

Oakwood, Dayton, Ohio

July 1, 2009

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., Dayton, Ohio, 45419, at 4:30 p.m.

The Chair, Mr. Jeffrey Shulman, presided and the Clerk, Mrs. Cathy Gibson, 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. STEVE 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
Mr. Dave Bunting, City Inspector

The following visitors registered:

Tom & Lisa Routsong, 494 Lookout Ridge
Brad Judge, 1201 E. David Road
Mark Sicari, 1201 E. David Road
Brant Ogburn, 9770 Byers Road
Donald Kiley, 1204 E. Dorothy Lane
Jaime Pacheco, 700 Far Hills Avenue
Barbara & Dan Miller, 6 Glendora Avenue
Martha Haley, 400 Irving Avenue
Challon Roberts, 125 Mahrt Avenue
Debra & Leo Schenk, 620 Shafor Boulevard
Drew Connally, 50 Ivanhoe
Mark Risley, 151 Aberdeen Avenue
Melanie & Sean Frisbee, 219 Volusia Avenue
Dave Montgomery, 2700 Kettering Tower
Rob Stephens, 214 Forrer Boulevard
Kevin Weaver, 201 E. Schantz Avenue
Matt & Lisa Kell, 247 Volusia Avenue
Al Leland, 1 Talbott Court
Jane & George Liston, 111 Oakwood Avenue
Harvey Lehrner, 126 E. Schantz Avenue
Allison Dinning, 224 Volusia Avenue
Ann Ryan, 241 Aberdeen
Andrew Hubbard, 517 Volusia Avenue

It was moved by Mr. Aidt and seconded by Mrs. Butler that the minutes of the commission meeting held April 1, 2009 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.

Application #09-3, the request by Routsong Realty, LTD. For a Major Site Development Plan review associated with the proposed demolition of the existing funeral home structure and construction of a new one-story 8,130 s.f. commercial/retail building, including parking, at 6 Oakwood Avenue, and known as lots 148, 149, 150 and 153, was presented. Mr. Weiskircher presented a PowerPoint on the application and explained the zoning code requires that any new principal structure intended and designed for non-residential purposes is subject to submission and review of a Major Site Development Plan. The Planning

Commission is entrusted with the authority to approve or disapprove site development plans. The applicant may appeal the Planning Commission's action to City Council. Upon appeal, City Council may reverse or override any action of the Planning Commission by a super majority vote. Mr. Weiskircher reviewed the administrative process. The first step was in October, 2008, when Routsong Realty, LTD requested that Lots 149, 150 and 153 be rezoned from R-5 to NBD. The request also included the rezoning of Lots 151 and 154 from R-4 to NBD. The original request was tabled and an amended request that included rezoning for the three R-5 lots only (historically used for parking) was presented to the Planning Commission in January, 2009. By a vote of 4-1, Planning Commission recommended the amended rezoning request and City Council subsequently approved the rezoning in March, 2009. In April, City Council also approved vacating a small remaining portion of the east alley that was originally vacated in October, 1975. He noted that submission of a Major Site Development Plan is the second step in the process, based on the rezoning of Lots 149, 150 and 153 from R-5 to NBD, the applicant is now requesting approval to raze the funeral home and detached garage and construct an 8,130 s.f. retail building on the .778 acre site. The Planning Commission is charged with reviewing the Major Site Development Plan. He referenced a sketch of the existing zoning in October, 2008 and another of the rezoned parcels as of June, 2009. Mr. Weiskircher reviewed photos of the existing Routsong Funeral Home at the southeast corner of Oakwood and Irving Avenues zoned Neighborhood Business District (NBD); and the existing parking lots to the south and east.

Mr. Weiskircher reviewed the existing site plan and following details. Proposed 8,130 s.f. commercial building. Building materials include brick and stone with asphalt shingles. The building setback is approximately 25' further from the street than the adjoining residential property on Oakwood Avenue. There are four (4) retail spaces of approximately 2,000 s.f. each. There are 45 on-site parking spaces (the Zoning Code requires 33 minimum spaces). Parking is proposed along Oakwood Avenue frontage. The drive-thru feature on the north side (Irving Avenue) of the building. There is extensive landscaping throughout the site. There are four (4) free-standing light fixtures, two each along the south and east sides of the property. There are two means of ingress/egress from single curb cuts along Oakwood Avenue and Irving Avenue. Tenant signage will be affixed to the building or displayed on awnings. Mr. Weiskircher reviewed the proposed site plan and pointed out that access to the adjacent alley is closed off except for emergency vehicles. He referenced four proposed retail center elevations pointing out lighting and landscaping. He also reviewed the submitted landscape plan drawings and two photo metric plans which depict how the light spillage from the downward lights will project. He also reviewed a chart of the permitted uses in the NBD. Mr. Weiskircher then reviewed plan criteria. The Zoning Code requires that the Planning Commission apply the following 13 factors in consideration of Major Site Development Plans. The following are responses to the statements associated with each factor as furnished by city staff (written and verbal responses by the applicant's legal counsel are noted later).

1013.9 Criteria for Plans

The following criteria for site development plan review applies to plans not associated with a Map Amendment, Special Use, or Planned Development petition. In reviewing and determining whether to approve or disapprove a plan, the Planning Commission shall consider those factors listed below which it determines to be applicable to a given plan.

A. Conformance with Ordinances. *The application must comply with the provisions of this Ordinance and other Ordinances of the City and of any other applicable laws.*

- Staff's Response: With the earlier rezoning of Lots 149, 150 and 153 from R-5 to NBD, the applicant is within his rights to request Major Site Development Plan review. Having reviewed the application materials, we find that the applicant has complied with the submission requirements of the ordinance as well as other relevant city ordinances.

