Oakwood, Ohio
January 6, 2016

The Planning Commission of the city of Oakwood, state of Ohio, met this date in the council chambers of the city of Oakwood, city building, 30 Park Ave., Oakwood, Ohio, 45419, at 4:30 p.m.

The Chair, Mr. Jeffrey Shulman, presided and the Acting Clerk, Sherri Laidler, recorded.

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

MR. JEFFREY B. SHULMAN ..... PRESENT
MR. ANDREW AIDT ..... PRESENT
MRS. HARRISON GOWDY ..... PRESENT
MRS. E. HEALY JACKSON ..... PRESENT
MR. STEVE BYINGTON ..... 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. Ethan M. Kroger, Code Enforcement Officer

The following visitors were present:

Sarah Dugan, 310 Claranna Avenue
Olga Illes, 342 W. Schantz Avenue
Louis Illes, 342 W. Schantz Avenue
Kevin Jones, 215 Pointe Oakwood Way
Michael Hapgood, 305 Northview Road
Jim Obert, Hills Properties
Michael Copfer, Hills Properties
Stan Maher, 326 Northview Road
Lee Schear, 1130 Harman Avenue (OIG)
Louis Guttman, Hills Properties
Amy Schenck, 254 Northview Road
Sandy Burbey, 284 W. Schantz Avenue
Deborah Vandercher, 272 W. Schantz Avenue
George Houk, 310 W. Schantz Avenue
Jane Maney, 300 Southview Road
Jeanette Rudy, 120 W. Schantz Avenue
Paul & Donna Bohannon, 204 Pointe Oakwood Way
John Eadie, 121 Ascent Circle
Tom Castle, 300 Kramer Road
Jim Joly, 1011 Little Woods Road
Stephan Susta, 20 W. Schantz Avenue
Sarah Waechter, 231 Northview Road
Maria Ferri, 236 W. Schantz Avenue
Dr. Feliciano A. Garcia, 258 W. Schantz Avenue
Lolita Rana-Garcia, 258 W. Schantz Avenue
Celia Shulman, 1000 Harman Avenue
Greg Robinson, 236 Rubicon Road
Jeanne Harman, 325 Haver Road

Mr. Shulman called the meeting to order at 4:30 p.m., and then conducted a brief organizational meeting to select the chair and vice-chair for 2016. Mr. Aidt moved to retain Mr. Shulman as chair, seconded by Mrs. Gowdy. Mrs. Gowdy moved to retain Mr. Aidt as vice-chair, seconded by Mrs. Jackson. Upon a viva voce vote on the question both motions passed unanimously and it was so ordered.

Mr. Shulman asked if there were any questions or concerns with the minutes from the November 18, 2015 meeting. There being none it was moved by Mrs. Gowdy and seconded by Mr. Aidt that the minutes of the Planning Commission meeting held November 18, 2015, be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Mr. Shulman reviewed the meeting procedure with all in attendance.

Mr. Byington recused himself as he resides near the proposed condominiums. Mr. Shulman accepted his recusal.

Mr. Shulman opened the public hearing for tabled Application #15-5. Mr. Weiskircher explained that this application had been tabled at the November 18, 2015 meeting. It is a request to amend previously approved condominium plans to include two (2) separate buildings with 16 units per building to be constructed at the intersection of Far Hills and W. Schantz Avenues.

Mr. Weiskircher referenced a PowerPoint presentation which exhibited illustrations of the proposed condominiums, then focused on solutions to concerns raised by attendees at the November 18 meeting. He noted that the developer expended quite a bit of time and energy during the past six (6) weeks in addressing concerns and making design changes.

