

April 9, 2008  
Oakwood, Dayton, Ohio

The planning commission of the City of Oakwood, State of Ohio, met this date at the Oakwood Community Center, 105 Patterson Road, Dayton, Ohio, 45419, at 4:30 p.m.

The Chair, Mr. Jeffrey Shulman, presided and the Clerk, Ms. Cathy Blum, recorded.

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

MR. JEFFREY B. SHULMAN.....PRESENT  
MR. ANDREW AIDT.....PRESENT  
MRS. REBECCA BUTLER.....PRESENT  
MRS. HARRISON GOWDY.....PRESENT  
MR. STEVEN BYINGTON.....PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager  
Ms. Dalma Grandjean, City Attorney  
Mr. Jay A. Weiskircher, Assistant City Manager

The following visitors registered:

Jim Bauman, Architrend  
Kelli Wynn, DDN  
Dianne Terrell, 268 W. Schantz  
Laura Seaman, 1907 Shroyer Road  
Vicki & Ray Braun, 136 Far Hills Avenue  
Faye Wenner, 1900 Coolidge Drive  
Kathy Huizenga, 1700 Ridgeway Road  
Lisa & Kurt Sanford, 55 Park Road  
Alan Schaeffer, 134 Patterson  
Tracy Sturgis, 112 Far Hills Avenue  
Greg Robinson, 236 Rubicon Road  
Ellen Vaughn, 1711 Southwood Lane  
Josh Schrank, 204 W. Schantz Avenue  
Gracey & Al Weisbrod, 111 Park Road  
George Houk, 310 W. Schantz Avenue  
R. Ordeman, 619 Oakwood Avenue  
Sandy Burbey, 284 W. Schantz Avenue  
Grace Rudolph, 552 Woodview Drive  
Deborah Vandercher, 272 W. Schantz  
Herold Williams, Versant  
Alan Rinzler, OIG  
Anita Syllaba, 814 Hathaway Road

It was moved by Mr. Byington and seconded by Mrs. Butler that the minutes of the commission meeting held March 19, 2008 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, same passed unanimously and it was so ordered.

Mr. Shulman reviewed the meeting procedure with the audience and applicants.

Application #08-3, the request from Lisa and Kurt Sanford acting on behalf of the current property owner, Peter Kuhns, for approval of the landscape and stormwater runoff plans associated with the planned demolition of the existing single-family home at 120 Park Road was presented. Mr. Weiskircher referenced a PowerPoint presentation and explained the following. The commission must approve a landscape screening and storm water runoff plan before a demolition permit can be issued. Under the terms of the purchase contract with the current owner, the Sanfords offer is contingent upon receiving

approval to raze the current structure. The Sanfords intend to build a new home on the 1.8 acre site. He reviewed photos of the property which has been empty since 2001. Mr. Weiskircher referenced the landscape plan and pointed out the location of the home, the two driveway cuts from Park Road, and the dark dots denoting where trees will be planted amongst remaining vegetation. The following are demolition notes. 1) All building materials, footers, foundations, retaining walls and impervious surfaces will be removed from the site. 2) All disturbed areas will be seeded. 3) The site will be re-graded. 4) 4-2" caliper silver maple trees will be planted as shown on the landscape plan. 5) All remaining trees and vegetation will remain. 6) Silt fences will be installed to prevent erosion. 7) Post storm water runoff will not exceed pre-demolition runoff rates. In regard to timing, Mr. Weiskircher explained demolition must be completed and grade restored within 30 days after issuance of the permit. Within 60 days after demolition has been completed the approved landscape screening plan must be completed unless new construction is commenced. Mr. Weiskircher indicated the Sanfords are currently in the design phase for their new home and hope to start sometime in the summer, both the applicant and their legal counsel are in attendance and available for questions.

Ms. Grandjean asked that anyone who plans to give testimony in either application stand and be sworn in. Several members of the audience proceeded.

Mr. Sanford indicated Mr. Weiskircher summarized the request well. Mr. Shulman asked the applicant if they intend to build a new home. Mr. Sanford responded yes, they have already entered into a contract with Bob Rhodes to build. Mr. Shulman asked about timing after the demolition. Mr. Sanford indicated they are still in the design phase, have to close on the property (probably in May), obtain the demo permit, raze in June and then start construction immediately thereafter which could take approximately a year to complete. Mr. Shulman noted if they commence then they are not obligated to comply with the landscape plan. Mr. Weiskircher concurred, 30 days after the permit is issued the demolition must be completed and then they need to start construction within 60 days to waive the landscape requirement. Mr. Sanford indicated they are aware of that condition.

