

CITY OF OAKWOOD  
STATE OF OHIO  
FEBRUARY 22, 2016

The Council of the city of Oakwood, State of Ohio, met in a work session at 6:30 p.m. in the conference room of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio, 45419. Council then met in a regular session at 7:30 p.m., in the council chambers of the city of Oakwood.

The Mayor, Mr. William Duncan, presided, and the Clerk of Council, Ms. Lori Stacel, recorded. Mayor Duncan opened the meeting by asking all present to participate in the Pledge of Allegiance.

Upon call of the roll, the following members of Council responded to their names:

MR. WILLIAM D. DUNCAN.....PRESENT  
MR. STEVEN BYINGTON .....PRESENT  
MR. ROBERT P. STEPHENS.....PRESENT  
MRS. ANNE S. HILTON.....PRESENT  
MR. CHRISTOPHER B. EPLEY.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager  
Mr. Robert F. Jacques, City Attorney  
Mr. Jay A. Weiskircher, Assistant City Manager  
Mr. Alex Bebris, Public Safety Director  
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Stephan Susta, 20 W. Schantz Avenue  
Terence Lau, 165 Pointe Oakwood Way  
Tim Mara, Legal Counsel  
Steve Byington, 24 W. Schantz Avenue  
Linda Weprin, 600 Garden Road  
Greg Robinson, 236 Rubicon Road  
Ellen Walters, 474 Lookout Ridge  
Jane Maney, 300 Southview Road  
T. O'Malley, 325 Haver Road  
Cara Kite, 338 Volusia Avenue  
Howard Boose, 519 Shafor Boulevard  
Barbara Boose, 519 Shafor Boulevard  
Lauren Stephenson, DD/NC7  
Bill & Jeanette Rudy, 120 W. Schantz Avenue  
Bart Weprin, 600 Garden Road  
Carrie Haley, 246 W. Thruston Boulevard  
Justin Kelley, 420 Kramer Road  
Gwyn King, 205 Haver Road  
David Collopy, 305 Orchard Drive  
Rachel Collopy, 305 Orchard Drive  
Leslie Nagel, 14 Patterson Road  
Jeanne Harman, 325 Haver Road  
Todd Goeller, 200 Lonsdale Avenue  
Francy Vukovic, 211 Lonsdale Avenue  
Molly Baller, 425 Kramer Road  
George Kuntz, 490 Rubicon Road  
Drew MacDonald, 326 Maysfield Road  
Thomas Thompson, 239 Forrer Boulevard  
Dorothy Hoevel, 24 Oak Knoll Drive  
Samuel King, 205 Haver Road  
Wendy Lewis, 115 Ascent Circle  
Nicholas Kirsch, 137 Spirea Drive  
Ashley Kirsch, 137 Spirea Drive  
Charles Kidwell, 1000 Hathaway Road  
Faye Wenner, 1900 Coolidge Drive  
Robin Burnam, 900 Hathaway Road  
Vincent C. Lewis, 115 Ascent Circle  
Paul Bohannon, 204 Pointe Oakwood Way  
Donna Bohannon, 204 Pointe Oakwood Way  
Vicki Bachman, 211 Northview Road  
Brad Bachman, 211 Northview Road  
David J. Cronin, 140 E. Dixon Avenue

Joanne M. Cronin, 140 E. Dixon Avenue  
 Bryan Waechter, 231 Northview Road  
 Carol Lively, 232 Far Hills Avenue  
 Jeff Conroy, 403 Forrer Boulevard  
 Kathy Huizenga, 209 Harman Boulevard  
 Sandra Burbey, 284 W. Schantz Avenue  
 David Vandercher, 272 W. Schantz Avenue  
 Donald J. Moyer, 359 E. Peach Orchard Avenue  
 Craig Rohan, 135 Ascent Circle  
 Sherry Warwar, 222 Northview Road  
 Joshua Ginsberg, 225 Rubicon Road  
 Healy Jackson, 118 Lonsdale Avenue  
 Heather Kleinhenz, 310 Southview Road  
 Mike Ostendorf, 225 Lookout Drive  
 Lawrence Drummy, 415 Far Hills Avenue  
 Irvin Bieser, 258 W. Thruston Boulevard  
 John Eadie, 121 Ascent Circle  
 Ellen Leffak, 6522 Still Crest Way  
 Julie Teeters, 646 Runnymede Road  
 Larry Herrmann, 408 Volusia Avenue  
 Stefanie Campbell, 271 Schenck Avenue  
 Bret & Marge Flinn, 205 Pointe Oakwood Way  
 Jan Kelly, 254 Telford Avenue  
 Meghan Mettling, 464 Irving Avenue  
 Scott Rodgers, 440 Irving Avenue  
 Kent Miller, 109 Oakwood Avenue  
 Thomas A. Routsong, 494 Lookout Ridge  
 Jeff Conrath, 217 Northview Road  
 Augustine Urbas, 406 Greenmount  
 Nathan Gifford, 1624 Shafor Boulevard  
 Linda O'Brien, 132 Woodburn Avenue  
 Caroline Schrader, 37 Ashridge Avenue  
 Louis Keiler, 318 Southview Road  
 Sara Keiler, 318 Southview Road  
 Christopher Morris, 324 Southview Road  
 Kathy Morris, 324 Southview Road  
 Kathy Mackintosh, 121 Forrer Boulevard  
 Barbara B. Greer, 87 E. Thruston Boulevard  
 Ted Josue, 42 Spirea Drive  
 Suzanne Donnelly, 222 Beverly Place  
 Jim Whalen, 944 E. Schantz Avenue  
 Cate Berger, 423 Glendora Avenue  
 Judy Cook, 927 Far Hills Avenue  
 Jim Joly, 1011 Little Woods Road  
 Georgiana Nye, 16 Ashridge Road  
 Connie Gardner, 525 Maysfield Road  
 Leo Flotron, 525 Maysfield Road  
 Lesley Jones, 564 Woodview Drive  
 Sarah Waechter, 231 Northview Road  
 Michael Hapgood, 305 Northview Road  
 Wayne Anderson, 215 Lonsdale Avenue  
 April Jordan, Legal Counsel  
 Jim Obert, Hills Properties  
 Michael Copfer, Hills Properties  
 Bob Posner, OIG  
 Louis Guttman, Hills Properties  
 Eric Sauer, Architect  
 Jack Pflum, P.E., Consulting Civil Engineer  
 Doug Harnish, Market Metrics LLC  
 Alan Duvall, CPA

Mrs. Hilton advised Council she had read the meeting minutes of the January 4, 2016 regular and work sessions and January 25, 2016 executive and work sessions. Mrs. Hilton reported that she found the minutes correct and complete. Therefore, it was moved by Mrs. Hilton and seconded by Mr. Stephens that the minutes of the sessions of Council aforementioned be approved as written and the reading thereof at this session be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mayor Duncan inquired whether anyone wished to address Council about any matters other than the two public hearings. No one responded and the Mayor proceeded to take up legislation.

