

Oakwood, Dayton, Ohio

November 18, 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 .....	ABSENT
MR. STEVE BYINGTON .....	PRESENT

Officer of the city present was the following:

Mr. Jay A. Weiskircher, Deputy City Manager

The following visitor registered:

Susan Wadovsky, 426 E. Peach Orchard Avenue

It was moved by Mr. Aidt and seconded by Mrs. Butler that the absence of Mrs. Gowdy be excused. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

It was moved by Mr. Byington and seconded by Mr. Aidt that the minutes of the commission meeting held September 23, 2009 be approved as submitted and the reading thereof be dispensed with. 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 and swore in the witness who planned to give testimony.

Application #09-6, the special use request by Susan Wadovsky to vary the 50% rear yard green space requirement for a 15ø x 23ø parking pad at 426 E. Peach Orchard was presented. Mr. Weiskircher referenced a PowerPoint presentation and reviewed a plot plan of the property and photos of the existing single bay garage, location of proposed parking pad and surrounding parking pads. He reviewed a chart on the green space calculation: 700 s.f. is required, there is 500 s.f. of existing impervious area, the proposed parking pad is 345 s.f. which is 145 s.f. of excess impervious area or 60.35%. He added if the proposal was reduced by 145 s.f. then a special use would not be needed. Mr. Shulman wondered if that would provide a sufficient parking area. Mr. Weiskircher responded it would be very close; 10ø x 20ø is a preferable size.

Mrs. Wadovsky explained they want the area to park two cars since it's difficult to park out front - they have three cars and utilize the garage for one. They want to keep their vehicles off the street since unfortunately some of the neighbors have had their cars side swiped. She noted since she is handicapped it's easier to access her home from the rear. She has spoken with the neighbors and there were no problems, however, they were unable to attend due to work. Mrs. Wadovsky explained the proposed area is unusable as grass doesn't grow.

There being no comments from the audience, the hearing was closed. Discussion ensued in regard to other parking pads in the area. Mr. Byington understood and applauded the owner wanting to get the parking off the street and the unusable yard area. Mr. Weiskircher asked if they plan additional work other than the parking pad. Mrs. Wadovsky reviewed the sidewalk area for the garage cans and noted unfortunately her contractor isn't at the meeting and had reviewed everything with the city inspector. It was determined the area where the cans are to be located already had concrete which was going to be replaced and part of the application calculations. Mr. Shulman asked about landscaping. Mrs. Wadovsky explained in the spring they plan to install screening. Mr. Shulman asked if she would be agreeable to the city requiring screening. Mrs. Wadovsky concurred and noted one side of the yard has a privacy fence.

A. The proposed use at the specified location is consistent with the Comprehensive Plan.

PRELIMINARY STAFF FINDINGS: The Comprehensive Plan recommends that improvements in residential areas be compatible with and complement existing neighborhood character. There are currently no other parking pads along this block of the alley.

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: There are no other parking pads located along this particular block of the alley and only one parking pad across the street in the north alley.

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: While there are a number of parking pads adjacent to alleys in the southeast corner of the city those conditions are the exception and not the norm. The proposed pad is more than adequate to accommodate a single vehicle but probably not wide enough for two vehicles.

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 combination of the existing impervious surface coupled with the proposed parking pad reduces the amount of available green space in the rear yard to approximately 40%. Rear yards in this area are generally small and the introduction of an additional 345 s.f. of impervious surface would create a unique condition in this particular block.

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 construction of the proposed parking pad will not have a direct impact upon development in this 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: As already mentioned, there are no other parking pads located within this block of the south alley.

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: Any costs associated with the proposed improvement will be borne solely by the applicant.

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: The parking pad will be accessed directly from the alley.

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 complies with all other city regulations.  
PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mr. Byington and seconded by Mrs. Butler that 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 the staff's findings; based on the foregoing, the Planning Commission finds that the special use standards set forth in Oakwood Ordinance Section 1004.6 are each met; the Commission approves the application with the following condition to work with the city horticulturist on a landscape plan for plantings along the west and north sides of the new parking pad for application #09-6, the special use request by Susan Wadovsky to vary the 50% rear yard green space requirement for a parking pad at 426 E. Peach Orchard Avenue, and known as lot #1555. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Weiskircher referenced the PowerPoint presentation and gave an update on Pointe Oakwood with photos of the model home which is 75% complete and will include copper gutters and an interior elevator at a price point of between \$425,000-\$450,000. He pointed out the lot to the west which has already been sold and indicated that construction will begin next month. Mr. Byington noted the new home will have a geo thermal tap into the water supply and all property owners have that option. Discussion ensued in regard to site grading, etc. Mr. Shulman referenced comments he has heard about the proximity to Far Hills. Mr. Weiskircher indicated you cannot hear traffic inside the home and landscaping is planned to soften the appearance. He reviewed photos of the front road entry and curbing off Far Hills including the new island which will be landscaped yet this year. The view to the south on Pointe Oakwood Avenue; view to the north toward the soccer field; the nice winding road and view of Old River Trail; cul-de-sac at the west end; and the remaining cabins which are to be demolished yet this week.

Mr. Weiskircher reviewed the upcoming December 2 meeting which will include a request from the Pointe Oakwood developer to amend the Master Plan from 12 duplexes (24 units) to 20 single detached homes. This is based on requests from potential buyers for the lots along Old River Trail. Another request relates to a Technology Café at 2515 Far Hills from Lance Stewart. This would include computer terminals, copying equipment, artwork displays and light food fare. He noted part of the proposal includes outdoor seating for 24 on the roof deck, extended business hours and parking which is at a premium. Mrs. Butler commended the concept but questioned the need since Starbucks and UPS provide similar services.

Mr. Weiskircher gave an update on the Routsong Appeal which is being heard by city council at the December 14 meeting.

He then referenced progress on the Athletic/Recreation Master Plan and explained there have been two public meetings; so far the city received 350 responses from the community survey and that information is currently being analyzed by the consultants; and, the citizen advisory committee has met several times.

At the last committee meeting, the consultant provided conceptual plans of a proposed indoor structure at Old River; a soccer field with artificial turf and bleachers and a running track; and, a plan that calls for expansion of the pool deck and removal of some of the Shafor park tennis courts for possible expansion of the community center, etc. Mrs. Butler suggested sidewalks/bike paths to Old River. Mr. Shulman suggested they look into partnering with Hollinger for additional tennis court usage.

Mr. Weiskircher wished everyone a Happy Thanksgiving.

The Planning Commission adjourned. The public meeting concluded at 5:22 p.m.

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CHAIR

ATTEST:

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CLERK