Mr. Shulman asked if there were comments from the audience. Mr. Weisbrod resides across the street and is pleased that something will be done to the property. He asked what is entailed with the demolition and timing. Mr. Rhodes, builder, explained it will take about two weeks, small trucks will come in, everything will go down quickly and cleanly. Mr. Weisbrod recalled when work was underway on the home, there were dumpsters in the yard for over a year, and asked about runoff requirements. Mr. Rhodes explained if they don't comply within the 60 days regulation, they would re-grade and install silt fencing.

Mr. Hall asked if there is asbestos in the home. Mr. Sanford doesn't know. Mr. Weiskircher explained before the demolition permit is issued, the EPA must sign off on asbestos abatement, part of the administrative regulations associated with the issuance of the demolition permit.

Mrs. Redden resides next door, expressed concern with safety since she has four children and asked if there will be any exploding. Mr. Rhodes indicated there will be no exploding; they will collapse the building in a safe and secure manner. Mrs. Redden asked if they will be informed in advance of the demolition. Mr. Rhodes indicated he could do so. Mr. Shulman explained the city supervises the demolition. Mr. Weiskircher indicated they have worked with Mr. Rhodes before and the city would be happy to send a letter to the neighbors prior to the work commencing.

Mrs. Hall is pleased to see an active ownership but expressed concern that the demolition permission only be given to the Sanfords – she has questioned what has been going on in the vacant home and doesn't want Mr. Kuhns to be given the demolition authority. Mr. Byington asked for clarification on the contract purchase. Mr. Schaeffer explained the demolition will not occur until the Sanfords own the house which probably won't be until May. If they don't proceed with the closing and the Sanfords don't purchase the property, it is still owned by Mr. Kuhns. Mr. Byington explained the application is for the Sanfords, not the Kuhns.

Mrs. Vaughn explained her rear yard abuts up to the existing house and wondered where the new home will sit on the lot. Mr. Shulman reiterated the plans have not been finalized. Mr. Sanford concurred, particularly given grade issues. Mr. Weiskircher explained to the audience that once the Sanfords complete the house plans, the city will review to determine whether any special use or variance issues are needed and if so, another notice will be sent advising of a public hearing process, otherwise a building permit could be issued. There were no other comments from the audience.

#### DEMOLITION STANDARDS

1. The plan must describe plantings and/or other screening of such a nature as to make the appearance of the premises consistent with the appearance of adjacent residential properties and to screen those adjacent properties from any negative visual impact of such items as traffic, noise, parking, light spillage, or pedestrian traffic.  
PRELIMINARY STAFF FINDINGS: In addition to preserving the existing vegetation on site and seeding all areas disturbed during demolition, the applicants are proposing to plant 4-2" caliper silver maples in the locations depicted on the plan.  
PLANNING COMMISSION FINDINGS: Sustained.
2. The plan must include such evergreen and/or deciduous plantings as will be necessary to protect abutting properties from any significant reduction of value that would otherwise result from the structure being demolished or removed.  
PRELIMINARY STAFF FINDINGS: Again, the landscape and stormwater runoff plan provides for the planting of 4-2" caliper silver maples.  
PLANNING COMMISSION FINDINGS: Sustained.
3. The plan must include such structure(s), wall(s), evergreen and/or deciduous plantings as will be necessary to protect the occupants of abutting properties from any significant injury to the use and enjoyment of those properties that would otherwise result from the structure being demolished or removed.  
PRELIMINARY STAFF FINDINGS: Except for the landscape plantings as described, there are no indications that other plantings or structures will be needed in order to protect abutting properties from the effects of demolishing the existing home.  
PLANNING COMMISSION FINDINGS: Sustained.
4. All such plans shall include removal of all accessory structures and impervious surface if the principal structure is to be removed. If only an accessory structure is being demolished, it must be replaced with sod or other vegetation as described in the plan, but the screening requirements in the paragraphs shall not apply.  
PRELIMINARY STAFF FINDINGS: All structures, foundations, retaining walls and asphalt surfaces on the site will be removed and those areas graded and seeded consistent with the plan submitted by the applicants.  
PLANNING COMMISSION FINDINGS: Sustained.
5. The plan must describe how stormwater runoff from the property will be addressed so as to provide that the rate of post demolition runoff will not exceed the pre-demolition area.  
PRELIMINARY STAFF FINDINGS: The site will be graded, disturbed areas seeded and silt fences erected in order to ensure that the post demolition runoff will not exceed the pre-demolition rate.  
PLANNING COMMISSION FINDINGS: Sustained.
6. The plan must contain language obligating the permit holder to complete the work within the time required by this section. That language must be approved by the city attorney. Further, the plan must be accompanied by a valid, recordable easement signed by the property owner giving the city the right to enter upon the property to implement or complete the plan if the permit holder fails to do so in a timely manner. A bond or letter of credit must be submitted at the time of permit issuance in a form acceptable to the city attorney and in an amount which would reimburse the city if it became necessary for the city to implement the plan so as to bring the lot into compliance with the approved plan. The plan shall include a method to protect the subject area of the property from intrusion of motor vehicles.  
PRELIMINARY STAFF FINDINGS: Under a separate document, the applicants have