## LEGISLATION

### AN ORDINANCE

BY VICE MAYOR BYINGTON NO 4819

TO AMEND EXISTING SECTION 167.01, *BOARD OF SEWER AND WATER APPEALS*, OF THE OAKWOOD ADMINISTRATIVE CODE AND EXISTING SECTION 311.02, *PARADES AND BLOCKING STREETS; PARADE AND ASSEMBLY APPEALS BOARD*, OF THE OAKWOOD TRAFFIC CODE, TO ALLOW MEMBERS OF THE "LOCAL BOARD OF TAX REVIEW" TO SERVE AS THE "BOARD OF SEWER AND WATER APPEALS" AND AS THE "PARADE AND ASSEMBLY APPEALS BOARD."

A copy of the ordinance, having been placed on the desks of each member of Council prior to introduction, was read by title.

Vice Mayor Byington explained that this is an ordinance that was introduced for a first reading at the January 4 Council meeting and is a house-keeping ordinance. Under the Oakwood Charter and Codes, the city has many different citizen boards and commissions that hear a variety of appeals. For many years, the Oakwood Codified Ordinances have directed that the three members of the Oakwood Board of Tax Appeals also function as the Oakwood Board of Sewer and Water Appeals and the Oakwood Parade and Assembly Appeals Board.

Because of state mandates in Ohio H.B. 5, the Oakwood Board of Tax Appeals now has the same function with a new name: it is now the Local Board of Tax Review. This is a change in terminology only, but in order to continue the practice of using the same three members for the Boards of Sewer and Water Appeals and Parade and Assembly Appeals, it is necessary to update the Oakwood Administrative Code and the Oakwood Traffic Code to reflect this new terminology.

Thereupon, it was moved by Vice Mayor Byington and seconded by Mrs. Hilton that the ordinance be passed.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON.....	YEA
MR. ROBERT P. STEPHENS.....	YEA
MRS. ANNE HILTON.....	YEA
MR. CHRISTOPHER EPLEY.....	YEA

There being five (5) yea votes and no (0) nay votes thereon, said ordinance was declared duly passed and it was so ordered.

Public Hearing. Mayor Duncan introduced the public hearing for Applications 15-5 and 16-2, both of which request amendments to the Pointe Oakwood master plan.

Mr. Byington recused himself as he resides near the proposed condominiums. He stepped down from the Council dais and took a seat among the audience.

Mayor Duncan explained that there are two public hearings on the agenda and established guidelines for the hearing. He explained that since both hearings involve the construction of similar condominiums at Pointe Oakwood, the hearings will be consolidated into a single public hearing, but they would be separately deliberated and decided. He noted that the developer consented to this arrangement, which allows for streamlining of testimony. Ms. April Jordan, legal counsel for Oakwood Investment Group (OIG), confirmed this on the record. Mayor Duncan then asked the Law Director to explain the legal standard for the hearing.

Mr. Jacques explained that the property is zoned as Multi-Use Special Planning District, which is under Section 802 of the Oakwood Zoning Code. The guiding principles that Council is to weigh are whether the proposals are or are not consistent with the city's planning for the land (i.e., the 2004 Comprehensive Plan, which incorporates the 1997 Sugar Camp Subarea Plan). The special use standards, under Section 1004 of the Oakwood Zoning Code, do not apply because it is not a special use or a change of use from something previously approved or something not approved. This does not represent a change of use because multi-family residential has been part of the master plan since the first plan was adopted in 2007. Since there is not a change of use, the proposals are evaluated on whether or not they are consistent with the Comprehensive Plan, the Subarea Plan, and the Subarea Site Development Alternatives and Guidelines.

Mayor Duncan explained that this is a quasi-judicial hearing, and asked the Law Director to administer an oath to those who wish to testify.

Mr. Jacques proceeded to swear in the visitors that plan to testify, *en masse*.

Mayor Duncan asked Assistant City Manager Jay Weiskircher to present the staff report.

Mr. Weiskircher referenced a PowerPoint presentation that exhibited illustrations of the proposed condominiums and discussed guidance from the 2004 Comprehensive Plan & 2004 Sugar Camp Subarea Plan.

Mr. Weiskircher then expounded on the 2004 Comprehensive Plan and the 2004 Sugar Camp Subarea Plan in further detail. He explained that the 2004 Comprehensive Plan was developed by the City in response to changing conditions, to address the unique needs and concerns of a mature community, and to prepare Oakwood for the future. It establishes the groundwork for private improvements and development. It provides guidelines by which the Planning Commission and City Council can review and evaluate private development proposals for the land. An objective identified is to support the development of new or upgraded housing options that would be attractive to Oakwood's elderly population and empty nesters, and improve existing multi-family housing units within the community. The Sugar Camp Subarea Plan was developed in response to NCR's decision to sell Sugar Camp and the property along Far Hills Avenue.

Mr. Weiskircher discussed the Pointe Oakwood development. He reviewed and exhibited illustrations of the original and several past master plans. He then focused on the proposed condominiums for the corner of W. Schantz and Far Hills Avenues, known as the "The Pointe," and exhibited illustrations. Mr. Weiskircher expounded on the design in detail. He explained that there will be 16 units per building, all with outdoor balconies. The architecture is Craftsman Shingle with bump-outs and roof brackets. The exterior building materials include stone, Hardie-shakes and dimensional shingles. The buildings are connected by a ground level plaza.

Mr. Weiskircher then discussed the condominium development proposed along Old River Trail, known as "The Trails". He reviewed the proposed condominiums and exhibited illustrations. Mr. Weiskircher expounded on the design in detail, including brick, Hardie-shakes siding and how surrounding vegetation will remain. He explained that there will be 42 units per building, indoor parking for approximately 51 vehicles per building, with an additional 62 parking spaces along the rear of the two buildings for residents and guests, and all units have balconies. He also explained the common area plan for the area between the two buildings. This would include a swimming pool, sales/leasing center, clubhouse, and rooftop deck.

Mr. Weiskircher reported that all ingress and egress to the proposed buildings will be from the traffic signal at the Old River Trail and Far Hills Avenue intersection. At the peak morning period, a traffic engineer has estimated that there will be approximately 43 vehicles exiting the development. During the peak evening period, it is estimated there will be approximately 44 vehicles entering the development.

Based on the demographic profile of young professionals, empty nesters and retirees, it is anticipated that a total of approximately 10 to 12 school age children will reside in these four buildings. Oakwood school administrators have indicated that they can accommodate the additional students at any of the schools in the district. He displayed a letter stating same submitted by Oakwood Superintendent Dr. Kyle Ramey dated February 18, 2016.

Mr. Weiskircher completed his presentation by summarizing that if both condominium projects at "The Pointe" and "The Trails" are approved, and if all the units are leased, it represents a 2.25% increase in the number of non-owner occupied units in the city's residential housing stock.

Mayor Duncan thanked Mr. Weiskircher for doing an outstanding job summarizing the history of the projects.

Mrs. Hilton asked how the estimated number of 10 to 12 students was determined.

Mr. Weiskircher answered that Hills Properties completed an analysis and provided this data.

Mr. Stephens asked if the total number of units currently approved for the Pointe Oakwood development is 128.

Mr. Weiskircher answered that currently the approved plan is 29 single family, 24 townhomes and 40 condos, so the total number of units is down to 93.