B. Comprehensive Plan. *The plan must be in reasonable conformity with the Comprehensive Plan and any specific recommendations associated, or related to the subject property.*

- Staff's Response: The Comprehensive Plan recognizes this area as appropriate for those business uses permitted within the NBD provided that any commercial use be compatible with the neighborhood. Staff has already pointed out that the proposed parking area along Oakwood Avenue and the building architecture are not necessarily in keeping with recommendations contained within the Comprehensive Plan.

C. Land-Use Compatibility and Integration. *The overall design integrates neighborhood and site characteristics into a compatible expression of building mass, building scale, circulation and site improvements.*

- Staff's Response: The footprint of the proposed commercial building has been scaled back since last October from nearly 10,500 s.f. to its current size of 8,130 s.f. and does not appear to be out of scale with the overall size of the lot. Notwithstanding the size of the building footprint, however, staff is concerned that the proposal to accommodate parking along the building frontage is inconsistent with standards applied to residential areas. Similarly, the architecture seems to be more appropriate for a retail strip than a building located in an area recognized for its varied and unique architecture.

D. Minimize Impacts to Surrounding Land-Uses. *The spatial and functional design minimizes the potential impacts of noise, light, debris, and other undesirable effects of development upon adjoining properties and the area in general.*

- Staff's Response: Locating a commercial building 25' further back from the street than the other residential properties in the area primarily to accommodate parking along the building frontage is simply not good planning. Echoing comments from our planning consultants, staff believes that a more appropriate approach would be to place the building at a setback distance that is similar to the adjoining residential uses along Oakwood Avenue thereby achieving a strong pedestrian orientation to be more in keeping with the Comprehensive Plan.

The proposed site plan is responsive in minimizing ingress/egress to the site by providing for single curb cuts along Irving Avenue and Oakwood Avenue. There is no ingress/egress to the residential alley from the parking lot. The landscape plan attempts to provide a natural screen of the parking lot from the adjoining residential properties. While much of the lighting of the site will occur from building mounted fixtures, four (4) free-standing light fixtures are proposed along the south and east edges of the site. The proposed fixtures direct light downward and away from the adjoining residential properties.

E. Architectural Compatibility. *The plan is sensitive in the design of structures through appropriate treatment to vertical and horizontal planes of building facades, and makes use of appropriate building materials in establishing an overall architectural "theme" for the development.*

- Staff's Response: No one questions the fact that the applicant is proposing to use high quality building materials traditionally used in residential construction. However, the appearance of the building is strikingly similar to some of the strip locations throughout the area. If this is the gateway to Oakwood, then an effort should be made to design a commercial building that borrows from the architectural styles and themes that exist in this immediate area.

F. Signage. *Signage is designed compatible in scale and character with the overall development.*

- Staff's Response: Except for marking ingress/egress points to the site, the rest of the signage will be building mounted or placed on awnings and be subject to regulations governing commercial properties.

G. Site Access. *Access to the site is designed to safely and efficiently facilitate ingress and egress. The use of shared curb-cuts and cross-access easements should be provided when appropriate.*

- Staff's Response: Ingress/egress to the site will be from single curb cuts along Oakwood Avenue and Irving Avenue similar to the existing conditions. Except for emergency traffic, there will be no access from the parking lot to the adjoining residential alley.

H. Vehicle Circulation and Parking. *Adequate provision has been made for traffic circulation which is coordinated with, and minimizes impacts to the adjoining street system. The plan should also demonstrate the provision of safe and convenient off-street parking and loading areas. When appropriate, cross-access easements should be provided between adjoining properties to allow for expanded on-site circulation of vehicles.*

- Staff's Response: The movement of vehicles within the site is heavily influenced by a proposed drive-thru window located on the north side of the building. Circulation of traffic within the parking lot by users of the drive-thru window is also a primary reason for the parking lot configuration along the Oakwood Avenue frontage. If the number of parking spaces being provided was reduced from the proposed 45 to a number closer to the 33 space minimum, the applicant could accommodate all parking for the site on the south and east sides of the lot.

I. Pedestrian Circulation. *Adequate provision has been made to ensure that the development will not create hazards to the safety of pedestrian traffic on or off the site, vehicular or pedestrian circulation paths, or undue interference and inconvenience pedestrian travel.*

- Staff's Response: While the proposed plan provides for safe pedestrian circulation throughout the site,

there is no reason why an equally safe pedestrian circulation pattern could not be achieved if parking were limited to the south and east sides of the lot.

J. Utilities and Community Facilities. Reasonable provision has been made to ensure that development will be served by essential public facilities and services such as police and fire protection, drainage structures, refuse disposal, public water supply, wastewater collection, and related facilities.

- **Staff's Response:** The applicant has made provisions to ensure that the site will be served by essential public services including police, fire and rescue, water, and commercial refuse removal.

K. Screening and landscaping. The arrangement and selection of landscaping materials should reinforce functional use areas of the site as well as add natural beauty. Screening in the form of fences, walls and landscaping should minimize the potential for nuisance impacts to surrounding properties.

