



CINCINNATI CLASSICAL ACADEMY

FORMING HABITS OF MIND, HEART, AND SOUL

Miami Township Denies Zoning Application for Cincinnati Classical Academy

Miami Township, OH — The Miami Township Trustees held a special meeting on November 9 to consider Cincinnati Classical Academy’s application to re-zone the parcel at 6285-6287 Tri-Ridge Blvd from “I” Planned Industrial to “A” Agricultural. The proposed zoning change would have allowed educational use of the parcel for the school, which seeks a permanent campus to accommodate a planned enrollment of 1,300 students in grades K-12. In its second year, the school already has 600 students in grades K-7, with an additional 430 on the waiting list; the school is operating at maximum capacity at its current leased location in Reading. The zoning change was denied in a unanimous 3-0 vote by the trustees.

The hearing followed nine months of preparatory work by the school’s Board of Directors, including development of a lease-with-purchase-option agreement with the owner, site and remodeling plans, numerous technical studies such as traffic and geotechnical, and means for tax-exempt bond financing. “Everything is in place except the zoning,” stated Dr. Jed Hartings, Board President, at the hearing. The school has already invested more than \$100,000 in the project and had been working toward occupancy in 2024.

The hearing lasted over three hours [and is available for listening here](#). The case seemed to hinge on myriad concerns raised in the Miami Township Staff Report, as prepared by Planning and Zoning Administrator, Mr. Brian Elliff, that supported a recommendation of denial. Concerns included the location of a gun club on adjacent property, the roadways servicing the property, proximity to industrial-use buildings, fire department radio reception in the buildings, spot zoning, and consistency with the township’s land use plan. These concerns were the basis of a unanimous 6-0 recommendation for denial by the Miami Township Zoning Commission at a meeting a month earlier and were reiterated by Mr. Elliff in reporting by the [Cincinnati Business Courier](#). “Whenever you have a school next to a shooting range, it creates a disruption,” he said.

Dr. Hartings addressed the trustees on behalf of the school in a 65-minute presentation, followed by further testimony from the school’s real-estate attorney, Mr. David Robertson. Dr. Hartings provided an overview of the school and its successes, highlighted the detailed work and results of site planning, and explained the expected impact and benefit for Miami Township.

The thrust of Dr. Hartings’ testimony, however, was 31 minutes devoted to a point-by-point rebuttal of the specific charges and concerns raised in the staff report. These included a detailed analysis of the gun club, traffic and roadways, physical separation from adjacent parcels, the land use plan, and the staff’s characterization that use of the buildings for a K-12 school would not be “productive.”

The presentations were followed by extensive public comment that was overwhelmingly in favor of the school's re-zoning proposal. Many parents and several of the school's students offered comments in favor of re-zoning. The owner of the property, who is interested in helping the school overcome challenges with facility expenses, as well as the gun club owner, also expressed their support. Mr. Eric Ferry, Fiscal Officer for the township, reported that 90 letters had been received, with 43% in favor and 57% opposed. The school also submitted a petition with signatures of 297 township residents supporting the school's re-zoning proposal.

Throughout the hearing, the trustees did not seek further information about the school, the site plans submitted, the traffic study, or other materials submitted in support of the application. Nor did they respond to any of the detailed points presented by the applicant about the gun club and other concerns raised in the staff report.

The only questions asked of the school representatives arose when Dr. Hartings was explaining the difference between an outdoor gun club for sporting clays, as is located next to the subject parcel, and indoor gun ranges for rifles and pistols. Trustee Ken Tracey twice asked whether Dr. Hartings had been to the gun club, and both times Dr. Hartings replied in the affirmative, explaining that "I have taken a tour of the range with Mr. David Todd, the gun club owner, and I have visited most of the shooting stations, including the one located closest to the school property." Mr. Todd later confirmed that the gun club is for shotguns, and that pistols and rifles are not allowed at the club. He further clarified that shot sizes greater than 7½, typical for hunting loads, are not allowed.

Following public comment, the trustees proceeded to deliberation and decision in open session. Each trustee offered comments to justify denial of the application. To the surprise of many present, the contentious issues of traffic, road access, the gun club, fire safety plans, and the prospect of danger posed by adjacent industrial parcels were not addressed. Nor did the trustees address the assertion in the staff report that a school would not be a "productive use" – an assertion that was roundly refuted in the school's presentation and in public comments.

Trustee Mark Schulte took the lead in commenting "that is exactly what zoning is, is determining is this a viable use of land to take it from Industrial to Agriculture? And that is the only way that you can look at it." He said that "it has nothing to do with Cincinnati Classical Academy. I won't even look at it through the eyes of tax revenue. I'm not interested in considering that."

He continued: "I want to know: is this the right use of land based off how we have planned to move this township into the future? That is one of the few places that Miami Township has the greatest opportunity to continue to develop from an industrial and a commercial perspective. And putting the agricultural smack dab in the middle of it to me does not make sense. And looking at it through simply those eyes of agricultural versus industrial, it doesn't make sense to me."

Trustee Mary Wolff agreed with Mr. Schulte's assessment, stating that "I have not heard anything that has made me change my mind that we want to turn this into an agricultural area."