Mr. Weiskircher then expounded on the design changes in detail, which included a modification of the architectural design from Tudor to Craftsman Shingle with bump outs and roof brackets for architectural detail and interest. In addition, the roof slope was reduced from 8:12 to 4:12 and building heights were reduced to 34.5 feet along Far Hills Avenue and 29 feet along W. Schantz Avenue. He also noted that parking was changed from diagonal to parallel. He explained that due to the elevation of the cul-de-sac, one change that was not feasible was the suggestion made at the November meeting to modify the garage entrance access on the Far Hills building. He noted that this area will be heavily landscaped and the garage will be screened from Far Hills Avenue.

In terms of other miscellaneous concerns Mr. Weiskircher reported that a traffic analysis concluded that added traffic to Far Hills Avenue will be insignificant and during the peak morning period, there will be approximately 12 additional vehicles using the Old River Trail and Far Hills intersection. As far as the school age children are concerned, based upon experience with units with similar demographics, it is estimated that three (3) additional school age children will reside in the units. Oakwood school administrators have indicated that they could accommodate additional students at any of the schools in the district.

Mr. Weiskircher completed his presentation by summarizing where the application was at the November 18, 2015 meeting compared to where it is now with the proposed changes. He then turned the meeting over to the chairman of the Planning Commission, Mr. Jeffrey Shulman. Before inviting proponents of the application to speak, Mr. Shulman explained to the audience that the Planning Commission is aware of the concerns raised at the November 18, 2015 meeting and requested that comments be confined to any new issues related to proposed changes.

Mr. Jim Obert, Hills Properties, expressed appreciation for the cooperation received from all involved during the process of modifying the plans. He then described changes made following concerns raised at the previous meeting and amenities which include: expanded balconies to accentuate architectural movement; nine (9) foot ceilings; expansive windows; 2-inch plantation shutters in all units for uniformity; French doors on all balconies rather than sliding glass doors; 4-inch quartz countertops; stainless steel appliances; 42-inch wall cabinets; high-end plumbing and lighting fixtures; on-site management and maintenance; and, concierge services which include delivery of refuse to on-site dumpsters.

After Mr. Obert's presentation, Mr. Shulman asked if there were questions. Since all the units will have balconies Mr. Aidt asked if there will be rules and regulations regarding what type of items can be placed on balconies. Mr. Obert assured him there will be restrictions on items allowed on balconies. Mrs. Jackson requested dimensions of the balconies. Mr. Obert answered that most will be 12x12, with those on corner units being a bit larger.

Dr. Feliciano A. Garcia, 258 W. Schantz Avenue, approached the Planning Commission to voice his concerns with construction of the project. He expressed apprehension with the integrity of the workmanship of contractors and stated that contractors promise things then do not deliver and advised the developer that if the project is approved to choose a contractor carefully.

Mrs. Sarah Waechter, 231 Northview Road, stated that her backyard will face the condos. She said she is not opposed to development, but would prefer homes and pockets parks. She stated that she understands these are not in the developer's plans, and thanked Mr. Schear for listening to residents' concerns and appreciates proposed changes. She also stated that she still has concerns with the width of the structure; she would like the corner to be more pedestrian friendly and suggested an archway to walk through the building. She also expressed concerns that the units could become apartments and decrease in price resulting in a different market. She concluded her remarks by thanking Mr. Schear and the Planning Commission for working on changes but still questions whether condos are the best option for this corner. She said she loves Oakwood and only wants the best for the community and the kids.

Mr. Stephan Susta, 20 W. Schantz Avenue, stated that his home is directly across the street from the proposed condos. He thanked the developer for the changes and concessions, but said he and his neighbors remain confused and worried about the overall plan. He said he is actually in favor of a project in this location, but is not convinced this is the best option. He also mentioned that the price per square foot seems high and he believes that the number of vehicles per unit, therefore additional traffic, has been underestimated and he fears this will end up as an apartment community. He concluded by requesting to see the master plan.

Mrs. Gowdy asked Mr. Weiskircher if traffic from the athletic complex will be routed differently. Mr. Weiskircher replied that a traffic analysis for the athletic complex is underway, but the primary means of ingress/egress to the new athletic facility will be from River Park Drive and not Old River Trail.