- **Staff's Response:** The proposed landscape plan is extensive and appears to provide for year-round color and screening. The city Horticulturist, working with the applicant's landscape architect, made a number of changes to enhance the original plan. Those changes primarily involved adding more plant material along the edges of the property to achieve a more effective screen, and diversifying the mix of plant material and trees being used throughout the site. These changes have been incorporated into the Landscape Plan being presented. Along the south and east edges of the site are massings of plant material designed to achieve not only a year-round screen, but a further delineation of the commercial use from the adjoining residential uses. Foundation plantings are proposed on the north, west and east sides of the building, and a number of deciduous trees will be planted long the Oakwood Avenue frontage and on the east side of the building. If the building were to be moved closer to Oakwood Avenue and the parking eliminated, there will still be adequate space for the installation of plant material and trees. In addition to the vegetation screening already being provided along the south and east sides of the property, you may want to consider whether a decorative fence or wall would also be appropriate as a means to further reduce the impact of vehicular lights on the adjoining properties. The neighbors have suggested that a stone wall, 24-36" in height, might be appropriate along the south and east sides of the property possibly continuing around to the Oakwood Avenue frontage.

L. Lighting. On-site lighting shall provide for adequate illumination for vehicle and pedestrian safety. Lighting should not be permitted to illuminate adjoining properties.

- **Staff's Response:** Steps should be taken to ensure that adequate lighting is provided during normal business hours in a manner that does not impact adjoining property owners. After normal business hours, lighting of the site should be reduced to the minimum level necessary to maintain site security. In addition to building-mounted lighting, there are four (4) free-standing light fixtures proposed for the site – two each on the south and east sides of the parking lot. While staff's preference would be not to have free-standing light fixtures, if indeed they are necessary to achieve adequate lighting of the site, steps should be taken to minimize the number of fixtures and to make sure the style of fixture is appropriate for a residential neighborhood.

M. Detention and Retention Facilities. When appropriate, detention and retention facilities should be designed to provide for shared storage between properties. Detention and retention facilities should be appropriately landscaped.

- **Staff's Response:** Stormwater runoff from the site is being retained in a trench drain located on the south side of the site beneath the asphalt pavement. This design is consistent with recently adopted stormwater regulations.

Mr. Weiskircher informed the Commission after the application was received several weeks ago, staff met with four neighbors who made suggestions regarding the proposed site plan which were subsequently forwarded to the applicant's legal counsel. Since that neighborhood input, some changes have been made. He explained although the plan has come a long way, staff still has concerns relating to architecture, building setback, proposed parking along Oakwood Avenue which is one of the gateways to the community, and the number of parking spaces proposed. Mr. Shulman thanked Mr. Weiskircher for his thorough briefing.

Mr. Montgomery, attorney with Pickrel, Schaeffer & Ebeling is representing Routsong Realty, LTD and the property at Oakwood and Irving Avenues. He extended thanks to staff and explained they have gone through the process with input from the commission, citizens and council. They modified their zoning request to only three parcels so the building size has been scaled down to fit in with the neighborhood.

He noted they have met with staff since the outset and extended thanks to Mr. Weiskircher for his efforts and neighbors – all of which is how the process works. In regard to this property at the southeast corner and surrounding uses, this is a unique lot at the north boundary of the city where Dayton and Oakwood merge. He explained to the north is Brown Street, the Post Office to the west, Sunoco to the northwest. This property is a gateway/demarcation between Dayton and Oakwood and the plan is well thought out in that regard. Mr. Montgomery indicated they have been asked to create an Oakwood – looking structure, which is subjective, and since he grew up in Oakwood he is familiar with the Tudor and other styles throughout the community. They felt the most recognizable architecture is Tudor and elements have been incorporated in the building design. This is a question of balance between the needs of the property owner, zoning code and surrounding property owners. He noted Mr. Routsong is a citizen of the community and also owns the residential properties to the east and south of this lot so has an added interest in what is built.

Mr. Montgomery indicated alot of work was undertaken prior to submission of the plan. He pointed out the design includes parking in the front of the building, after looking at many variations they felt this was appropriate. He explained since the city wants it known this is an entrance to Oakwood, the setback will help bring the building in scale with surrounding buildings by minimizing the massiveness. The setback also assists with vehicle and pedestrian safety concerns. He noted to build a residential structure in a NBD is unrealistic for multi-tenants. He explained Mr. Kiley has incorporated the Tudor aspects and made some revisions since the meeting with the neighbors. In regard to parking, the zoning code has a minimum requirement of 33 spaces and this provides an additional 12 spaces which should assist the congested area with students, Brown Street, Pine Club, etc., Mr. Routsong does not want to contribute to the already congested parking situation. He noted not all the spaces will be used all the time, only peak hours.

In response to a question by Chairman Shulman, Ms. Grandjean asked anyone wishing to speak to be sworn in. At that time, several members of the audience stood and she proceeded.

Mr. Don Kiley, K & A Architects, explained they have been working since January 2008 on this project which has changed from a “destination” business, scaled down to approximately 8,000 s.f. and referenced the various site plans and building variations. The final plan excluded rezoning of the two contiguous residential lots and is now an “impulse” retail building which grabs customers from the street with easy access into the site. He noted the site cannot survive solely on the neighborhood. They have listened to the neighbors concerns and talked with real estate companies/potential tenants about parking. It is his professional opinion that in order for the tenants to be successful, there needs to be easily accessible parking along the building frontage. Mr. Kiley referenced the photo metric lighting plan which depicts light spillage at night, per the ordinance to avoid glare. He indicated at the recent meeting concern was expressed about the “shoebox” lighting fixtures; however, he has other light fixture options to consider. He noted the architecture of the building is a major issue and is driven by the size of the building and to attract customers. He originally had a Craftsmen style building but after listening to neighbors and hearing they wanted it to look like Oakwood, they chose a Tudor style. Although he appreciated the neighbors suggestion that the building appear more residential, they can’t use all the features in the building. He referenced the northwest building elevation and neighbor’s suggestion to include more wood which they did in the gables. The neighbors also asked that the lighting be softened at the windows which was done. He appreciated the comment that there be a uniform awning, however, they want to delineate the tenants. Mr. Kiley indicated the mechanical features will be on the roof and screened. He referenced concern about the “tower” on the corner of the building which he believes helps create a gateway and is no taller than any two-story home in Oakwood. He noted architectural features include use of stone, brick, shingles and landscaping to soften the building. He noted parking to the front is also driven by the size of the building and to help the building be successful (fully occupied) based on market demands. Mrs. Butler questioned the windows and Mr. Kiley submitted information to the commission in that regard.