Mr. Louis Guttman, Hills Properties, shared that Hills Properties is a family-owned and operated company. The company's main focus is multi-family residential facilities. He shared that they recognize how important these developments are to the City and to the residents of Oakwood. Their goal is to create an exclusive community that cannot be found anywhere else in the Dayton area.

Mr. Michael Copfer, Hills Properties, referenced a PowerPoint presentation which exhibited illustrations of other local multi-family developments in the area and discussed the condominium proposals in further detail.

"The Pointe" proposal is for 32 condominium homes in two 3 – story buildings (two residential floors over a 1<sup>st</sup> floor parking garage). Construction would likely start in the summer of 2016, with completion in 2018.

"The Trails" proposal is for 84 condominium homes in two – four story buildings (3 residential floors over a 1<sup>st</sup> floor parking garage), including a clubhouse building. Construction would likely start in the summer of 2016, with completion in 2018.

Each condominium will be recorded with its own fee simple legal description and can be transferred individually. At this time, Hills Properties plans to retain ownership, lease the homes and continue to serve as the onsite property manager to the residents.

Hills Properties feels that the proposed condominiums will be successful in the city of Oakwood because of Oakwood's desirable location within the Greater Dayton area. The proposed community will be near shopping and major employment opportunities, and medical centers. The desirable location will attract millennials and empty nesters, which is consistent with Hills' experience with other recent developments in comparable locations. Hills Properties delivers luxury amenities; quality construction; premium finishes; high-end kitchen features; and a professional and responsive management team. The example communities he highlighted were 100% leased at or before construction was completed.

In terms of leasing standards, Mr. Copfer explained that the shortest length for a lease is one year. Background checks are done in addition to a credit check. Hills performs premium-level criminal checks and eviction checks using national databases.

Hills Properties is targeting professional millennials and empty nesters for the proposed development. They are not targeting students or government subsidies. All of the multi-family homes that Hills Properties owns and manages are 100% market-rate communities and are targeted to the highest multi-family rent levels within each market.

Mr. Tim Mara Esq., Legal Counsel for eight Oakwood property owners in the Pointe Oakwood development, asked Mayor Duncan if he could exercise his clients' right to cross examine witnesses. Mayor Duncan approved this so Mr. Mara asked Mr. Copfer if any of the individual units have been sold to homeowners.

Mr. Copfer stated that they have only leased the units and have not sold any due to the current stage of market cycle.

Mr. Mara asked what other projects Mr. Copfer has been involved in, where leased units were subsequently sold.

Mr. Copfer shared that he has been involved in many other projects in this area, he was involved in a development in Beaver Creek.

Mr. Mara asked how many years lapsed before a unit was sold in Beaver Creek.

Mr. Copfer answered that he did not know, and he has not sold any since he has been with Hills Properties.

Mr. Mara asked how long he has worked for Hills Properties.

Mr. Copfer answered that he has been with Hills Properties for 10 years.

Mr. Mara asked how many units are occupied in Hills' "Savoy" development today.

Mr. Copfer answered approximately 252 units.

Mr. Mara asked how many children live in those 252 units.

Mr. Copfer answered approximately 21 school age children.

Mr. Mara asked if the builders really plan to preserve the hillside, as they have stated, or if they have to cut into the hillside to build "The Trails."

Mr. Copfer answered that there will be very minimal cutting into the hillside and this information has been shared with city staff. The proposed retaining walls are shown on the renderings.

Mr. Jack Pflum, P.E., consulting civil engineer for Hills Properties came to the podium to speak, and reported that he completed a traffic analysis on Old River Trail and Pointe Oakwood. He explained that there are two critical peak periods, 7-9 a.m. and 4-6 p.m. The proposed units will produce 54 more vehicles in the morning peak hours and 68 more vehicles in the evening peak hours, which is very modest based on his experience. His conclusion is that this development will generate more traffic, but it will not cause any safety or congestion issues. It can be absorbed easily into the flow of Far Hills Avenue.

Mr. Stephens asked if the traffic analysis includes the anticipated traffic for the Old River Athletic Facility, the current homes already in Pointe Oakwood, or the assisted living facility planned for the northeast corner.

Mr. Pflum answered that it does not include the anticipated traffic or already existing traffic.

Mr. Stephens asked if anyone counted cars around the Old River Athletic Facility during the peak hours.

Mr. Pflum answered that he used the standards in the profession to analyze the traffic.

Mrs. Hilton asked if the traffic analysis assumes a certain percentage of people that don't travel.

Mr. Pflum answered yes, and further explained that there is a formula in the trip generation manual based on national surveys, which is calculated in a statistical manner. He explained that he used land use code 221, which is best suited for this area.

Mr. Mara approached Mr. Pflum to cross examine him. Mr. Mara noted that if a resident has two vehicles that they could generate two trips, and asked if that means the trip generation report is not necessarily accurate.

Mr. Pflum said that there could indeed be two vehicles and further explained that the trip generation report can vary, but there is a certain amount of judgement that also goes into these reports.

Mr. Mara asked if capacity or impact was the focus of the traffic study.

Mr. Pflum said that he didn't go into that level of detail with this report because the numbers of vehicles are so minimal that the capacity and impact would be negligible.

Mr. Mara asked if the number was larger if this would have been taken into account.

Mr. Pflum answered that it would have been required.

Mr. Mara asked if safety in Pointe Oakwood was evaluated.

Mr. Pflum answered that there is no impact to safety on Far Hills and shared that traffic controls are in place.

Mr. Doug Harnish, Market Metrics LLC, came to the podium to speak, and shared that he completed the market analysis for the Sugar Camp site back in 2004 as a precursor to the Subarea Plan. He then provided an update on the 2004 market analysis. When the analysis was done in 2004, they looked at three overarching uses as potential components of the site: housing, office and retail use. At that time, housing was the most dominant land use, and it still is today. One of the things noted at that time was the advancing age of the Oakwood population. In the 2000 census, which was the baseline of the data used, approximately 40% of households were 55 years of age and older. The concern was not having alternative housing options or step-down housing available that would enable the residents to move from a single family home to something a little less intense in terms of care, and still remain in the city. This new lifestyle and the need to downsize were part of envisioning the need for patio-type homes as well as condominium products and multi-family rental products. The two tiers proposed were consistent with what the developers are proposing this evening. Several things have changed in the years since the study was conducted, and Mr. Harnish provided many statistics and data discussing

how living demands have changed and the characteristics of housing demands. Mr. Harnish reiterated that the proposed condominium units proposed were part of the 2004 market analysis and they remain just as valid today as they were in 2004 when the analysis was completed. Creating these condominium options in Oakwood makes the housing inventory more consistent with the housing inventory of other affluent suburban communities that have developed more recently.

Mr. Stephens asked what number of condo units were projected in 2004 and how many were upscale.

Mr. Harnish answered 120 condo units, 12-36 were upscale; 84-108 were more mid-stream market condos.

Mr. Epley asked what the maximum density was for the condo units in 2004.

Mr. Harnish said that density wasn't evaluated in 2004, which was part of the land-use process.

Mr. Epley asked if Mr. Harnish wrote the 2004 Comprehensive Plan or the 2004 Subarea Plan.