submitted language guaranteeing that the proposed demolition and stormwater plan will be completed within sixty (60) days after demolition is completed unless construction of a new home is commenced at which time completion of the landscape and stormwater plan will be waived. The applicants also guarantee that upon assuming title to the property, they will provide a valid recordable easement giving the city the right to enter upon the premises to complete the landscape and stormwater runoff plan.

PLANNING COMMISSION FINDINGS: Sustained.

7. Screening lines shall be established that coincide with the building setback lines, except that the Planning Commission may allow screening to be established in rear yards at locations other than the rear yard setback lines to the extent the Planning Commission determines that screening at such other locations will meet the standards required for a screening plan. If two or more adjacent properties are removed, the front yard setback lines shall be determined using one of the following alternatives, whichever results in establishing a greater distance from the right of way: a) the setback line of the principal structure situated the greater distance from the right of way; or in the alternative b) the setback line as described in the zoning ordinance Section 600.3.

PRELIMINARY STAFF FINDINGS: All four trees included in the landscape plan are located behind the 40' front yard setback.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mr. Byington and seconded by Mr. Aidt that application #08-3, the request from Lisa and Kurt Sanford acting on behalf of the current property owner, Peter Kuhns, for approval of the landscape and stormwater runoff plans associated with the planned demolition of the existing single-family home at 120 Park Road, and known as pt lot #2816, be approved based on plans and information submitted, demolition findings and staff recommendations. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Application #08-4, the joint application submitted by the Oakwood Investment Group and the Versant Group to amend the Residential Master Plan approved on April 23, 2007 by relocating the mid-rise condominium buildings from the northeast to the northwest corner of the site and to change the use of the parcel of land north of the entrance to the residential development from business to residential, was presented. Mr. Weiskircher referenced a PowerPoint presentation and explained in April, 2007, Council approved a Master Development Plan for the entire 36+ acres encompassing Sugar Camp and the surrounding area. The Master Plan included both the commercial and residential portions of the site. Within the legislation is a requirement that if the residential portion of the plan exceeds 6 units per acre (24 acres), or 130 units, whichever is less, an amended plan must be approved. The developers have submitted an amended Residential Master Plan to: 1) relocate the mid-rise condo buildings; 2) reduce the number of condo buildings from 4 to 2 but increase the height of the buildings from 4 to 7 stories; 3) change the use of the approximately 2-acre parcel north of the main entrance from business to residential; and 4) increase the density of the development from 125 units up to a maximum of 147 units. The commission must make a recommendation to council on the amended plan which could be reviewed as early as the May 5 council meeting.

Mr. Weiskircher explained the amended plan components. In regard to relocating the mid-rise condo units from the northeast to the northwest corner of the site; the original plan included 4-4 story structures with a total of 32 condo units; and the amended plan has 2-7 story structures with a total of 40 condo units. In regard to the change use of the 2-acre parcel north of the main entrance from business to residential; the original plan had a 3-story-30,000 s.f. professional building with surface parking and the amended plan has 4-6 unit 2 and 3-story townhomes with underground parking. Mr. Weiskircher reviewed a chart of the various housing units from the original to the amended plan for a total change of 125 to 147 units. He referenced a summary of the original density plan, pointed out the variety of units and the four condo buildings visible from Far Hills. The next sketch was the proposed density plan with the new location of units, more single family units, attached units in one location and the condos moved to the northwest section of the property. He referenced the master site plan and noted that there will be no additional vegetation removed as a result of the proposed amendments. Mr. Weiskircher reviewed the rendering of the three-story townhome villas, the original rendering of the single family residential

structure, architecture, and the architectural rendering that the commission received in their advance packet of the two mid-rise condo buildings. The next sketch was a sight line elevation drawing taken from Schantz and the Synagogue to the top of the mid-rise buildings which due to the deep grade will barely be visible. The next rendering is a revised sketch of the mid-rise building, which was not in the commission's packet, and will include underground parking; three units per floor, 2-7 story buildings with only two units on the first floor for a total of 20 units per building. Mr. Weiskircher reviewed the view from Far Hills south toward the DDN building when a balloon was floated at the six story height and even during the winter, it is difficult to see given the distance from Far Hills. The next photo was of the balloon from the driveway of 258 W. Schantz; and an outline of the buildings taken from the Sugar Camp parking lot abutting the heavily wooded area. Mr. Weiskircher concluded his presentation and indicated the developers and their professional team are available to answer questions.