Mr. Brad Judge, Judge Engineering, referenced the traffic circulation on the site and noted the building setback provides vehicular and pedestrian access to three sides of the building. He reviewed the drive-

thru traffic flow which will be marked with signage and striping. The walk has been relocated to provide better screening and safer access and he concurred the market dictates front parking based on input from potential tenants. He reviewed all utility connections and the hope to provide each tenant their own water meter. Mr. Judge referenced the ingress/egress on Oakwood and Irving with closing of the alley except for emergency access through a green area. He reviewed the walks on the east, south and west sides of the building and the large buffer at the northwest corner which eliminated two parking spaces. In regard to detention, underground stormwater will be taken care of the south portion of the site, the grading plan eliminates negative impact on the residential and they comply with all standards. He noted the final photo metric plan will be submitted once the plans are finalized. Mr. Byington asked about neighborhood pedestrian access and whether they have to cross the asphalt/parking. Mr. Judge indicated there is no other access other than the corner but they could implement a walkway. Mr. Byington noted the 5' walk width is for two people passing, not a gathering spot. Mr. Judge explained that is the size of a residential walk. Mrs. Gowdy noted the alignment of the walk is closer to Oakwood Avenue. Mr. Aidt referenced the vehicular circulation and asked if a car has to exit back on Oakwood Avenue if all the parking is full. Mr. Judge indicated they could back out onto Oakwood Avenue or they could make a turnaround area which would eliminate some green space. Mrs. Gowdy expressed concern with the drive-thru abutting Irving and asked if there were other locations. Mr. Judge indicated they had considered an option of having the drive-thru along the south side of the building.

Mr. Brent Ogburn, Grunder's Landscaping, explained the intent of the landscaping is to accentuate the architectural components. He reviewed the landscaping plan and pointed out to the south and east there will be a mix of evergreen and semi-evergreens installed at a 5-6' height with a growth potential of 8-10', a mix of deciduous trees and color in the spring. He reviewed the low boxwoods and grasses, the latter of which can be driven over by emergency vehicles from the alley, but help screen. The east side foundation includes deciduous trees with an upright height element to help soften the lot. The north includes an island off Irving with low growing evergreens, small ornamental shrubs and grasses. He reviewed the proposed trees which provide a nice airy feel with high branch structure so the architecture of the building can be seen. Mr. Ogburn indicated after meeting with the city horticulturist he made some revisions. He believes the setback gives a residential feel and the landscaping will help soften the building at this gateway. He indicated neighbors had suggested a wall along Oakwood Avenue, however, he doesn't think that is practical for a residential feel, green helps soften. He noted overall there are different blooms, textures and heights of landscape to help welcome you to Oakwood. Mrs. Gowdy asked about the existing oak trees on Oakwood Avenue. Mr. Ogburn indicated they will be removed given the fragile root structure. Mrs. Gowdy noted the existing landscaping on Irving is lovely, however, this proposal provides no shading. Mr. Ogburn indicated there wasn't enough room for large shade trees. Mrs. Gowdy noted without same, the façade is more visible. Mr. Aidt noted nothing is shown to the left of the drive off Irving. Mr. Ogburn indicated there is a parking space and they can't block the site line.

Mr. Montgomery indicated he could proceed with review of the standards. Mr. Shulman suggested they obtain citizen input.

Mr. Mark Risley, 151 Aberdeen, explained his background is in history and architecture. He explained the National Registry has recognized the Schantz Historic Park District on its primary Craftsmen architecture. Although there are other styles and Tudor is a hallmark of Oakwood at the city building, schools and estates; Craftsmen is the prominent style in that area. He reviewed the abutting Four-square, Louis Lott design, architectural details being exposed, as well as use of earth tone colors and materials. Mr. Risley explained every home on Irving is a Craftsmen style. He believes this design needs to be toned down and offered his assistance to meet with anyone on the design so this will not look like a typical shopping strip mall.

Mr. Andrew Hubbard, 517 Volusia, has an architectural background and retail experience. He won't critique another architectural design but in creating this gateway to Oakwood and its residential homes (which Oakwood prides itself in), he sees this design in other municipalities. He doesn't believe the setback will help differentiate, nor agrees with the drive-thru at this prominent location. He noted it's awkward to have pedestrian access through the parking lot or at the corner. Mr. Hubbard disagreed with

the proposed setback which is full of parking and believes they can do better at this site.

Mr. Matt Kell, 247 Volusia, noted the Oakwood sidewalk is an awkward layout and questioned why they are eliminating two beautiful mature trees, particularly since Oakwood is a Tree City. He believes this looks like a strip mall with immature trees and that more can be done with the architectural style. In regard to the lights, he feels this look like something at Wal Mart and asked to see example of the carriage style lamps.