Mr. Harnish said that he completed the 2004 market analysis.

Mr. Jacques clarified that the 1997 Subarea Plan is incorporated within the 2004 Comprehensive Plan, and that the 2004 Subarea Plan is an updated document offering development alternatives, which is what Mr. Harnish is referring to.

Mr. Epley stated that Mr. Harnish mentioned a lot has changed since 2004 and asked if he recommends that a new market analysis be prepared.

Mr. Harnish responded that he doesn't believe that a new one needs to be done. It addresses potential users, and the market remains for the land-use itself, and the allocation among the land-use products. He went on to share that the life expectancy of the market analysis depends on the conditions, but this analysis was done with the thought of it being incorporated into a plan having a 20-year life expectancy.

Mr. Epley asked if Mr. Harnish knew the suggested life expectancy of the Comprehensive Plan.

Mr. Harnish said that it varies in many communities and given that Ohio does not have any requirements for updating these types of documents, he has seen plans up to 50 years old in some communities. He said that it is not atypical for most communities in the planning process to not engage in something every 3-5 years. In Ohio it is more typical that the plans are revisited every 15-20 years. He further shared that he has no specifics on what Oakwood intended as to the life span of the 2004 Comprehensive Plan.

Mr. Mara cross examined Mr. Harnish. He asked when the phrase "condo" is used in the 2004 market analysis, is it referring to owner occupied units.

Mr. Harnish answered that a condo is a legal structure, and whether the occupancy is by owner or renter is a determination to be made by the investor, builder or owners of the units.

Mr. Mara asked if the 2004 market analysis was stating that there was a market for owner occupied condos at that time.

Mr. Harnish answered that yes, at that time there was.

Mr. Mara asked if today that market for owner occupied condos is gone.

Mr. Harnish answered that he is not saying it is gone, but the structure of these proposed units does not preclude it.

Mr. Mara asked if he has an opinion as to how large the market is for owner occupied condos in Oakwood.

Mr. Harnish answered that there have not been any other competitive projects developed in recent years to offer a basis of comparison.

Mr. Mara asked if he has an opinion on this matter.

Mr. Harnish answered that in his opinion, people coming out of large scale homes with significant equity might well wish to invest in a condominium for owner occupancy today.

Mr. Mara asked if he believes all 116 units in the proposed condos could be sold as owner occupied.

Mr. Harnish answered that 116 units for owner occupancy could be absorbed in this market.

Mr. Alan Duvall, CPA, then addressed Council. He recently moved his accounting business to Sugar Camp. Oakwood is special because the quality of Oakwood Schools and the quality of the city services. The ability to deliver these quality services took a hit in 2013 when the Ohio estate tax was repealed, which previously generated \$2.5 million a year. The city of Oakwood cut costs and services corresponding to the loss in revenue. Sugar Camp has restored some of these dollars via income tax and real estate tax. Since 2009, Sugar Camp has generated for the city over \$500,000 of additional taxes a year in the form of real estate tax and income tax enhancements. Mr. Duvall projects (based on increases in real estate value from the proposed developments, from the additional housing of the condo units, from the assisted living and income taxes from the residents of those units and the employees hired to manage those properties) an additional \$500,000 of income taxes by the time these projects are completed. The whole Sugar Camp complex will generate in total \$1 million for the city of Oakwood. By the time Sugar Camp builds out, he projects another \$500,000 of revenue generated by these projects.

Mr. Stephens asked if this is all assuming the Sugar Camp development is fully occupied.

Mr. Duvall answered if it were fully occupied it would be an additional \$600,000.

Mr. Mara cross examined Mr. Duvall, asking what additional revenue he projects to come from the additional 32 units at Far Hills and W. Schantz.

Mr. Duvall answered that he didn't break it up into the two separate units, but the entire 116 units will generate an estimated \$190,000 to \$200,000 per year in real estate taxes.

Mr. Mara asked for the projected income tax numbers.

Mr. Duvall shared that income tax is a harder number to project, but it could be \$100,000 to \$150,000.

Mr. Mara asked what it would cost the city to provide services, including education costs, to the proposed condominium units.

Mr. Duvall said that he didn't have that information.

Mr. Bob Posner, OIG, came to the podium and shared that he read the petitions and comments posted on social media and he was taken aback by how renters were portrayed. He explained that there are currently rented townhomes at Pointe Oakwood that are all being occupied by highly professional individuals, all of whom chose to lease in Oakwood. He referenced a *Dayton Business Journal* article citing an apartment building boom coming to the area with 1,700 new luxury units proposed. Oakwood Investment Group has been good to the community and good to their word. They brought 10 new businesses to Oakwood at the commercial side of Sugar Camp, which provide professional services, but also have generated a large amount of taxes and revenue to the local economy. Oakwood Investment Group has built, sold and leased 20 homes and townhomes in Pointe Oakwood. For the last eight years, the proposed area has been developed based on the Comprehensive Plan and the Subarea Plan. Multiple family housing was always destined to be on this site. Oakwood Investment Group has partnered with Hills Properties, which has a good reputation and will ensure the success of this project.

Upon cross examination, Mr. Mara asked for the date of the referenced *Dayton Business Journal*.

Mayor Duncan answered that the *Dayton Business Journal* is dated January 1, 2016.

Ms. April Jordan, legal counsel representing OIG, came to the podium and shared that she understands Oakwood residents have very strong feelings about the proposed development and appreciates that the citizens of Oakwood love the city they live in. However, this decision must be based on the Zoning Code, the Comprehensive Plan and the Subarea Plan. She said that this a private project, constructed on private property, built with private money. Council is charged with assuring compliance with the Zoning Code, the Comprehensive Plan and the Subarea Plan. The land is zoned as Multi-Use Special Planning District, which allows for R-1 through R-7 uses including multi-family. Condominiums have been part of the Pointe Oakwood Master Plan since its first approval. The 2004 Comprehensive Plan articulated diversification of housing options as a goal, which was confirmed by Mr. Harnish. The Comprehensive Plan further identified multi-family residential uses as the preferred use for this property. The Oakwood Zoning Code does

not provide a distinction between owner-occupied and leased properties. The homes to be constructed are condominiums and it is possible for them to be owner-occupied, although that is not the present intent of Hills Properties. The Comprehensive Plan also listed as a goal that the city support housing options attractive to the elderly population and empty nesters. The 2004 Comprehensive Plan also identified lack of alternative housing stock as a shortcoming for Oakwood. Oakwood Investment Group (OIG) comes before City Council with a credible and experienced partner, with a proposal supporting the goals of the 2004 Comprehensive Plan. If the plan is not approved, OIG will have to consider all options with this land, which they are not eager to do.

Mayor Duncan asked Ms. Jordan if Oakwood Investment Group would entertain the possibility of the proposal being approved with the condition that the condominiums were owner occupied and not leased.

Ms. Jordan answered that they would oppose this option because it is not a requirement of the Oakwood Zoning Code.

At 10:14 p.m., Mayor Duncan moved to enter an executive session for conference with attorney; second by Mr. Stephens. Upon viva voce vote, the motion passed. Council and the Law Director left the council chambers.