Mr. Rinzler indicated Mr. Weiskircher covered all the issues and noted that due to the local economy, the originally planned business building, which was part of the last phase, is not a needed use. Given the mix of single and double dwellings, they decided to move all the attached units in one location along the access road, and relocate the condos which impacted the view of the single family homes and development entrance to the opposite corner of the site. Unless you are outside the city, the new condo location would not be visible. Mr. Rinzler noted they also plan to change the density by adding 24 more single-family units. Mr. Shulman asked if the 24 difference is just from elimination of the business building. Mr. Rinzler indicated 130 were permitted with the original Master Plan. Mr. Byington questioned the reasoning for more single family units than double units. Mr. Rinzler referenced the short time frame they were given to return with a Master Plan; and explained after a year of interaction with realtors, market needs, etc., they believe empty nesters want a single unit, not attached, so they have their own garden and separation from the neighbor. Mr. Byington explained single-family unit is a legal term, one building on one lot, not necessarily a "family".

Mr. Williams indicated their sales marketing team, Prudential One, is also available. He clarified the originally approved density of 130 is being amended and they are trading office space for more single-family units in this development. Mr. Shulman asked about the evolution of the 4-4 to 2-7 condo mid-rise buildings. Mr. Williams explained after they staked out the property, they felt the 4 condo buildings would impact the view of the key single-family lots and the opposite corner is more conducive for a better view from the condo units and less footprint. Mr. Shulman recalled the preliminary amendment had more stories, so this proposal has been cut back. Mr. Williams concurred; they amended the plan to three units per floor. Mr. Rinzler indicated they originally planned for two units per floor but given the concern with the proposed 10-stories, amended the plans to three-units per floor at a lower height. He noted these plans have been an evolution and the proposal is below the sight line off Schantz.

Mrs. Gowdy questioned the square footage of a single-family home. Mr. Rinzler indicated that is the ultimate decision of the buyer. Mr. Williams indicated the range is 2,300-4,500 square feet; the attached buildings are 1,650-2,500 square feet. Mrs. Gowdy likes the different housing options but is concerned with the increase in single-family homes from 33 to 59 and the square footage, not necessarily a good size for empty nesters. Mrs. Butler asked what market research was done to get to this change. Mr. Williams explained based on construction costs and the starting price of \$500,000, they felt the sizeable structure abutting Far Hills was too massive and there is a need for side yard space between units. He indicated owners paying \$500,000 for an attached double don't want to sacrifice their light and yard area, the change was to satisfy the pricing points. Mr. Rinzler explained Oakwood residents currently live in large single-family homes and the reaction from potential buyers is that they don't want to live in something that is attached, preferably either a condo or single-family home; although some are willing to be in an attached unit. Mr. Williams explained the attached units include two residences, a 3,200 square foot footprint. Mr. Aidt wondered how long the build out would be to sell the lots. Mr. Rinzler explained they need the new entrance/road off Springhouse Road so they can market the site. Mr. Williams indicated as they work on developing the project and its character, it was hard to predict the market condition for this special development.

Mr. Arnold, Prudential Realty, referenced concern with the single-family unit and explained historically this type of product has a very high ratio of empty nesters and believed given parking regulations there won't be a homeowner with teenagers. The largest unit has three bedrooms and once the price is plugged in the development is usually for empty-nesters. Mr. Aidt asked about lot size. Mr. Williams responded 8,000 – 14,000 square feet. Mrs. Gowdy asked about that typical lot size. Mr. Weiskircher indicated that would be a typical lot size in the R-4 to R-5 district. Mrs. Gowdy indicated when described, this sounds a lot like what exists in Oakwood and she is not comfortable with the change for more single residence units. Mr. Shulman noted the double unit price ranges from low to high \$400,000s. Mr. Rinzler explained the smallest condo is approximately 1,500 square feet. Mr. Shulman asked about the condo build out. Mr. Williams indicated they need to sell ten units to begin. Mr. Aidt asked about timing on the entry road. Mr. Klopsch estimated several months for plans and construction taking another six months. He explained that roadway serves three purposes: 1) connect Far Hills to the NCR World Headquarters; 2) city access to Old River; and 3) access to the development.