Mr. Harvey Lehrner, 126 E. Schantz, hasn't been involved in the other zoning issue but is pleased to see work on this property and that the plan has been downsized. He believes staff's comments are on the mark and agrees with outstanding concerns of architecture, parking and lighting. He also sees similarities to other suburban strip malls and agreed changes need to be made albeit it's an improvement over the existing deteriorated property. Mr. Lehrner indicated he is also disappointed with the architecture, modern lights and suggested the building be re-oriented so the parking is in the rear. He wished everyone good luck.

Mrs. Allison Dinning, 224 Volusia, appreciates how the city has shown commitment to preserving this neighborhood which faces many challenges and will be impacted by this corner. As she views the plan, she sees a suburban mall yet one of Oakwood's attributes is that it's an urban, not a suburban community. She fears other business developing contiguous to this lot and based on how congested traffic is at the single entities to the north, a four retail center would further impact the traffic. She has lived in Oakwood for six years, walks her children to and from school and counts the traffic at Five Points. She reported the number of cars traveling down Brown Street has significantly increased (uncertain if that is due to Sugar Camp or the Stewart Street Bridge) but a four store mall will also increase traffic. Mrs. Dinning expressed concern with the architecture and building setback which she doesn't want to see as an entrance to the residential community. She noted issue with the drive-thru which will increase traffic; questioned the emergency access off the alley; and placement of the sidewalk. She indicated the sidewalk setback changes three times in the area, is too close to the curb and she knows children that walk to Holy Angels. Mrs. Dinning referenced surrounding building styles, four-square home, historic buildings and believes this is unrealistic development. She suggested they reduce the number of retailers to help alleviate parking concerns since she never heard complaints about parking issues in the UD business area. She recalled the council in the 1970s assuring the residents of no further developments and as neighbors they have already lost some of their investment and will lose more. Mrs. Dinning asked about timing of the hearings sine this is holiday time and several residents are away. She referenced several sad conversations she has had with neighbors and a number aren't at the meeting because they feel they aren't heard, it is inevitable this will happen. She asked that they make certain the developer meets guidelines.

Mr. Jaime Pacheco, 700 Far Hills, referenced the 2004 Comprehensive Plan which requires NBD buildings be compatible with the neighborhood and he doesn't see that the architecture is compatible. He indicated it's not a gateway to Oakwood but an entrance to Brown Street and questions comments on the wonderful design.

Mr. Sean Frisbee, 219 Volusia, indicated his garage is closet to the alley and expressed concern with delivery trucks, particularly since he already sees them lined up behind the Pine Club. He also has concern with garbage receptacles that close to his bedroom window.

Mr. Montgomery reviewed the criteria and noted this is a balancing act of the owner's rights, zoning code and impact on the neighborhood. They have followed the process, met with staff and neighbors; and although he isn't dismissing anything that has been said, they have worked on renderings, Mr. Routsong owns two contiguous lots and he takes issue that this doesn't fit in Schantz Park given the various architectural styles in the area. He noted they looked at a Craftsmen design and the professional team has developed a plan which isn't a cookie cutter strip mall. Below are the written comments submitted prior to the meeting from legal counsel, which were a part of Mr. Weiskircher's PowerPoint, plus additional comments made by Mr. Montgomery.

A. Conformance with Ordinances. *The application must comply with the provisions of this Ordinance*

and other Ordinances of the City and of any other applicable laws.

- Applicant's Response: By virtue of the rezoning of the property in question all portions of the property conform in all respects with the laws, rules and regulations of the Ordinances of the City of Oakwood.

B. Comprehensive Plan. *The plan must be in reasonable conformity with the Comprehensive Plan and any specific recommendations associated, or related to the subject property.*

- Applicant's Response: The major site plan before the Planning Commission for consideration calls for a use of the property that is permitted under the Neighborhood Business District zoning, thus by definition the proposed use conforms with the Comprehensive Plan. Mr. Montgomery explained the Comprehensive Plan is a fluid document, and you can't make a residential structure into a NBD use, that only creates a non-functional site.

C. Land-Use Compatibility and Integration. *The overall design integrates neighborhood and site characteristics into a compatible expression of building mass, building scale, circulation and site improvements.*

- Applicant's Response: The proposed commercial office/retail use of the property is a permitted use under the Neighborhood Business District zoning.

The key is to position the use on the property such that it "...integrates neighborhood and site characteristics into a compatible expression of building mass, building scale, circulation and site improvements." We believe the application accomplishes these subjective goals in the following ways:

- The building planned for the commercial/retail uses is about 8,130 square feet in size which is well within the size limitations of the NBD zoning requirements. Although the existing house has about as much square footage it is spread out over 3 floors and a basement. Because the planned building is all on one floor it is more spread out and creates an impression of mass, whether accurate or not. Locating the building right up against the side walk pushes the perceived mass of the building right into the street. It screams "commercial". Landscaping has a very limited impact and no amount of landscaping can counterbalance the "commercial feel" of the building. Witness the landscaping along the Brown Street commercial area to the north. Its there and it helps but it is for the most part overwhelmed by the commercial buildings it is meant to complement. Placing the building on Oakwood Avenue would invade the front yard average setback set by the residential uses to the south. There would be no question that the property was commercial, a continuation of the Dayton commercial section with little or no separation.
- Pulling the building back away from the corner and from Oakwood Avenue and Irving Avenue moves this perceived mass back away from the street presenting a more pleasant, less intrusive, more neighborhood inclusive perception and feel. It also places the front of the building further back from the average front yard of the other residential uses further south along Oakwood Avenue and of course back further from any of the commercial uses to the north along Brown Street. It allows flexibility in the use of creative landscaping that is given the opportunity to do its job of softening the commercial use from the streetscape. The building is somewhere behind the landscaping. It doesn't overwhelm the landscaping. Coming from the north to the south the visual first impression will be that this site is not a continuation of the Brown Street commercial strip. You are entering a different environment.