Mr. Shulman asked Mr. Susta what "plan" he referred to and Mr. Susta replied that there were many iterations of this project and he was under the impression that single family homes were initially proposed for this corner. Mr. Weiskircher answered that the original 2007 Master Plan proposed by a different developer, Versant, did include single family homes on the corner. The condos were approved in 2012. Mr. Susta suggested that the plan be refreshed and put into context in order to alleviate concerns of the neighbors.

Mr. Stan Maher, 326 Northview Road, stated that he does not have a problem with the condo project, but would like assurance that they will remain owner-occupied. He would not like to see UD students occupying the condos. He concluded by suggesting rules should be in place which would prevent owners from renting the units.

Mrs. Sandy Burbey, 284 W. Schantz Avenue, stated that she would love for the units to be only owner-occupied, but knows that this cannot be dictated. She also stated that the price per square foot is high, especially when compared to similar units in Centerville and Washington Township. She wondered what will happen if the units are built, and then do not sell for the high prices proposed. She speculated that investors might buy them, and then turn them into rentals. She stated that when she and her neighbors first heard of the condo project they were intrigued because it sounded like perhaps somewhere they would desire to move, but the pricing is too high. She cautioned that the pricing could force a new issue: an apartment community.

Mrs. Jackson stated that she doesn't see why it could not be mandated that the units remain owner-occupied. Rob Jacques, City Attorney, provided clarification that the city could not pass a law preventing leased units, but it may be possible that this could be stated in condo bylaws.

Ms. Jane Maney, 300 Southview Road, expounded upon Mrs. Burbey's comments and stated that the price per square foot is unrealistic. She also stated that there are a variety of issues associated with bringing condos to Oakwood and suggested writing "no rentals" into covenants or bylaws. She said if the Homeowners Association or the developer is not willing to do so, there is a problem; if they will not protect the community, the plans should be disapproved.

Mr. Jim Joly, 1011 Little Woods Road, stated that while most residents appreciate the proposed changes to the plan, the main concern remains the possibility of the units becoming rental properties. He went on to state that he and a small group of residents consulted an attorney to determine if a covenant could address the percentage of rental units allowed. He then directly asked the Hills Properties representatives if they would agree to such a stipulation; they would not. He then commented that the original 2007 plan with single family homes was linked to the Oakwood Comprehensive Plan. He added that older residents desire affordable housing and Pointe Oakwood does not offer that. Mr. Shulman replied that the comprehensive plan called for condos. Mr. Joly stated that he is not opposed to condos; he is opposed to condos becoming quasi apartments.

Mr. John Eadie, 121 Ascent Circle, introduced himself and announced that he was the second homeowner in Pointe Oakwood. He stated that a reference was made to a Homeowners Association, and noted that although he pays dues, there have been no Homeowners Association meetings in Pointe Oakwood and this is a problem.

Mr. Gene Burbey, 284 W. Schantz Avenue, stated that Mr. Weiskircher missed a couple of concerns from the November meeting, including density and the number of cars per units. He also speculated that the traffic study was flawed. He then asked how many letters were sent providing notice of the meeting. Mr. Weiskircher answered that all property owners within a 200 foot radius were notified by mail of the meeting and the meetings are also advertised in the *Oakwood Register*. Mr. Burbey asked if notices could be mailed to more people. Mr. Jacques explained that the range of addresses to receive mailed notices is written into the Code and each case needs to be treated the same. Mr. Burbey then asked for explanation of the process for recusal and how personal relationships or friendships might create a conflict of interest in this situation. Mr. Jacques explained that all Planning Commission members are bound by the Ohio Ethics Law and further explained that from a practical standpoint, Oakwood is a small city and chances are many people know each other, but the simple fact that you know someone does not

create a conflict of interest. Mr. Burbey concluded by stating that his main concerns were price points, density and changing the personality of the neighborhood.