Mr. Campbell, Prudential Realty, questioned Mrs. Gowdy's concerns about the single-family homes. Mrs. Gowdy doesn't believe there is a market for an increase from 33 to 59 homes. Mr. Williams indicated the units will be designed for the owner and most homes have a large bedroom on the first floor which is very different than the traditional single-family homes in Oakwood. Mr. Shulman asked if the residential area is part of an owner's association with regulations. Mr. Williams concurred. Mr. Rinzler referenced Mrs. Gowdy's concerns and explained his other home in Arizona, which has been designed for snow birds/empty nesters, is a 660 acre development with 1,100 residences – a variety of housing options, and throughout that community there are no more than five children. He indicated this development is a similar concept and given the beauty of the site with the trees, steep walks, etc., he doesn't feel it would be for families. He indicated empty nesters want something smaller; they don't want to give up space but want a home that is new and designed differently with a large master bedroom on the first floor, large closets, etc. Mr. Campbell was pleased to hear they proposed more single-family homes since the city has lost residents to developments like the Arbor, etc. Mr. Ryan, Prudential, explained he is a target for this type development, as his wife wants space for the grandkids to visit, doesn't want to give up the yard, wants something new, etc. Mr. Aidt referenced council's resolution of approval and asked about the pocket park location. Mr. Williams indicated it's the same location and pointed that out as well as the overlook access and planned landscaping.

Mr. Weisbrod asked who is financing the project. Mr. Rinzler responded he is. Mr. Williams added OIG and Versant. Mr. Weisbrod questioned which bank. Mr. Rinzler doesn't believe that is necessary information. Mr. Weisbrod hopes the city has checked the adequacy of financing. Ms. Grandjean explained the applicant has procured a letter of credit for the commercial portion. Mr. Weisbrod asked who is Versant, LLC and whether there are shareholders or partners. Mr. Rinzler didn't believe that information pertinent. Mr. Williams indicated there are managing members of Versant. Mr. Weisbrod asked if the financing is strictly with Versant. Mr. Rinzler reiterated OIG is taking care of the financing and includes Sandy Mendelson, Lee Schear and himself. Mr. Weisbrod questioned the relationship between OIG and Versant, asked where the money is coming from and hopes the commission and council have checked out signatures on the loan for this huge development prior to it being half done and not completed. Mr. Rinzler indicated it really isn't any business of Mr. Weisbrod. Mr. Weisbrod indicated it's his community. Mr. Rinzler explained proper financial security will be posted with the city to guarantee road and infrastructure completion and then each individual property owner will have their own financial responsibility to complete their housing unit.

Mr. Williams indicated the focus of this meeting relates to modifications. Mr. Weisbrod indicated he hasn't kept current with the project but assumes the city, council and commission have reviewed the finances and believes that is public information. Ms. Grandjean indicated he may make a request for public records. Mr. Weisbrod wondered what the city requires. Mr. Klopsch explained in regard to public infrastructure the city receives guarantees once the work has begun that it can be completed. In regard to private construction on each lot, the city does not require the property owner to post a bond or letter of credit with the city; there are other remedies in place. Mr. Weisbrod indicated the Sanfords will

obtain a permit to build their home; however, the two corporations involved in this project don't mean a thing to him. Mr. Rinzler asked what the real concern was. Mr. Weisbrod is surprised the city is going along without investigating. Mr. Campbell indicated this is not an unusual development. Mr. Weisbrod indicated the citizens need to know who is driving this project. Mr. Rinzler reiterated OIG. Mr. Williams explained he and Mr. John Weber are members of Versant.

Mr. Haley, W. Thurston, expressed concern with the amended plan and request for increased single-family structures which may result in an unintended consequence and burden on the schools. He wondered if anyone has reviewed the potential risk/impact this could have on the schools, in particular Harman. Mayor Cook explained a study was done with the initial request and the city compared the closest development at Lincoln Park (with a High School across the street) and learned only three students live in that development. Mr. Haley indicated there are people who move to Oakwood for the schools and wondered how the commission and city are safeguarding the schools. Mr. Robinson suggested the Association limit the age of owners to 55 years and older. Mr. Rinzler indicated they could "what if"; however, out of all the interested clients they have talked with, there was only one with a child in high school. Mr. Rinzler indicated if they calculate the taxes from these homes, there will be funds to assist the schools if need be. Mr. Shulman indicated the city has approximately 3,400 homes and no control over who buys the property. Mr. Haley indicated his question hasn't been answered. Mr. Shulman indicated there has been no formal study only the information the Mayor provided as well as considerable discussion with potential buyers. One of the realtors in the audience stated the cost will probably prohibit families. Mrs. Burbey noted there are 105 active listings currently on the market.

