

A RESOLUTION

BY: MAYOR DUNCAN

NO. 1814

TO GRANT APPROVAL OF AN AMENDMENT TO THE APPROVED MASTER PLAN FOR THE POINTE OAKWOOD RESIDENTIAL DEVELOPMENT, AFFECTING THE SOUTHEAST CORNER OF SAID DEVELOPMENT.

WHEREAS, on April 23, 2007, Council passed a resolution granting approval of the Special Use Applications filed by Oakwood Investment Group ("OIG") and the Versant Group for a Planned Development of the 36+ acres encompassing Sugar Camp and the surrounding undeveloped land (the "Master Plan"); and

WHEREAS, that original Master Plan provided for the construction of single-family residences in the southeast portion of the Pointe Oakwood Residential Development with attached residence units near the corner along Far Hills Avenue and West Schantz Avenue; a professional building on the northeast corner; and four mid-rise (4-story) condominium buildings arranged on a private circle just west of the intersection of Pointe Oakwood Way and Old River Trail; and

WHEREAS, several amendments have been subsequently approved to rearrange development sites within the project to better address topographical concerns and challenging market conditions; and

WHEREAS, in May, 2008, the Versant Group received approval to amend the original Master Plan by eliminating the professional building and replacing it with attached townhomes; eliminating the attached residence units near the Far Hills – West Schantz corner and replacing them with single-family residences; and by replacing the four mid-rise condominiums planned for the private circle with two higher-rise (7-story) condominium buildings at the northwest end of the project; and

WHEREAS, in December, 2009, the Versant Group received approval for a second amendment to the Master Plan that included a reduction in the number of duplex units, thereby lowering the overall project density from 147 to 143 units; and

WHEREAS, in February, 2011, the Versant Group received approval for a third amendment to the Master Plan that included replacing duplex units planned for Old River Trail with single family residences; eliminating several lots along Far Hills Avenue to accommodate larger one-story floor plans; and a reduction in the overall project density; and

WHEREAS, since then, the Versant Group has ceased its participation and the project has been continued exclusively by OIG and Plan B Realty, LLC, with OIG being the sole developer of the Pointe Oakwood residential portion of the project; and

WHEREAS, in March, 2012, OIG received approval for a fourth amendment to the Master Plan to eliminate the attached townhomes and to permit construction of an assisted living facility at the northeast corner; and

WHEREAS, in July, 2012, OIG received approval for a fifth amendment to the Master Plan to eliminate higher-rise condominiums planned for the northwest end of the development and permit construction of upscale condominium buildings at the southeast corner of the project site, consisting of two (2) 2-story condominium buildings and two (2) 3-story condominium buildings, for a total of twenty (20) upscale condominium units ranging from 1,600 to 2,400 square feet in size; and

WHEREAS, in July, 2014, OIG received approval for a sixth amendment to the Master Plan, modifying the condominiums planned for the southeast corner of the project site so as to reduce the total number of condominium buildings from four (4) to three (3) and increase the number of units from twenty (20) to twenty three (23), with units ranging from 1,800 to 2,800 square feet in size and maintaining building elevations consistent with the previously approved condominium plans; and

WHEREAS, in November, 2015, OIG and its builder, Hills Properties, jointly submitted Application 15-5 for an additional amendment to the condominium plans previously approved for the corner of Far Hills and W. Schantz Avenues, which is the southeast corner of the project site (the "revised corner plan"); and

WHEREAS, the revised corner plan consists of two (2) 3-story condominium buildings, thereby reducing the total number of buildings from three (3) to two (2); it also increases the number of units from twenty three (23) to thirty two (32), with units ranging from 1,232 to 1,505 square feet in size; and

WHEREAS, like its predecessor plan, the revised corner plan provides underground parking for the residents of both condominium buildings, and also features 24-hour onsite management and concierge service for residents, a ground level indoor parking garage, and upscale finishes and fixtures; and

WHEREAS, a public hearing on this matter was held by the Planning Commission on November 18, 2015, and having carefully considered the matter, the Planning Commission voted to table the matter pending additional work by the Applicant to address concerns with the architectural design, massing, and lack of connectivity with the Pointe Oakwood neighborhood; and

WHEREAS, a second public hearing on this matter was held by the Planning Commission on January 6, 2016, and having carefully considered the matter, the Planning Commission concluded that the Applicant had satisfactorily addressed concerns relating to architectural design, massing, and lack of connectivity with the Pointe Oakwood neighborhood by modifying the architectural style of the buildings, reducing the building elevations by 9.0' along W. Schantz Avenue and by 7.5' along Far Hills Avenue, and by adding sidewalks; and

WHEREAS, the Planning Commission determined that the revised corner plan, as modified prior to the January 6, 2016, hearing, is consistent with the recommendations set forth in the 2004 NCR Sugar Camp Subarea Plan Site Development Alternatives and Guidelines, as well as the 2004 Comprehensive Plan and the 1997 Subarea Plan, and by a vote of 4-0 with one (1) member recusing himself, recommended approval of the revised corner plan; and

WHEREAS, on February 22, 2016, Council held a duly-noticed public hearing upon the matter, and heard testimony both for and against the revised corner plan; and

WHEREAS, Council was not persuaded by arguments against the revised corner plan based upon speculation, rather than evidence, as to school capacity and the purported ills of condominium units being leased, neither of which topics are addressed in the 2004 NCR Sugar Camp Subarea Plan Site Development Alternatives and Guidelines, the 2004 Comprehensive Plan, or the 1997 Subarea Plan; and

WHEREAS, on advice of the City Attorney, Council has determined that the standards for Special Uses set forth in Section 1004.6 of the Oakwood Zoning Code are not applicable in the evaluation of the application, but Section 802.1, *et seq.* do apply; and

WHEREAS, pursuant to Section 802.1 of the Oakwood Zoning Code, Council finds that the revised corner plan furthers the city's long-range planning goals, as expressed in the 2004 NCR Sugar Camp Subarea Plan Site Development Alternatives and Guidelines, the 2004 Comprehensive Plan, and/or the 1997 Subarea Plan, by increasing the city's multi-family housing options; by complementing the other architectural styles and building materials being used at Pointe Oakwood and being compatible with the surrounding neighborhood; and by creating high quality multi-family residential units suitable for seniors, empty nesters, and professionals; and that the revised corner plan therefore remains consistent with the recommendations set forth in said documents; and

WHEREAS, by a vote of 4-0 with one (1) member recusing himself, Council has voted to approve Application 15-5;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

The foregoing recitations are hereby adopted as Council's findings of fact with regard to the above-described application to amend the Pointe Oakwood Master Plan.

SECTION II.

Application 15-5, being an application to amend the Pointe Oakwood Master Plan jointly filed by OIG and its builder, Hills Properties, as amended prior to the January 6, 2016 hearing before the Planning Commission, is hereby approved.

SECTION III.

The amendment approved herein remains subject to all determinations, conditions and restrictions set forth in the original plan approval Resolution of April 23, 2007, as amended.

SECTION IV.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio Revised Code, Sec. 121.22.

SECTION V.

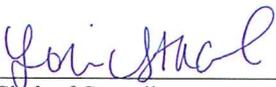
This Resolution shall be and remain in effect upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 14th day of March, 2016.



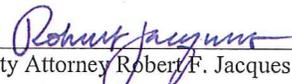
Mayor William D. Duncan

ATTEST:



Clerk of Council

TO THE CLERK:
No publication is required.



City Attorney Robert F. Jacques