The gateway/segue from Dayton to Oakwood will be clear.

Mr. Montgomery explained they have scaled back the proposal and this site functions properly with its building mass, site design, and parking needs of the developer since parking to the rear would only impact the residential area more and violate the Comprehensive Plan.

D. Minimize Impacts to Surrounding Land-Uses. *The spatial and functional design minimizes the potential impacts of noise, light, debris, and other undesirable effects of development upon adjoining properties and the area in general.*

- Applicant's Response: The overall project design is compatible with the neighborhood in mass and scale, being neither too large nor too small. The parking set up in both the front and rear of the building will allow realistic, reasonable, and safe circulation of vehicular and pedestrian traffic with a logical front door and back door scenario, as well as a sufficient amount of parking. This front door and back door design is not only customary for retail shops of this nature but is necessary.

Eliminating parking in front of the building provides for neither a logical front door nor back door. The “undesirable effects” of development on adjoining properties and the area in general are greatly facilitated by setting the building back off of Oakwood Avenue. Mr. Montgomery reiterated Mr. Routsong owns the two contiguous properties. They aren’t “married” to the lighting and will explore other options but wanted to make certain the light spillage is shielded from the neighbors. He appreciated concerns about delivery trucks and noted reasonable steps would be undertaken in that regard.

E. Architectural Compatibility. *The plan is sensitive in the design of structures through appropriate treatment to vertical and horizontal planes of building facades, and makes use of appropriate building materials in establishing an overall architectural “theme” for the development.*

- Applicant’s Response: The building is residential in look and the building materials are of upscale quality and appearance in keeping with traditional building materials of an Oakwood residential development. Having the building set back from the street deemphasizes the commercial nature of the building, thus making the entire development less obtrusive and more in keeping with the residential feel of the building and neighborhood.

Mr. Montgomery explained they determined the Tudor style was in keeping with Oakwood and appreciates concern about pedestrian access so may be able to install a walk by eliminating a parking space. Mr. Kiley referenced examples of lighting options for the parking lot. In regard to architectural style, he noted everyone is entitled to their opinion but he tried to meld together styles for the business development. Mr. Kiley explained he designed the Guttman building in the Shops of Oakwood which was not typical Oakwood, only has front parking and is full of tenants. He explained rear parking creates problems for tenants and they can’t have a single tenant make this project viable and the use is limited by the zoning code. In response to concerns about delivery and garbage, it was noted that is more evident with restaurants than retail. Given the state of the economy, smaller retail shops are making a comeback and they need this to be a leasable area.

F. Signage. *Signage is designed compatible in scale and character with the overall development.*

- Applicant’s Response: Signage will be designed to be compatible in scale and character with the overall development.

G. Site Access. *Access to the site is designed to safely and efficiently facilitate ingress and egress. The use of shared curb-cuts and cross-access easements should be provided when appropriate.*

- Applicant’s Response to Factors G, H and I: Access to the site is designed for safety and efficiency for both vehicular and pedestrian traffic. There is good vehicular circulation for customers and loading within the development around the proposed building, with ingress and egress off Irving Avenue, Oakwood Avenue, and additional emergency vehicle access on the Southeast side of the site at the alley. By putting parking in the front of the building, pedestrian circulation is safe and ideal as the main access would be directly to the front doors of the building with additional parking at the south side of the building and rear as needed. Putting all of the parking at the side and rear of the building makes for a convoluted circulation pattern for vehicles and places all of the traffic burden up against adjoining residential. It further creates hazards to the safety of pedestrian traffic on site. Mr. Montgomery explained pedestrian and vehicular safety are paramount and they have gone above and beyond parking regulations to help keep the site safe and not cause great impact on Oakwood and Irving.

H. Vehicle Circulation and Parking. *Adequate provision has been made for traffic circulation which is coordinated with, and minimizes impacts to the adjoining street system. The plan should also demonstrate the provision of safe and convenient off-street parking and loading areas. When appropriate, cross-access easements should be provided between adjoining properties to allow for expanded on-site circulation of vehicles.*

I. Pedestrian Circulation. *Adequate provision has been made to ensure that the development will not create hazards to the safety of pedestrian traffic on or off the site, vehicular or pedestrian circulation paths, or undue interference and inconvenience pedestrian travel.*

- Mr. Montgomery reiterated they are willing to work on a pedestrian walk.

J. Utilities and Community Facilities. *Reasonable provision has been made to ensure that development will be served by essential public facilities and services such as police and fire protection,*

drainage structures, refuse disposal, public water supply, wastewater collection, and related facilities.

- Applicant's Response: Reasonable provisions have been made to ensure that the development will be served by essential and necessary public facilities and services, to the extent that the site is not already served by adequate public facilities. Note especially the emergency access provided for at the south east corner of the site and the alley. With this emergency access point the site will be served by three different access points for use by police and fire. Mr. Montgomery noted on-site detention has been accomplished, full utilities exist and based on the DP&L overhead power lines, trees on Irving are limited.