Mr. Winkler asked how far the builder will accommodate a buyer since he knows a family that wants a five-bedroom home and price is no object. Mr. Williams indicated they are limited by the original approval of 5,000 square feet. A member of the audience asked if the balloon was at six or seven stories. Mr. Williams indicated it was shown at 6 due to the windy day, so there would be 11' above that balloon to the roof top.

Mrs. Wenner asked if there have been any studies since there are already a lot of houses on the market as well as many rentals. Mr. Rinzler explained the homes in the market are a different size, age, type of construction and floor plan. As developers, they reviewed the studies conducted by the city and Miller-Valentine. Mr. Rinzler indicated he just moved behind Kettering Hospital and most of his neighbors came from Oakwood due to there being no opportunity to remain in the kind of housing they are looking for. Mrs. Wenner noted the houses in Oakwood are traditional, this proposal is different and she wondered what happens if it doesn't work and there is an empty piece of property that citizens paid roads for. Mr. Rinzler indicated that one of the roads leads to Old River and was required of the city as part of the Old River purchase. Mr. Klopsch explained his role as city manager is to head up staff; these five commission members are citizens who are making a recommendation to council on the four requested changes. He hesitates to comment so as to not come across as a partner with the developer, however, believes the comments from Mr. Weisbrod took them down a path that planted a seed of doubt with the local government. Mr. Klopsch explained his responsibility is to represent all property owners. He referenced the question about the city's investment and explained council has appropriated \$2.75 M and approximately one-third will go toward the road required to Old River. Mr. Klopsch indicated what justified the financial commitment were two detailed studies the city paid for; one in 1996-1997 by a team of professionals who reviewed the 36-acres prior to knowing NCR would ever sell, the Sub-Area Plan. When the site was first on the market, the city again studied the property and looked at possibly developing themselves but found it was a financial hurdle they couldn't overcome. At that time a study was done by the Gem Real Estate Group. Both Plans have shown there is a strong market in Oakwood for empty nesters. Mrs. Wenner indicated conditions have changed in the past couple years, the housing market has gotten worse. Mr. Klopsch indicated older citizens move out of Oakwood since there is no "lock-n-go" type housing for empty nesters; they need to keep these long-term residents. Mr. Klopsch indicated if many young families were to move into the development, he would argue there is a problem. He noted the commission's recommendation will be forwarded to council for the ultimate decision.

Mr. Shulman indicated the hearing today is a request from the applicant to amend approval already given by subtracting 36 double units, adding 8 condo units and 26 single-family homes. He noted the school issue was discussed at great length during the initial hearing.

Mr. Schrank, W. Schantz, expressed concern with the statement that historically there is a need for empty nesters when people move to the community for the schools. He believes the proposed homes would be ideal for a family. Mr. Schrank urged the commission not to approve the density change which will bring in more families.

Mr. Houk, W. Schantz, believes this plan is moving farther away from the original intent. He indicated the more the developer asks for change, less of the original concept will be seen. He urged them to stop and say no, stay with the initial plan.

Mr. Robinson referenced correspondence he forwarded to the commission. He doesn't object to the developers or their experts on the initial plan but does have concerns with the amendments which are based on a change in the market. He indicated in the spirit of cooperation, since the city has approved \$3M in development, there should be some commitment by the developer. The residential portion has been approved, but nothing has happened, there has been no sign, sales office or any obvious effort to sell. Mr. Robinson also expressed concern that the city hasn't seen the appropriate financial information and this project has cost the city twice, including the delay in taxes were are long overdue. He referenced a similar situation in Huber Heights where the community used city funds and the developer abandoned the project. He indicated this project can't chase market changes. Mr. Klopsch referenced the financial commitment and explained council has appropriated 2.75M – authority for the city manager to spend that much, but \$690,000 for the public road on the commercial side of the property is the only amount contractually committed. He doesn't believe the city is out on a limb. Mr. Robison believes since money has been appropriated, that brings the developer into an obligation to the city. Mr. Klopsch indicated there was a written contract between the city and the developer for the Sugar Camp commercial portion and expects the same with the residential area.

Mr. Shulman asked for other comments from the audience. There were none. Mr. Aidt indicated he has been a city planner with Kettering for 15 years and has never seen a plan go through that didn't have changes. Mr. Byington noted it's the city's responsibility to make sure this project succeeds, something to be proud of, and when new information comes up that will benefit the development and ultimately the city, the developer has the right to ask.