At 10:20 p.m., Mayor Duncan concluded the executive session and continued the meeting. Mayor Duncan then opened the hearing for public testimony. He invited those in support of the application to speak first.

Ms. Judy Cook, 927 Far Hills Avenue, stated that singling out groups called "renters" is not how things are done in Oakwood. Oakwood does not want to be known as that type of community. She explained that she has lived in a condo for several years and is even the president of the condo association. There are rules in place and when someone chooses to live in a condo, they choose to abide by these rules. She shared that she is in favor of the proposal because the housing is needed, and she then encouraged Council to vote in favor of the proposed condominiums.

There being no further people wishing to speak in favor of the application, Mayor Duncan then invited those against the application to speak.

Mr. Tim Mara, Legal Counsel for eight Oakwood property owners, stated that prior to 2014 the corner of W. Schantz was set aside for four buildings and today, there is a significant change – almost a 40% increase in housing units. The 2016 request is a change in use. Mr. Mara stated that he respectfully disagrees with the Law Director's opinion that the special use standards do not apply. He then read excerpts from Section 802.2 and Section 1004.6 of the Oakwood Zoning Code. He shared that the apartments at Far Hills and W. Schantz adversely affect or change the character of the area by increasing the of units by 40%, reducing the unit sizes to 1150 to 1475 sf., as well as decreasing price points to \$285,000 and allowing units to be rented out rather than sold. Mr. Mara added that there are not adequate access roads. The peak hour trip generation has been greatly understated and the analysis does not include existing residential and non-residential uses. The analysis is focused solely on traffic movement and does not address safety. Mr. Mara shared that he believes City Council has two choices. They can either find that the applicant has failed to carry the burden of proof and reject the application or they can request more information. More information is needed on the cross sections of the steep wooded hillside, a fiscal impact analysis needs to be completed, and a more detailed traffic impact study needs to be done.

Mrs. Linda Weprin, 600 Garden Road, stated that she feels sorry for the people who currently live in Pointe Oakwood because they have been deceived. She added that she is completely against "The Trails". She inquired about how much they would sell for. Oakwood does not need that many rentals units. Baby boomers do want to downsize, but she has been a real estate agent for 29 years and not once has someone asked her to find them a condominium unit to lease. Oakwood is currently losing empty nesters to Kettering and Dayton because we are not offering them what they really want and need.

Mr. Terence Lau, 165 Pointe Oakwood Way, referenced a PowerPoint presentation on behalf of multiple Oakwood residents and stated that the Oakwood city attorney has noted that Section 1004.6 does not apply, only special use procedures in Section 1004.5 apply, which does not make sense and he believes that 1004.6 does apply. A standard is needed as well as a procedure. In Section 802.2, it states that standards apply and refers to Section 1004. The Planning Commission ignored the statutory mandate and City Council cannot pretend the standards do not exist. Multi-Use Special Purpose is governed by Section 802 and Section 802.2 refers to Section 1004. Section 1004.6(B) covers character; Section 1004.6(D) covers property values &

reasonable use; and Section 1004.6(H) covers traffic... all of which are in question. City Council has used these standards in the past and there is no rational basis for denying protection here. This proposal is for a new use and rental occupied condos should be deemed as a new use. He explained that when he purchased a new home in Pointe Oakwood he was sold a promise of beautiful homes and at no time was he told of any high density rentals. The proposed condominiums will negatively change the character of the neighborhood, increase traffic and diminish and impair property values.

Mr. Stephan Susta, 20 W. Schantz Avenue, stated that with the exception of the homes in Pointe Oakwood, his home is most directly affected by the proposed development at the corner of Schantz and Far Hills. He moved into his home in March of last year overlooking Pointe Oakwood. At the time, the developers planned to build large luxury owner occupied condos primarily for empty nesters and professionals with penthouse units. The developer has voluntarily made changes to the plan for their benefit. The proposed plan is a gross departure from the approved plan discussed back in 2014 and even the plans that were on the city website less than a year ago. He shared that he doesn't feel the City's perspective has been objective or reflective of the Oakwood citizens in general and heavily favor the developer's aims. Citizens were told that the developer had met with all of the Pointe Oakwood residents and they were okay with the plans. Citizens were also told that these Pointe Oakwood citizens knew exactly what they were getting into when they built their new homes in Pointe Oakwood. Citizens were told that the units were going to be individually owned condos and lengthy discussions took place with multiple residents regarding this. After approval, it turns out that these condos will be leased out by a single owner. When this was proposed to the Planning Commission, one member was surprised by the fact that it was the intention all along that these units were going to be leased out, but what was surprising to him is that no other Planning Commission members seemed to be surprised by this. Another discrepancy is the number of units. Hills applied for 177, which is in excess on what was physically buildable in the empty single family home lots. There must have been a plan for the additional 30 units, but these plans were never revealed. No one seems to reprimand the developer for misleading the public on amendment six. He suggested to City Council that legally binding commitments be reviewed. The development will become a misfit and be completely uncharacteristic with the Oakwood community. The development will impact property values dramatically. He asked that Council plan for the future and not just for today and look at what the market will do in 20-30 years. He feels that lower density housing would be a better solution for this land.

Mr. Bill Rudy, 120 W. Schantz Avenue, stated that he has a major trust issue. In the past, he had a councilmember stand on his front porch and lie directly to his face. He demanded that the construction debris across the street from this property be cleaned up. He shared that he looked at the Hills Properties websites and on each of the sites it clearly states apartment complexes. He feels that the proposed condominium units will be used to generate income for the next 10 to 15 years and then Hills Properties will sell the units as condos, when they are not as good as they once were.

Mr. Jim Joly, 1011 Little Woods Road, stated that the traffic study is very flawed and it should include the assisted living facility and the Old River Athletic Field. He added that the money used for the land for the proposed condos has not all been "private money". There has been citizen money and city money involved in building the infrastructure. He shared that he is concerned with the piecemeal strategy. Mr. Joly then quoted excerpts from the Comprehensive Plan. He concluded his statement by asking City Council to vote no.

Ms. Cara Kite, 338 Volusia Avenue, stated that concerned citizens are outraged by the Planning Commission's decision to recommend the increase in density from 40 mid-rise condos to 116 "condo-ized" leased units at Pointe Oakwood. The citizens demand that the 84 units at "The Trails" be disapproved by City Council in accordance with local ordinances. The vote on the structural changes to the 32-unit development at the corner of Schantz and Far Hills needs to be tabled until there is an overall site plan to guide the development of Pointe Oakwood. She then highlighted the facts that she believes support why it is Council's duty as elected city leaders to vote no. In regard to the Multi-Use Special Planning District, the Sugar Camp property is established as a Multi-Use Special Planning District, which gives the City maximum control over the specific type of uses to be located in the area, as well as other aspects of the design and development. Citizens are urging the City to exercise maximum control over the last remaining parcel of land in Oakwood, and demand an overall site plan to guide the development before moving forward with any proposal. In regard to general site development, the study area should be developed according to a unified development plan for all three parcels comprising the site, as approved by the City of Oakwood. She asked that a unified development plan be presented that aligns with the Comprehensive Plan Summary, 2004 Comprehensive Plan and Subarea Plan for NCR Sugar Camp and the Far Hills & Schantz Area. The plan most recently approved by City Council does not reflect any of the seven Sugar Camp Site Concept Plans, and neither does the one being proposed. In regards to the land use plan, the plan provides a guide for future land-use