K. Screening and landscaping. The arrangement and selection of landscaping materials should reinforce functional use areas of the site as well as add natural beauty. Screening in the form of fences, walls and landscaping should minimize the potential for nuisance impacts to surrounding properties.

- Applicant's Response: There will be heavy landscaping for the development. The landscaping has been specially designed to provide the necessary and desired screening of the site from the adjoining residential on the south and east. Similarly the landscaping along the north and west facing Irving Avenue and Oakwood Avenue has been specially designed to provide the necessary softening, transition and separation of the building and site from the streetscape. The effectiveness of the landscaping in doing its job of softening, transitioning and separating is greatly enhanced by setting the building back from the street. Pushing the building up closer to the street moves the building mass closer and greatly diminishes the ability of any landscaping to do its job. If the goal is to visually separate the Dayton commercial look from the entry point into the City of Oakwood the proposed site plan and landscaping accomplishes that goal. Conversely with the building up next to the street the purpose for the location of the building and the landscaping will be negated and the Dayton commercial look will continue into the City of Oakwood. The mental picture one gets of parking in front of the building is the commercial business district of Oakwood. It is an unrealistic and unfair comparison because of the building location on the site and the significantly more and varied landscaping that will exist at this location that doesn't exist and cannot exist along Far Hills in the commercial business district. The landscaping at installation will be such to provide the planned for softening, transition and separation of the site from the streetscape. As the trees and shrubs mature, there is the added benefit that screening will improve over time and further enhance its purpose. The types of trees and shrubs that will be used are consistent with other landscaped developments in Oakwood. Mr. Montgomery noted the revised landscape plan based on the meeting with the city horticulturist, buffering to the east and south and year-round landscaping on the site.

L. Lighting. On-site lighting shall provide for adequate illumination for vehicle and pedestrian safety. Lighting should not be permitted to illuminate adjoining properties.

- Applicant's Response: Lighting for the project will provide for adequate illumination for vehicle and pedestrian safety in a fashion that is also aesthetically appealing and does not spill over into adjoining residential areas. Mr. Montgomery referenced the alternative light fixtures and that there will be no light spillage.

M. Detention and Retention Facilities. When appropriate, detention and retention facilities should be designed to provide for shared storage between properties. Detention and retention facilities should be appropriately landscaped.

- Applicant's Response: Storm water management has been provided for consistent with the City of Oakwood engineering requirements and this provision.

In closing, Mr. Montgomery believes there is merit to this plan and they've made revisions based on public input. Mrs. Gowdy referenced the comment that this has been scaled down from 10,000 s.f. but questioned if that plan included the two residential lots and if so, then this hasn't been scaled down proportionately. Mr. Montgomery indicated it was modified when they didn't ask for the rezoning of the two residential lots. Mr. Byington noted 75% of the parking is to the rear and side which makes the rear of the building more visible. Mr. Kiley noted the front entrance is off Oakwood Avenue. Mr. Routsong referenced tenants like Panera on Brown, a multi-façade building with rear access. Mr. Kiley noted the rear parking is for employees. Mr. Byington asked if there will be signage that the parking is limited to these shops. Mr. Routsong indicated that could be done, but currently the Post Office and Pine Club employees use their parking and noted what a mess parking is in the area. Mr. Byington asked for clarification that tenants have stated they cannot succeed without parking in the front. Mr. Kiley

explained based on meetings with national tenants, front parking is what they are requesting. Discussion ensued in regard to area restaurants that don't have front parking and succeed. Mr. Kiley indicated businesses can't just depend on the neighbors to make it successful. Mr. Byington noted 33 spots is the minimum requirement; however, he has done a survey of parking at the Shops of Oakwood, also non-food entities, and doesn't see parking full to warrant this parking lot. Mr. Byington reiterated this is a NBD with emphasis on the neighborhood.

Mrs. Butler asked if the drive-thru is a necessity, i.e., without it is there an inability to lease the building. Mr. Kiley explained the drive-thru is a perk. After reviewing the permitted uses, Mrs. Butler didn't see a lot that require a drive-thru. She also questioned whether changing the façade would impact the ability to lease the space since they are at an impasse. Mr. Routsong explained near his tree house home on stilts is a ranch, Georgian brick, etc., all part of the community. He added three interested tenants are attracted to the proposed drive-thru and if one tenant wants smaller square footage, they can move the interior walls. Mr. Routsong explained in the funeral business, he is more aware of older people and the front parking gives greater access to the door and drive-thru helps with the aged, handicap and pregnant patrons. He noted the first design was 22,000 s.f., and now it's 8,000; he wants this to work and it won't do anyone good if the space is empty. Mrs. Butler reiterated whether the façade limits the ability to lease the space given the unique neighborhood. Mr. Routsong indicated that drives the cost up so is not a viable option, he wants the business to grow and remain, and has to take into account lender economics. Mr. Kiley indicated they have reviewed neighbor's comments but the building can't be designed by committee. Mrs. Butler noted there is an architectural discrepancy between the applicant and city. Mrs. Gowdy believes it's misleading to state they have scaled back since they never had all the lots rezoned. She noted this building with less architectural detail/character won't help the streetscape/residential area nor do they want a drive-thru façade on Irving. Mr. Byington questioned setback requirements. Mr. Kiley explained this is the minimum requirement and they are going further back. Mr. Aidt suggested details on landscaping wait until the setback is determined. He works a lot on corner drug stores which he believes this looks like, the majority of which have empty parking spaces. Discussion ensued in regard to multi-tenants, not a single user, parking requirements, etc.

