

Oakwood, Dayton, Ohio

March 3, 2010

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 Vice Chair, Mr. Andrew Aidt, presided and the Acting Clerk, Mr. Jay Weiskircher, recorded.

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

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

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Mr. Jay A. Weiskircher, Assistant City Manager
Mr. Dave Bunting, City Inspector

The following visitors registered:

Marshall Weiss, 33 W. First Street
David Fuchsman, 41 N. Perry
Joshua Zwelling, 4816 Jennyson Place
Tom Tudor, 5819 Trula Place
Bruce Vaner, 200 E. Thruston
Don Eiler, 907 Oakwood Avenue
Kelli Wynn, Dayton Daily News
Rob Stephens, Oakwood City Council
Andrew Schwartz, 1510 Woodstock

It was moved by Mr. Byington and seconded by Mrs. Gowdy that the absences of Mr. Shulman and Mrs. Butler 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 Mrs. Gowdy and seconded by Mr. Byington that the minutes of the planning commission meeting held on February 3, 2010 be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Mr. Aidt reviewed the meeting procedure with the applicant.

Application #10-2, the special use request by representatives of Beth Abraham Synagogue at 305 Sugar Camp Circle to use existing space at the synagogue for educational purposes in order to accommodate the relocation of 25+ students in grades K-8 currently enrolled at Hillel Academy, was presented. Mr. Weiskircher referenced a PowerPoint presentation and noted that in 2006, Oakwood Investment Group made application to amend the original Sugar Camp PUD to permit a religious use in Building C. As part of that application, the applicant noted the possibility of future educational uses within Building C. Mr. Weiskircher added that in October, 2006 City Council passed Resolution 1641 approving a religious use in Building C. He noted educational uses in Multi-Use Special Planning Districts may be approved as special uses. Mr. Weiskircher went on to explain the current enrollment numbers of Hillel; the academic calendar; regular school hours; transportation of students; and other details associated with the application. Mr. Weiskircher pointed out that Hillel will use available classroom space on the third floor of the Synagogue. In closing, Mr. Weiskircher indicated that this application requires a recommendation for final action by City Council.

Mr. David Fuchsman, representing Beth Abraham Synagogue, spoke in support of the special use request. He noted that in 2006 when the original request was filed to use Building C as a synagogue some members of the public expressed concerns about how the entire site was going to be developed. He added that the congregation of Beth Abraham feels at home here and has been accepted by the community and the proposed educational use is consistent with its mission. Mr. Fuchsman added that in all likelihood there will be less than 30 students enrolled at Hillel if this application is approved. He noted that this may be a temporary location but a final decision probably won't be made for several years.

Mr. Aidt asked if after school care will be provided. Mr. Joshua Zwelling representing Hillel Academy indicated that after school care is available. In response to another question about space for outside activities, Mr. Zwelling noted that they have considered using some of the available parking lot space for recess. Mr. Zwelling added that enrollment will probably not increase significantly, and noted that they are limited by the amount of available classroom space.

Mr. Aidt asked the audience if there was anyone else who wanted to speak either in favor of or in opposition to the application. There being no additional comments from the audience, Mr. Aidt closed the public hearing.

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
PRELIMINARY STAFF FINDINGS: The Comprehensive Plan points out that educational institutions (schools) are among the most important community facilities, especially in predominantly residential communities like Oakwood. Furthermore, it notes that besides providing educational services, schools play important cultural and social roles within the community.
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: Beth Abraham Synagogue is located within a Multi-Use Special Planning District and like Smith and Harman Elementary Schools, as well as the Junior/Senior High School, is surrounded by residentially zoned property. However, unlike the other Oakwood schools, there are currently less than 40 students enrolled in Hillel. Although most students are dropped off by their parents, some are transported to school on a mini-bus. Given the location of Beth Abraham Synagogue and the small number of students currently attending Hillel, it does not appear that the education use will in any way change or adversely affect the character of the area.
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: When the religious use of Building C was approved in 2006, it was noted that at some future date the Synagogue might serve as the site of an educational use. Accordingly, classroom space developed on the third floor of Beth Abraham will now be used as the primary location for the proposed use. Since the building and surrounding site are more than adequate in size to accommodate the proposed educational use, there should be no detrimental impact to public health, safety, morals, comfort, convenience or general 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 school year for Hillel Academy closely mirrors the calendar of the Oakwood City Schools. Likewise, activities associated with the educational use at this location will be consistent with what takes place at the other educational institutions within the community. As a matter of fact this site is unique from the standpoint that Beth Abraham building sits back more than 280' from W. Schantz Avenue and is easily accessible from a low traffic volume public street – Sugar Camp

Circle. For these reasons, there is no indication that the proposed use will negatively impact other properties in the immediate vicinity, nor will it impair property values.

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 proposed educational use will take place in a building located within a previously approved planned development. The residential lots on the south side of W. Schantz Avenue are already fully developed and the property to the east is being developed for high-end residential use by the same developers who own the commercial portion of the site where Beth Abraham is located.

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: There will be no exterior changes to the Synagogue in order to accommodate the educational use.

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: All supporting utilities, roads, parking lots and drainage facilities are already in place.

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: There is already a public road located immediately adjacent to Beth Abraham with adequate loading zones to ensure the safety of the students as well as other pedestrians using adjacent buildings and facilities.

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: In all other respects this use is consistent with the zoning regulations of the city of Oakwood.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mrs. Gowdy and seconded by Mr. Byington that the Planning Commission has heard and considered the evidence presented by the applicant and has heard and read the staff's preliminary findings, the Commission concurs with the staff 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 recommends to Council approval of application #10-2, the special use request by representatives of Beth Abraham Synagogue at 305 Sugar Camp Circle to use existing space at the synagogue for educational purposes in order to accommodate the relocation of 25+ students in grades K-8 currently enrolled at Hillel Academy, Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Weiskircher reminded the Planning Commission of the executive session scheduled for March 17 at 4:30 p.m. to discuss matters relating to pending litigation. Mr. Klopsch distributed a handout which contains information related to the upcoming executive session.

Mr. Klopsch updated the Commission on the Athletic/Recreation Master Plan study and shared with them the mailing that will be going out in mid-March to all Oakwood households. He noted that the mailing summarizes what has been accomplished to date and also includes a number of conceptual plans involving the four (4) sites that are part of the study. Mr. Klopsch added that a telephone survey will be undertaken later this month and will continue into April in which 300 Oakwood households will be randomly called for input on matters relating to the study. The completed study and recommendations will be presented to city council at a special meeting in late May.

The Planning Commission adjourned. The public meeting concluded at 5:10 p.m.

VICE CHAIR

ATTEST:

ACTING CLERK