Ms. Wolff also seemed swayed by the loss of economic potential of the property. If used for a community public school, a non-profit entity, the parcel would not be subject to property tax. "We have areas of commerce in this Township, but we have very few of them... So when we look at revenue generation, that is a big deal for us, because that prevents us from having to keep coming back to you to get another levy to pay for things like police and fire that are so important to have in a community."

To have the wonderful parks that we have, all of those things cost money and they don't just necessarily show up."

Trustee Ken Tracey was more vague with his reasoning, stating only that "there is no paradigm there. I mean, I appreciate you took that angle, but there's no paradigm. There was no paradigm coming into this."

Mr. Tracey accused Dr. Hartings of bias, stating that "I feel that your hypotheticals are very one-sided." Specifically, he asserted that the example of West Clermont was "not apples to apples." As a 20-second footnote in his presentation, Dr. Hartings had pointed to the tremendous economic growth in neighboring Union Township in connection with the construction of West Clermont High School. Mr. Tracey did not comment on bias in the township's staff report, or on the false accusations from Mr. Elliff that the school had been building at its current Reading location without a permit.

Mr. Tracey also advised that Dr. Hartings should have done "less promoting of the school."

Further comment from the trustees, however, suggested that more detail about the school could have been helpful. Mr. Tracey asserted, for instance, that it was "concerning" that the school's charter was only for six years. Presumably his concern was that the school's charter would not be renewed or would simply expire, leaving the township with a vacant parcel with agricultural zoning.

Apparently, testimony on the school's state test results, such as its #1 ranking among Ohio community schools in early literacy, was not sufficient to persuade Mr. Tracey that the school's charter would be renewed. It might have been productive to further explain the process of charter renewal, that Cincinnati Classical Academy achieved the highest ranking in compliance with the sponsor, that the state legislature is increasingly supportive of community schools, and that community school enrollment has been rising steeply across the state. Mr. Tracey's viewpoint seemed analogous to being hesitant about replacing an old car with a newer one because a driver's license will eventually expire. Some things require simple periodic renewal.

The trustees did express plentiful appreciation for Cincinnati Classical Academy, and particularly, for the students who offered testimony. Mr. Tracey stated that "You had probably the best advertisement you could have coming up here in those students. They -- that's just proof that your school is what you say it is." He continued, "There's just no doubt. I want you to be the most successful school out there. And I want you to continue to do that." He even prompted a round of applause for the students who participated in public comment. "I commend you for learning what government's about and coming up here and expressing yourself. I think that's probably one of the greatest things you'll understand. Always voice your opinion, do it in a respectful way, and do it in a manner that you did it tonight, so kudos to you."

The trustees even suggested that they would love to have Cincinnati Classical Academy in Miami Township. "Of course, who wouldn't? Who wouldn't want to say this school's home is here in Miami Township?" Mr. Tracey remarked. Mrs. Wolff expressed equal enthusiasm. "I think there's a million places you guys could go. Maybe another place in Miami Township. I mean, who knows?" she offered.

While appreciated by the school, these comments further suggested that more detail about the school should have been presented, not less. Community schools receive only \$1,000 per student for facilities and cannot raise construction funds through tax levies. Remodeling of existing buildings,

or similar creative solutions, are the only option for school facilities. The 200,000 sq ft property with a supportive owner at Tri-Ridge Blvd was a unique find for the school's board after three years of searching throughout Greater Cincinnati.

Dr. Hartings stated that since first learning of the property, the school has sought to work cooperatively with the township and has sought the township's constructive guidance. He pointed out that the school provided payroll and employment projections so that the township could explore the establishment of a Joint Economic Development District that would allow the township to tax income and receive a direct tax revenue benefit. He also said that he had sought the township's preference on zoning strategy, a request he reiterated in the hearing. However, the trustees declined to offer recommendations. Rather, Mr. Tracey chastised Dr. Hartings in saying that "it's not in my best interest as an elected official to tell you the best way to do your job."

At the same time, Mr. Tracey emphasized that "zoning is hard," a viewpoint echoed by Mrs. Wolff. "This is the hardest part of our job. This is truly the part that I think, if everybody knew when they were elected official, they had to, they should have to go through zoning first, because if you can't handle that, then you shouldn't run for elected office," she said. Given the difficulty of zoning, even for elected officials, constructive guidance to constituents who do not have such training would be helpful to constructively resolve situations as this one.

As part of their motion to deny the application, the trustees accepted the reasons contained in the staff report. The report, when taken together with the trustees' statements and with the school's responses, make it difficult to identify a cohesive rationale for unanimous denial of the application. It could be reasonably inferred that opposition is based mainly on the township's desire to see townhomes developed on the property, since residential dwellings would augment the township's tax base. It is also possible that, as suggested by Mr. Schulte, some or all of the rationale for opposition is based on the particular request for an Agricultural zoning designation, and does not relate specifically to the proposed use or organization type.

As a next step, in accordance with viewpoints expressed at the hearing, Cincinnati Classical Academy will be pursuing alternate zoning strategies, potentially including asking for a use variance under the existing "Planned Industrial" zoning for the property. Such a case would be heard by the Board of Zoning Appeals. There is precedent for this approach, since the board has already granted a use variance for a townhouse development on the adjacent property, which is also in the Planned Industrial zone. Planned Industrial does not otherwise allow for either residences or schools.