Mr. Montgomery explained the plan also helps mitigate on-street parking. Mr. Aidt expressed concern with the loss of trees; those on Irving Avenue aren't within the power lines so they should remain as well as the two oak trees on Oakwood. Mr. Routsong indicated those trees can't be saved based on the above ground power lines, how the tree push up the concrete (a tree he planted as a child) and thinks its hysterical how for years the city has fought about not having enough parking, and now he's being questioned about too much parking. He believes it's better to have parking near the door. Mr. Byington reiterated this is a NBD and although he sympathizes with the tenants, this is neighborhood area.

Mr. Shulman extended thanks to Mr. Routsong and all the participants on the presentation including the citizens. He suggested the commission discuss this with the understanding of timing concerns by the applicant and that the team and city get together to iron out some of these concerns. He suggested the matter be tabled until the next meeting.

Therefore, it was moved by Mr. Shulman and seconded by Mr. Aidt that application #09-3, the request by Routsong Realty, LTD. For a Major Site Development Plan review associated with the proposed demolition of the existing funeral home structure and construction of a new one-story 8,130 s.f. commercial/retail building, including parking, at 6 Oakwood Avenue, and known as lots 148, 149, 150 and 153, be tabled. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

For the record, there was an approximate five minute recess prior to the next hearing.

Application #09-3, the request by Ann and Bill Ryan to vary the 50% rear yard green space requirement for the installation of a 10' x 10' stone patio at 241 Aberdeen was presented. Mr. Weiskircher referenced a PowerPoint presentation and photos of the proposed stone patio location, plot plan and chart of the green space calculations. He explained due to the fairly large addition to the rear, the green space is

limited. Mrs. Ryan submitted pictures and letters of support to the Commission. Mr. Aidt asked whether there is an existing trench drain. Mr. Bunting indicated only a permit is required.

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
PRELIMINARY STAFF FINDINGS: The Comprehensive Plan provides that improvements in residential areas should be characterized by quality construction and be compatible with the character of the neighborhood. The proposed patio appears to be in keeping with those principles.
PLANNING COMMISSION FINDINGS: Sustained.
- B. The proposed building or use will not adversely affect or change the character of the area in which it is located.
PRELIMINARY STAFF FINDINGS: Stone patios are routinely found in residential areas throughout the community.
PLANNING COMMISSION FINDINGS: Sustained.
- C. That 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: The installation and use of the stone patio should not impact the public's health, safety, morals, comfort, convenience or welfare.
PLANNING COMMISSION FINDINGS: Sustained.
- D. That 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: The use of the patio should not directly impact abutting property owners nor diminish property values within the 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 installation of a stone patio will have no impact whatsoever on the use or further development of properties in the immediate area.
PLANNING COMMISSION FINDINGS: Sustained.
- F. That the exterior architectural appeal and functional plan of any proposed structure 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 applicants are proposing to use a material (stone) that is often used in patio installations.
PLANNING COMMISSION FINDINGS: Sustained.
- G. That adequate utilities, access roads, off-street parking and loading facilities, drainage and/or other necessary facilities, have been or are being provided at the applicant's cost.
PRELIMINARY STAFF FINDINGS: Given the limited size of the patio, drainage is not an issue.
PLANNING COMMISSION FINDINGS: Sustained.
- H. That adequate measures have been or 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: This standard is not applicable to this application.
PLANNING COMMISSION FINDINGS: Sustained.
- I. That 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: Except for violating the 50% green space requirement, this application conforms to all other applicable regulations in the R-6 zoning district.

PLANNING COMMISSION FINDINGS: Sustained.

Whereas the Planning Commission has heard and considered the evidence presented by the applicant, and has heard and reviewed the staff's preliminary findings, the Commission concurs with staff's findings; and based on the foregoing, the Planning Commission finds that the special use standards set forth in Oakwood Ordinance Section 1004.6 are each met; and therefore, it was moved by Mr. Byington and seconded by Mrs. Butler that application #09-3, the special use request by Ann and Bill Ryan to vary the 50% rear yard green space requirement for the installation of a 10' x 10' stone patio at 241 Aberdeen Avenue, and known as lot #823, be approved based on plans and information previously submitted and in compliance with all applicable city rules and regulations.

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

MR. JEFFREY B. SHULMAN YEA
MR. ANDREW AIDT YEA
MRS. REBECCA BUTLER YEA
MRS. HARRISON GOWDY YEA
MR. STEVE BYINGTON YEA

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

Mr. Klopsch referenced the Athletic and Recreation Master Plan and announced the city selected MSA, Cincinnati, as the consultant. They continue work on the scope of services and fees for this 8-10 month project with the consultant and several sub-consultants. He noted they put together a 25 member committee which included Mr. Shulman representing the Commission, Mr. Dickerson representing Budget Review and Mr. Pierce representing Comprehensive Plan as well as two from each voting precinct. He reviewed the upcoming schedule for this Plan that will include Old River, Community Center, Shafor Park, Irving Field and Creager Field.

Mr. Weiskircher presented the Pointe Oakwood marketing brochure and explained the marketing office is now open on Tuesday, Thursday and weekends in the gate house in anticipation of the model home being completed in October. They plan to start on the access road soon and the landscaping in the already created boulevard area along Far Hills south of Schantz Avenue has been completed. Mr. Weiskircher referenced the Sugar Camp side of the property and announced Dr. Thomas has moved in to Building A, Teradata has approximately 100 employees on the third floor of Building D.

The Planning Commission adjourned. The public meeting concluded at 7:50 p.m.

CHAIR

ATTEST:

CLERK