Mr. Susta returned to the lectern and stated that the appearance of a conflict of interest is a concern. Mr. Susta concluded by stating that in addition to the concern of perceived integrity, residents are concerned about property values.

Jeanette Rudy, 120 W. Schantz Avenue, questioned where all of the construction debris from the project will be deposited. She stated she is trying to sell her home and would appreciate knowing the plan for debris.

Mrs. Maney then asked the developers if there was a plan for a Homeowners Association. A representative from Hills Properties answered affirmatively. She reiterated that her main concern was the possibility of non-owner occupied units.

Mr. Copfer from Hills Properties stated that Fair Housing and Civil Rights laws prohibit rules dictating whether or not owners can rent their properties. Any attempt to enforce rules prohibiting owners from renting their properties would open the door for lawsuits and probably would not be upheld in a court of law.

Mr. Shulman then inquired if the percentage of rental units could be dictated. Mr. Copfer explained that this was the same thing and would not hold up in court.

Mr. Joly suggested that a real estate attorney be consulted; perhaps such rules limiting non-owner occupied properties could be enforced by the city, if not the developer.

Mr. Jacques stated that the city could not legally prohibit owners from renting their properties.

Mr. Burbey indicated that the proposed 1,100 sf units could become revolving doors and then asked if rules on renting were addressed in the original application. Mr. Weiskircher replied that no restrictions have ever been in place prohibiting owners from renting properties; owners have always had the freedom to lease their property.

Mrs. Maney expressed her concerns that the developer is only in it for the money and is not interested in placing any stipulations on non-owner occupied properties.

Ms. Jeanne Harman, 325 Haver Road, who arrived late to the meeting, stated she only just found out about the public meeting and would have appreciated receiving a meeting notice in the mail. After hearing the meeting notice rule that only property owners within 200 feet received notices she expressed disappointment with the narrow percentage of neighbors invited to share input.

There being no further public testimony, Mr. Shulman closed the public hearing at 5:55 p.m. and the Planning Commission began its deliberations.

Mrs. Gowdy expressed appreciation for the public comments and stated that she believes the statement about the project becoming a revolving door will not prove true; people tend to move to Oakwood and stay. She pointed out that Oakwood Manor, which also happens to be situated on the west side of Oakwood near large homes, is not a revolving door. She concluded her comments by stating that she believes the fears that have been expressed will not come to fruition and that this will be a quality development which will offer a new housing option and will ultimately prove to be a good thing for Oakwood.

Mrs. Jackson also expressed appreciation for the public comments and stated that she certainly is not a civil engineer but trusts that the traffic study as well as the school population study is accurate since they were performed by professionals. The perceived lack of a comprehensive plan does concern her and she wonders if it might be time to revisit that issue. She concluded by mentioning that the price points do concern her slightly.

Mr. Aidt thanked the public for their comments and the developers for their work on the design plan. He stated that in his career he has worked with comprehensive plans for 20+ years and understands that the economy will change plans; market changes are hard to predict. He then stated that he relies on the research and plans proposed by the developer and is confident in the quality of the plan and believes the design will tie in well with architecture already in place in the city of Oakwood. He concluded by stating that the Planning Commission only makes a recommendation to City Council regarding the plan; all are invited to attend the February City Council Meeting.

Mr. Shulman thanked Mr. Aidt for his input. He then stated that some individuals are looking too closely at what might happen in the future in regards to whether or not some units will become rentals. He then stated that those type of concerns are like trying to look into a crystal ball and the Planning Commission may or may not regret their decision but based upon all of the information and research that has been produced, the plan appears to be a good proposal for the city, but then noted that City Council will make the final determination.

It was then moved by Mr. Aidt and seconded by Mrs. Gowdy that tabled application #15-5, be recommended for approval by Council. Upon a viva voce vote on the question of the motion, the same passed unanimously by a vote of 4-0 and it was so ordered.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 6:06 p.m.

CHAIR

ATTEST:

ACTING CLERK