and development within the City. The primary focus is to maintain Oakwood's high-quality residential environment. If Council approves the latest proposal from Hills Properties, the Land Use Plan will be violated because a leased development will dominate the Pointe Oakwood neighborhood. Three of the Sugar Camp Site Concept Plans that included condominium/rental units ensured the development would include more owner-occupied units than potentially leased units. She then asked why are we moving away from the documents that were created to make decisions for our city over the next 10 to 15 years? In regards to the Multi-Family Residential Usages, the 2004 Comprehensive Plan identified the need for new housing choices for older residents that may desire to move out of their single-family homes but stay in Oakwood. She quoted a passage from the 2004 Comprehensive Plan: "There are currently few high-end townhouses or condominiums in Oakwood that would be attractive to empty nesters and seniors, and therefore, many of these residents are leaving the community. If Sugar Camp is redeveloped, multi-family residential uses would be a preferred use. This should include high-quality, owner-occupied multi-family residential units, which could be suitable for Oakwood seniors or empty nesters." Neither the current nor the proposed Pointe Oakwood Master Plans meet the needs of seniors as defined by the 2004 Comprehensive Plan. Both the current and proposed plans include 24 townhouses and zero owner occupied multi-family residential units. The majority of Oakwood residents are homeowners. It would be careless to believe that seniors would be interested in the "rent now, possibly own later" proposition from Hills Properties, who plans to rent all units for an undetermined period of time. In regard to the planned apartment community, the annual demand for rental housing units is projected to be approximately 94 units according to the 2004 Comprehensive Plan. A project of not more than 96 units is suggested, but a smaller project may be warranted in order to maintain the owner/renter balance of the overall project. The "condo-ized" lease units which will be owned by Hills Properties and rented out need to be thoughtfully planned and balanced. The plan most currently approved maintains the owner/renter balance by including 29 single units (31%), 24 townhouses (26%), and 40 mid-rise apartments (43%). The proposed plan is not balanced, with 29 single units (16%), 24 townhouses (14%), and 124 mid-rise leased units (70%). In his 2014 State of the City address, Mayor Duncan ended by stating "Why does Oakwood continue to be 'The Premier Residential Community in the Dayton and Miami Valley Region?' It is simple. It is our beautiful neighborhoods, our excellent schools and library, unmatched city services, public safety, public works, recreation and leisure; but most of all because of our citizens." Ms. Kite concluded her comments by asking Council to listen to the citizens and insist on an overall site plan to guide the development of Pointe Oakwood. She asked Council to do what is best for the Oakwood community, not what is best for investors and Hills Properties.

Mr. Justin Kelley, 420 Kramer Road, shared that he is a new resident of Oakwood. He asked what the purpose of the public hearing and Planning Commission is, if citizens are not being listened to. In order to make informed decisions, there must be accurate data. The studies being presented are either anecdotal, without source, provided by the applicant or out of date. He stated that the Comprehensive Plan and market study were completed in 2004, which is ludicrous and a new Comprehensive Plan should be developed. He urged City Council to vote no.

Ms. Georgiana Nye, 16 Ashridge Road, stated that real estate has appreciated 7.2% in Oakwood and Hills Properties reputation is not that sterling in the area. She apologized to the residents in Pointe Oakwood that she sold homes to.

Mrs. Connie Gardner, 525 Maysfield Road, stated that Council has every reason to vote no both legally and emotionally, and also because now they have been threatened by a lawsuit from the developer.

Mr. Leo Flotron, 525 Maysfield Road, stated that he believes this is all about the money. The original area was bought for too much money and now citizens have to get a profit for the owner. Every study is being tilted one way.

Ms. Lesley Jones, 564 Woodview Drive, referenced a PowerPoint presentation and stated the following Hills Properties facts: the plan is to build 116 rental units (two 42-unit buildings, two 16-unit buildings), to locate 116 rental units less than 100 yards from half-million dollar homes... all of would be 100% Leased, 0% Owner-occupied. The City's current rental composition consists of primarily single family owner occupied character. The average rental building density is three units per building. The Hills Properties proposal changes the surrounding neighborhood composition from 25% rentals to over 80% rentals. The proposed density change in units/building is 1400% (42 units/building) and 500% (16 units/building) above City's current average (3 rental units/building). Based on the facts, the Hills Properties proposal violates the plain language outlined in 2004 Comprehensive Plan and is not of the scale or character compatible with the surrounding single family residential neighborhood. This creates a massive imbalance of rental to owner-occupied residential units in the existing neighborhood, adversely impacting the character of the neighborhood and property values of adjacent homes. The scale (42 units/building) is not compatible with nearby existing single-

family homes and townhomes. The proposal is characterized by a predominantly high density of multi-family units – 1400% density increase over the City average. Without a fiscal impact analysis, the City has no reasonable basis for understanding the net impact of the development on city services. As elected city officials, it is City Council’s duty to consider the facts, law and the documents approved in 2004.

Ms. Sarah Waechter, 231 Northview Road, referenced a PowerPoint presentation and stated that the 2004 NCR Subarea Plan discussed physical conditions, a visual preference survey, market potential analysis, and an alternative site development planning. The physical conditions are important because the slope, elevation, and the soil are very difficult to build on in some areas. She also questioned what will be built on the remaining 5 acres? She then suggested that the complete Master Plan needs to be submitted for review. In regards to the visual preference survey, there was favorable reaction to low density townhomes and attached housing with high quality site design and building materials. The larger residential structures more than three stories in height, or those which had substantial building footprints and mass were seen as less favorable overall. It appeared that traditional materials (stone, wood, etc.) were preferred over more modern materials and design. In regards to market analysis, the results are from 2004, and much has changed since that time. Given an annual absorption rate of 40 units and a three-year “build- out” timeframe, the subject site could accommodate a project of up to 120 units. A project of not more than 96 units is suggested, but a smaller project may be warranted in order to maintain the owner/renter balance of the overall project and to reduce the land consumption attributable to a rental housing project. The site development guidelines are set to help ensure that any new development or redevelopment efforts will fit the character of the Far Hills and Schantz neighborhood, be sensitive to both the opportunities and limitations of the site, and consider fiscal implications to the city of Oakwood and other affected taxing agencies. The study area should be developed according to a unified development plan for all three parcels comprising the site, as approved by the city of Oakwood. Any new development within the study area should be designed to be sensitive to adjacent residential neighborhoods. The seven concepts have become invalid due to the development that has already taken place. She went on to share that it is increasingly dangerous to keep approving proposals without a complete Master Plan. The Hill’s proposal goes against the Zoning Code, Comprehensive Plan and Subarea Plan. Oakwood’s Zoning Codes enables the City to control and determine the type of development that is best for the community of Oakwood. The Comprehensive Plan strives to maintain and enhance the traditional form, character, and distinguishing features of Oakwood, while still promoting high-quality and compatible improvements and new developments in selected locations. The Zoning Code, Comprehensive Plan and Subarea Plan protect the City from any development that does not continue, or build upon, the character of Oakwood.