Mr. Rinzler asked to speak as he personally took offense to Mr. Weisbrod's comment that they don't have the money to complete the project when they've already invested millions in Sugar Camp. He assured the city that the three partners of OIG have the ability to repay any borrowed money and will provide whatever is required by law to the city to ensure completion of the infrastructure improvements. In regard to the city's assistance with the public road, the city is also working on new traffic lights, the road that will access Old River and a Far Hills project for better traffic flow. Mr. Rinzler indicated when they first approached the city; they reviewed all the city's studies and were given a short time frame to develop a complete Master Plan. He isn't sure how many others have been involved in planning but he has been doing this for 44 years and this is one of the biggest projects undertaken at one time. He indicated it's been a year since the Master Plan was introduced and then after discussion with realtors and Oakwood citizens, it made sense to relocate the condos and construct more single-family homes. The change in numbers has evolved from what Oakwood empty nesters want as well as some outside Oakwood looking for a quality product such as this proposal since it doesn't exist in the area. Mr. Rinzler noted this is the first formal modification he has requested, probably the last, and noted they too don't want to see it fail, they have put up about three to four times as much money as the city and this is a relatively minor change that will make the sale of this project easier and in the long run make both the city and them proud.

Mrs. Burbey, 284 W. Schantz, indicated she is in agreement with Mr. Haley. As a realtor for 32 years and an Oakwood resident for 35, noting that Mr. Campbell lives in West Kettering; she is also concerned with

the impact on the schools. She indicated her clients pay Oakwood taxes for the schools and she could foresee a single mother with a couple kids moving into the development, so urged them to look at the impact on Harman. Mrs. Burbey pointed out there are 105 houses on the market and in her 32 year experience; if there were 94 or more houses on the market it was certainly a buyer's market. She noted there are also 11 condos on the market and referenced a condo at Oakwood Manor that in 1979 sold for \$27,000 yet recently sold for only \$22,000; condos at 333 Oakwood have been on the market for a time span on 100-300 days, etc. Mrs. Burbey referenced Ashton Gardens, Lincoln Park and the Carillon – all high rise condos that don't sell well. She indicated this is a difficult time; empty nesters are on a fixed income; and she believes families are willing to pay so reiterated her concerns with Harman.

Mrs. Gowdy indicated she also has the same concerns. Mr. Shulman asked for a motion. Mr. Aidt suggested they not approve the request to amend the office area and increase the density with 24 single-family units. Mrs. Gowdy referenced a development in Georgia that had nice town homes and was primarily a family residential development. Mr. Campbell indicated this proposal compares more to the Arbor, etc.

Mr. Shulman indicated the applicant has the right to move forward, and a serious question was raised regarding families and the potential impact on schools. He noted Mr. Williams did state that the change from the commercial to townhouse is the last piece of the development. He suggested they recommend approval to council on two of the items, i.e., relocation of mid-rise and reduction of mid-use units from four to two which he believes is an improvement. Mr. Shulman indicated rather than tabling this, the recommendation be forwarded to council for those two items and they hold back on the other until the developer and staff have met with school officials. Mr. Aidt suggested since the commission is only the recommending body, and council has final authority, that the matter be forwarded. Mrs. Gowdy agreed once the schools have been involved. Mr. Shulman indicated the schools were involved in the initial plan. Mr. Williams indicated from a development standpoint, it helps potential buyers to know if their home will be by another home or a commercial building; a lack of knowledge won't help sales. He didn't think there would be a problem with the increase in single-family homes. Mrs. Gowdy reiterated her concern with the proposed increase and agreed this be forwarded to council for review after the schools have been involved since she is not involved in school business. Mr. Shulman doesn't believe young families with children will buy these \$500,000 homes. Mr. Byington informed the audience that as a member of both the commission and council, he will bring all the points raised to council's attention and recalls hearing that the schools were involved during the initial discussion.

It was moved by Mr. Aidt and seconded by Mrs. Gowdy that whereas the Planning Commission has heard and considered the evidence presented by the applicants Versant and Oakwood Investment Group and other interested parties, and has heard and reviewed the staff's preliminary findings, the Commission finds that the proposed changes in 1) the use of the approximately two (2) acres of land north of the main entrance from business to residential; 2) the proposed relocation of the mid-rise condominium buildings from the northeast to the northwest side of the property; 3) the reduction in the number of condominium buildings from four to two and the increase in the height of the two buildings from four to seven stories; and 4) the increase in the overall density of the residential development from 125 to 147 units.

