Mayor Williams stated there is not one adjacent community to Riverside that has this, and they want to jump to the highest standard in the state, which is Cleveland. He stated it is too large of a leap. Chairwoman Denning stated they have to look at what the residents have to deal with in the way the community was originally plotted out, as it was not plotted out with standard lot sizes due to the situations at the time. The whole idea is to allow people to have access to this. She stated she needs to look at what is best for our current residents and what they are dealing with in our code. She added that there is nothing to say that they cannot at some point go back and say this is too much or they have had too many complaints and then they can redo it, but they should start where they can get an idea if it can work. She stated a half-acre or acre in Riverside is not a majority of properties. Mayor Williams stated he would cede that, but if jumping all the way to no restrictions and



hoping it works out and property values will not plummet. Chairwoman Denning stated that property values will not plummet because of chickens; it is the up and coming way and they should be progressive. Mayor Williams agreed that part of the city was not laid out as regular plats were, but there is a large amount that has been. It is reflective in their deed restrictions and deed covenants. He added that this is something that should not be a part of the discussion. She stated deed restrictions are a part of the discussion. Mayor Williams stated he knew that, but she was pointing out that a large part of the community was not laid out in a uniform way, but a large part of the community was. He added that a large part of the community spelled out the type of neighborhoods they wanted, and the type of neighborhoods people moved in to. Chairwoman Denning stated they chose those neighborhoods, and they are safe from that. She stated the communities asking for the this are the ones that are not laid out this way. Mr. Owens stated it is the Valley Plat, the Byesville Plat, and the low income sections of Riverside. Mayor Williams stated they are proposing a code that applies across the entire city. Mr. Owens stated it is up to the code to enforce it. Mr. Rodgers stated it does not apply to the whole city because half of the city is under deed restrictions. Mayor Williams stated there will be people who want chickens but cannot have them. He thinks the way that it is going to be perceived is that everybody can have chickens now, and then they find out they cannot because they are getting sued by their neighbor, that it is going to be the city that looks like the one who made this problem. He thanked them for letting him contribute as an ex-officio.

Chairwoman Denning stated from what she could see staff has addressed everything in their notes from the last meeting. Mr. Hairston asked if anyone who wanted chickens and lives on under 9.9 acres still has to get a permit and receive approval as far as proximity to their neighbors. Ms. Holt replied that was correct.

Mr. Owens moved, seconded by Mrs. Denning, to approve PC Case #24-0012 UDO Text Amendment as request to City Council based on staff submission, deliberations, and discussions held at the hearings on this case. Mr. Rodgers stated he is not going to be supporting this because he thinks it creates a patchwork where it is unevenly applied, and it will be hard to administer because of that. He feels that with the change to one chicken per 800 sq. ft. that it allows a level of permissiveness that he does not think is good for the city. He stated previously that he did support the community gardens section of the code and would have liked to have seen the two separated, so they could consider them separately. He will vote no this evening on this.

Roll call went as follows: Mr. Owens, yes; Mrs. Denning, yes; Mr. Hairston, no; Mr. Rodgers, no; and Mr. Vazquez, no. **Motion failed.**

**STAFF DISCUSSION TOPICS:** Ms. Holt stated that she and Mr. Miller met last week to discuss the upcoming retreat. The speaker they had tried to get virtually will now be coming in person for the retreat on September 14, 2024. They have an outline of what the day will look like, so they are excited.

**MATTERS BY THE COMMISSION:** No one had any comments or matters to discuss.

**ADJOURNMENT:** Being no further business, Mrs. Denning adjourned the meeting at 7:34 p.m.

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Chair

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Date