Mr. George Kunz, 490 Rubicon Road, stated that what is being proposed is student rentals. Multiple students will be residing in the proposed condominium units which will save the students a lot of money. He then asked if the Oakwood Public Safety Department has a fire ladder that goes up 4 stories. He feels that “The Trails” is very poor planning.

Mr. Steve Byington, 24 W. Schantz Avenue, stated that he conferred with the Ohio Ethics Commission in regards to Section 102.03 of the Ohio Revised Code, and confirmed that he is permitted to make a statement before Council, as a private citizen, in all matters which affect his personal property interests. He shared that he is disappointed by the comments made to his fellow taxpaying citizens. He stated that he believes Council is on the verge of making a monumental and far-reaching decision that has the possibility of profoundly affecting the property values and the character of surrounding neighborhoods. Mr. Byington explained that the Pointe Oakwood development is zoned as a Multi-Use Special Planning District, which is defined as a type of planned development, according to Section 802 of the Oakwood Zoning Code. There was a master plan adopted in 2007, but subsequent requests for amendment have made it nearly worthless in terms of understanding how this development is being planned, or how it will ultimately look and function. He went on to share that Section 802.7 talks about the Master Plan Approval process related to this Multi-use Special Planning District. Mr. Byington felt it was very important to remember that since substantial changes are being proposed to the original Master Plan of Development that was approved in 2007, this section says that any revision to the Master Plan needs to meet all the original conditions of this ordinance, which includes providing a master plan of development that is subject to a comprehensive review at a public hearing. Section 1012.1 outlines the purpose of a Site Development Plan Review. He then quoted an excerpt from this section, and explained that he hasn’t found a better description of what these applications have the potential to do to the Oakwood community. Section 1012.2, which he believes covers performance review procedures for planned developments like the ones being proposed, states, “A Planned Development is a privilege to be earned and not a right which can be claimed simply upon complying with all the standards established in this Section.” He shared he believes City Council has a legal right and a civic obligation to require the applicant the condition of providing a complete master plan for the entire Pointe Oakwood Development, based on today’s reality. He shared that he is not against the idea of multi-family residential units

being built on the site. The 2004 Oakwood Comprehensive Plan provided for the possibility of some of this housing type being included in the overall make-up of the development and he believes that having a small number of units, housed with buildings of compatible size and design, would be acceptable on the site. Where he has opposition to these applications is in the outrageously high percentage of units that are planned and the size of the buildings. His opposition has always been, and continues to be, about the enormous architectural size and scale of these high density buildings and how they will affect the character of his neighborhood. These buildings are not in keeping with the established architectural character of the Oakwood community. The developers have discussed similar projects that they have built in the Cincinnati area, and he has no doubts that this type of high density residential living has been very successful in West Chester, Mason, and Blue Ash. But Oakwood is not like any of those communities, and more importantly, Oakwood shouldn't aspire to be. Oakwood has developed our own unique residential character based on quaint low-density housing, quality architecture, and stringent property maintenance standards. Throwing in a new building type, characterized by massive structures, the likes of which aren't currently found anywhere in our beautiful community, would undoubtedly do irreparable harm to the character of the neighborhood surrounding this development. He shared that it's definitely easier to be magnanimous about high density apartment buildings when they aren't being built right next to your property. High-minded ideas about adding more diverse housing options are so much easier to espouse when you personally aren't the one who is going to lose property value or have irreparable damage done to the character of your immediate neighborhood. The willingness to experiment with building types that have no historical precedent in Oakwood comes much easier when you won't be the one who has to deal with the long-term consequences of these actions. When this decision is made, all the proponents who live nowhere near this area will be able to go back their homes, nestled in quiet little neighborhoods of low density dwellings just like theirs, and be able to forget all about the outcome. Mr. Byington asked Council to go beyond their own personal viewpoints and see this from the perspective of the people who they are sworn to represent. He asked Council to review these applications in the light of well documented current conditions and not the faint shadows of a long-abandoned master plan or a Comprehensive Plan that is over 12 years old. He asked Council to use the words and legal standing of our very own Oakwood Zoning Code to serve and protect the citizens who live here and not the interests of an out-of-town management company.

Mrs. Wendy Lewis, 115 Ascent Circle, stated that she and her husband were the first to put money down on a Pointe Oakwood home. Her objection with the proposed condominiums is that the quantity of rentals will decrease her home's value. She can see every vehicle that comes into the Pointe Oakwood development and she has concerns with this new development. Her property would look down onto the HVAC units and the dumpsters at the proposed condominiums. She shared that the research she did shows 51-81 vehicles at the same peak periods.

Mr. Michael Hapgood, 305 Northview Road, stated that Council should vote no. Oakwood has a good enough school district that people will move here for the schools. He shared that he believes we are dealing with more than 10 additional school age children.

Mr. Larry Drummy, 415 Far Hills Avenue, stated that if this proposal is approved it will have a negative impact on Oakwood Schools because there will be more school age children coming in the school district. The increase in tax generated from the new condos would not cover the costs of these new students. He also added that there was a minor error with the calculations in one of the PowerPoint slides from city staff's presentation.

Mr. Bret Flinn, 205 Pointe Oakwood Way, stated that the Mayor said that this is a quasi-judicial hearing, but the benefit has been given solely to the applicant versus the resident. He asked that Council refuse the proposal.

Mr. Scott Rodgers, 440 Irving Avenue, stated that the Oakwood community needs to be preserved and we cannot continue on this path. The proposed developments highlight an ad hoc piecemeal approach to the development that is detrimental to Oakwood's future. Since the last site plan was sold to the community, numerous additions have crept into the plan. He shared that he is speaking to preserve the Oakwood community that has been built that will certainly be degraded by the potential number of new residents and students, regardless of their demographics. He urged that Council vote against the proposed condominiums until there is a new Comprehensive Plan.

Mr. Nathan Gifford, 1624 Shafor Boulevard/209 Aberdeen Avenue, stated that he objects to the proposed condominium units and said that it is Council's duty to vote no.

Mr. Vince Lewis, 115 Ascent Circle, stated that he understands the economic value of the proposed condominium units, but he just doesn't believe it. The condo units will be roughly 100 yards from his home in Pointe Oakwood. To put the size of the proposed condominiums in

perspective at "The Trails", they would be five times larger than Smith School and three times larger than Dorothy Lane Market. He went on to share that back in 2012 if they knew the current plan, they would not have bought their home in Pointe Oakwood. He believes the proposed condos will have approximately a 15% impact on property value, which is \$70,000 per family of potential impact. He asked that Council deny this application.

Mr. Gus Urbas, 406 Greenmount Boulevard, stated that Council should have enough information to vote no or to at least request more information. He believes this will only be phase one, with more requests to come later on once this is approved.

Mr. Wayne Anderson, 215 Lonsdale Avenue, stated that he is a realtor and is with the Dayton Area Board of Realtors. He explained that it is illegal to market to a specific group of people such as millennials and empty nesters, and Hills Properties certainly cannot control who these condominiums are being rented to. In his opinion, the condos will get a lot of students and the units will eventually turn into some type of student community living facility.