A. Are consistent with the Comprehensive Plan based on the following.

**PRELIMINARY STAFF FINDINGS:** The proposed amendments to the approved Residential Master Plan are consistent with not only the 2004 Comprehensive Plan, but also the 2004 Sugar Camp Site Development Alternatives and Guidelines as well as the 1997 Sub Area Plan. The Residential Master Plan provides: high quality "step down" housing for seniors and empty nesters; has a density less than the 8-12 units suggested in the Comprehensive Plan; limits the curb cuts along Far Hills Avenue; includes attractive landscaping along Far Hills Avenue; and, limits the height of new construction along the Far Hills Avenue corridor to three stories or less.

**PLANNING COMMISSION FINDINGS:** Sustained.

B. Will not adversely affect or change the character of the area in which it is located.

**PRELIMINARY STAFF FINDINGS:** The proposed amendments maintain the existing residential corridor along Far Hills Avenue and provide for relocation of the mid-rise

buildings from a visually prominent location along Far Hills Avenue to a more remote portion of the site. The proposal to increase the density does not change the unique character of the development.

PLANNING COMMISSION FINDINGS: Sustained.

- C. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare.  
PRELIMINARY STAFF FINDINGS: None of the proposed amendments to the Residential Master Plan will be detrimental to or endanger the public health, safety, morals, comfort, convenience, or general welfare.  
PLANNING COMMISSION FINDINGS: Sustained.
- D. The proposed use will not be injurious to the reasonable use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.  
PRELIMINARY STAFF FINDINGS: Even with the proposed modifications, the plan provides for a high-end residential development with unique amenities which will enhance property values in the area while maintaining the residential character of the immediate neighborhood.  
PLANNING COMMISSION FINDINGS: Sustained.
- E. The proposed use at the specified location will not significantly adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not significantly adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.  
PRELIMINARY STAFF FINDINGS: The size and height of the residential structures along Far Hills Avenue are in keeping with the residential character of the neighborhood. The mid-rise buildings which, under the previous plan, would be visually prominent from Far Hills Avenue, will be relocated to the other end of the development, and replaced with single residence units. These proposed changes, along with the proposed increase in density, will not adversely affect the use and development of nearby properties.  
PLANNING COMMISSION FINDINGS: Sustained.
- F. The exterior architectural Appeal and functional plan of any proposed structures will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.  
PRELIMINARY STAFF FINDINGS: The architectural style and materials to be used on the town homes and single family units proposed along Far Hills Avenue affirm that this is a high-end development that is in keeping with the eclectic theme which already exists throughout the community. With price points of \$350,000 and above, the proposed modifications will not depreciate property values within the neighborhood.  
PLANNING COMMISSION FINDINGS: Sustained.
- G. Adequate utilities, access roads, off-street parking and loading facilities, drainage and/or other necessary facilities, are being provided at the applicant's cost.  
PRELIMINARY STAFF FINDINGS: None of the proposed changes will impact those infrastructure expenses to be assumed by the developers.  
PLANNING COMMISSION FINDINGS: Sustained.
- H. Adequate measures will be taken at applicant's cost to provide ingress and egress so designed as to minimize traffic congestion in the public streets and avoid hazards to pedestrian traffic.  
PRELIMINARY STAFF FINDINGS: These proposed amendments will not impact the approved entrance to the site. Besides installation of a traffic light at the Springhouse intersection, there are other planned changes along this section of Far Hills Avenue aimed at addressing traffic issues associated with the development.  
PLANNING COMMISSION FINDINGS: Sustained.
- I. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by Council

pursuant to the recommendations of the Planning Commission.

PRELIMINARY STAFF FINDINGS: We view these proposed amendments as improvements to the plan originally approved by City Council last April. The change in the use of the property just north of the main entrance from business to residential will preserve the residential corridor along Far Hills Avenue. Likewise, plans to construct single family units rather than attached duplexes and clustered style single residence units south of the main entrance to W. Schantz Avenue is also in keeping with uses in the immediate neighborhood. We also view the relocation of the mid-rise buildings from a prominent location along Far Hills Avenue to the northwest corner of the site as a positive so long as the Planning Commission is comfortable with the proposed seven-story height of the two condominium buildings.

PLANNING COMMISSION FINDINGS: Sustained.

Wherefore, the Planning Commission recommends to Council approval of the application with the following conditions to make the special use more compatible with the use, enjoyment and development of adjacent and nearby properties, to make the special use more compatible with the character of the area in which it is located, and to eliminate any adverse effect on adjacent and nearby properties and the neighborhood subject to a meeting between the developer, staff, Mr. Byington (as a member of the Planning Commission and Council), School Superintendent and Harman School Principal to assess any potential impact the added density might have on the schools and to report those findings to the council. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

The Planning Commission adjourned. The public meeting concluded at 7:20 p.m.

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CHAIR

ATTEST:

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CLERK