Mr. Christopher Morris, 324 Southview Road, stated that the developer made a poor decision and it is not the City's job to bail out private money. He suggested that they go back to the drawing board. Over 700 people signed a petition and urged City Council to vote no.

Ms. April Jordan, legal counsel representing Oakwood Investment Group, provided closing remarks. She stated that the Oakwood zoning laws do not distinguish between property held for rent or owner occupied property. Ohio sets forth a very particular regime on how to submit a property to condominium law. Hills Properties would comply with these laws and the property would be condominiumized. Hills Properties would also comply with Fair Housing laws. There was a Master Plan approved that reflected this land as a multi-use development and always included condominiums. She asked that Council consider the application of the law. Following Ms. Jordan's comments, there was no further public testimony and Mayor Duncan closed the public hearing. Council began its deliberations.

Mayor Duncan asked if anyone on Council had any concerns on the argument about the special use standards applying. The Law Director has already shared that he does not believe that they apply.

Mr. Epley stated that it is important to know what standards apply before a decision can be made, but Mr. Jacques has already explained that the special use standards do not apply based on the Oakwood Code and that is what he is going with.

Mrs. Hilton stated that her decision is not based on a question about the standards.

Mayor Duncan shared that to him, the key issues are density, traffic and the number of children going to Oakwood schools, but the schools know how to handle these variations. Based on the market analysis it is clear that housing is needed for seniors and empty nesters. As it relates to the Comprehensive Plan, it may need to be updated, but not necessarily redone.

Mr. Stephens explained that he is up in the air on the Pointe Oakwood developments. He wanted to be clear that he was not against rentals, but his concern is related to the density and where they are putting the units. To him, it all comes down to traffic. When he asked questions related to traffic and what all was included in the traffic analysis, the new Old River Athletic Field was not included in the study, nor was the assisting living facility or the existing single family homes. He is not comfortable approving anything without the proper study being done when there is no way to justify the information. Mr. Stephens shared that he agrees with Mayor Duncan in regards of the schools, but he had concerns related to traffic.

Mrs. Hilton shared that she is okay with the proposed development at the top of the hill, but not with the proposed development at the bottom of the hill. She does not like "The Trails" total number of units, the traffic analysis information and all of the unknowns. She explained that she is not against renters, but she is not a fan of "The Trails" proposal.

Mayor Duncan said that he has concerns about the synergy between the top of the hill and the bottom of the hill. If both proposals are not approved, will they be able to do a smaller version of "The Trails" proposal? He also shared that the soil condition, as mentioned, is not feasible for single family homes, but Hills Properties knows the current conditions and has plans to build appropriately on that land.

Mr. Stephens shared that he has spoken to realtors and found that 333 Oakwood Avenue started as rentals in 1974, and in the early 1990's was turned into condos. His concern again is not rentals, it is the density.

Mr. Epley stated that it is a standard proposal. The maximum density suggests 140. The condo development on the top of the hill is 32 units. 116 is not going to work with the Comprehensive Plan.

Mayor Duncan shared that he is struggling with the proposed density for multi-family. He suggested the possibility of imposing a condition on a motion of approval to require single family homes on the remaining 5 acres is unreasonable.

Mr. Stephens shared that he feels it is a reasonable condition to impose. He also added that he would like to see a condition added to the motion asking the developer to clean up the development area as well.

Mayor Duncan asked about a motion without the condition. He said that maybe the first vote should be to approve the 32 condominiums being called "The Pointe."

Mr. Stephens shared that he would not vote in favor of it without the stipulation. He said that he didn't want any more than 32 multi-family units, which are enough.

Mayor Duncan asked the Law Director if that is an unreasonable condition to put on the applicant.

Mr. Jacques answered that it is not necessarily unreasonable if it is Council's consensus that 32 units of multi-family would be consistent with the Comprehensive Plan, but more than that would not be.

Mayor Duncan asked if that precludes the developer at "The Trails" from coming back with something that has less density.

Mr. Jacques clarified that if Mayor Duncan is stating that if "The Pointe" is approved and one of the conditions is no more multi-family, then a condition has been imposed which would preclude development down there for additional multi-family units.

Mayor Duncan shared that he is not opposed to development at the site of "The Trails" and there were a few people who testified that they were also not opposed; it was more about density, which is a compelling argument.

Mr. Stephens suggested that a vote be done to see what the developers come back with.

Mr. Jacques recommended not imposing a restriction relating to additional multi-family development on the decision for the first application. It only becomes an issue with the second application, which is being separately decided.

It was then moved by Mayor Duncan and seconded by Mr. Stephens that Application 16-2 for 1) construction of two – 4 story buildings with a total of 84 condo units, a clubhouse and pool to be built along Old River Trail opposite the Old River athletic fields; and 2) to increase the residential density for the entire Pointe Oakwood development to 163 units, be approved, with the Law Director to prepare written legislation consistent with Council's deliberations for adoption at the March 14, 2016 Council meeting.

There being no further discussion, Mayor Duncan called for a vote on the motion.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON .....	RECUSED
MR. ROBERT P. STEPHENS.....	NAY
MRS. ANNE HILTON .....	NAY
MR. CHRISTOPHER EPLEY .....	NAY

There being one (1) yea vote and three (3) nay votes thereon, said motion did not carry and the matter was declared a dead issue.

It was then moved by Mayor Duncan and seconded by Mrs. Hilton to approve Application 15-5 for two (2) condominium buildings to be built at the northwest corner of Far Hills at W. Schantz Avenue as part of the Pointe Oakwood residential development, with the Law Director to prepare written legislation consistent with Council's deliberations for adoption at the March 14, 2016 Council meeting.

There being no further discussion, Mayor Duncan called for a vote on the motion.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. WILLIAM D. DUNCAN.....	YEA
MR. STEVEN BYINGTON .....	RECUSED
MR. ROBERT P. STEPHENS.....	YEA
MRS. ANNE HILTON .....	YEA
MR. CHRISTOPHER EPLEY .....	YEA

There being four (4) yea votes and no (0) nay votes thereon, said motion was declared duly approved and it was so ordered.

Mr. Mara stated that because this is a quasi-judicial hearing, he advised City Council that they should not consider evidence that wasn't presented at the hearing and urged the applicant and opponents not to communicate with Council until the next Council meeting.

STAFF REPORT – NONE

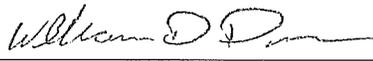
CITY MANAGER'S COMMENTS – NONE

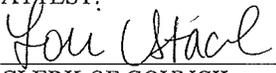
COUNCIL COMMENTS

Mrs. Hilton shared that through this process, it has been wonderful to see how much people care about the Oakwood community.

Mayor Duncan reported that the annual new resident breakfast is this coming Saturday, February 27, and over 100 new residents have signed up to attend this year's event.

The public meeting concluded at 1:57 a.m.

  
 \_\_\_\_\_  
 MAYOR

ATTEST:  
  
 \_\_\_\_\_  
 CLERK OF COUNCIL