

Oakwood, Dayton, Ohio  
May 4, 2011

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. HARRISON GOWDY ..... PRESENT  
MRS. E. HEALY JACKSON ..... PRESENT  
MR. STEVE BYINGTON ..... PRESENT

Officers of the city present were the following:

Mr. Jay A. Weiskircher, Assistant City Manager  
Mr. Robert F. Jacques, City Attorney  
Mr. Dave Bunting, City Inspector

The following visitor registered:

Ron Waker, 824 Far Hills Avenue

It was moved by Mr. Shulman and seconded by Mrs. Jackson that the minutes of the planning commission meeting held April 6, 2011 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 explained since the applicant was unable to attend the April meeting, the request was tabled so they could ask questions. He reviewed the meeting procedure.

Tabled application #11-2, the review of previously approved 2008 special use request by Ron Waker to further reduce the 50% required rear yard green space to enlarge the parking area next to the apartment building, add sidewalks next to the garage, and add a parking area near the garage at 820-824 Far Hills was presented. Mr. Waker explained he is getting rid of some areas and adding other areas along his driveway. He indicated two years ago the request was approved by the commission but time got away and he was unable to complete the project.

Mr. Byington indicated since issues came up two years ago when originally approved, he wondered if approved now, what the likelihood is that it will get done as soon as possible. Mr. Waker indicated it will be done before the sidewalk project begins. Mr. Bunting indicated that is June 10. Mr. Shulman explained approval is good for one year and recalled discussion about landscaping. Mr. Waker explained some landscaping was completed except for the boxwoods, which he doesn't like, around the parking space. Mr. Aidt suggested they review the original landscape plan. Mr. Weiskircher pointed out proposed plantings to the east, south and abutting the Far Hills parking area. Mr. Waker reviewed the plan and indicated he does have more work to do. Mr. Shulman asked if he is committed to completing the landscaping before year-end. Mr. Waker concurred. Mr. Shulman wondered how many tenants are in the building. Mr. Waker explained there are three units; he lives in one, an older woman in another and a couple in the third. He also has two garages and he uses one two-car plus part of the other for storage. Mr. Shulman recalled seeing cars parked near the home. Mr. Waker indicated those are his cars and also for visitors. Mr. Waker indicated he wants to get rid of mud puddles and although expanding the area, isn't losing much green space. Mrs. Jackson wondered which landscaping Mr. Waker was concerned about. Mr. Waker indicated the row of boxwoods by the front parking space but he will get the landscaping done by year-end. Mr. Aidt asked about the driveway material. Mr. Waker explained concrete or pavers, no asphalt.

There being no further comments or anyone else in the audience, the hearing was closed.

### **SPECIAL USE STANDARDS**

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.  
PRELIMINARY STAFF FINDINGS: As stated in 2008, this is a unique lot which already violates the 50% green space requirement by more than 500 square feet so the existing conditions are inconsistent with the Comprehensive Plan.  
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: In 2008, the planning commission concluded that the appearance of the added impervious surface would be tempered with the installation of the plant material described in the attached plan.  
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: There is no evidence to suggest that the establishment of the special use will be detrimental to the public health, safety 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: At the May, 2008 meeting there were no other neighbors present other than the adjoining neighbor at 7 Wisteria Drive who simply requested that the majority of the proposed 4' wide Wisteria Drive addition be added to the west side of the driveway. When Mr. Waker agreed to reduce the width of the driveway from 14' to 12' and thus eliminate the special use request, the request of the neighbor became a moot point.  
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: There has been no information submitted that the proposed improvements will adversely affect the use of nearby properties.  
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: Notwithstanding the amount of impervious surface which already exists, what the applicant is requesting is not inconsistent with existing conditions in some other residential areas within the city.  
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 expenses associated with any of the proposed improvements will be provided at the applicant's expense.  
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 curb cut on Wisteria Drive already exists.

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 the added impervious surface, the special use conforms in all other respects.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mr. Byington and seconded by Mr. Aidt that application #11-2, the review of previously approved 2008 special use request by Ron Waker to further reduce the 50% required rear yard green space to enlarge the parking area next to the apartment building, add sidewalks next to the garage, and add a parking area near the garage at 820-824 Far Hills Avenue, and known as lot #465 pt., be approved contingent on the originally approved landscaping plan being incorporated by year-end, use of concrete or paver (no asphalt), and if amendment to the landscaping plan is requested it shall be concurred in by the city horticulturist, based on plans and information previously submitted and in compliance with all applicable city rules and regulations. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

The commission confirmed the June 1 meeting date. Mr. Weiskircher provided a brief update on Pointe Oakwood and explained plans for a second model residence have been submitted.

It was moved by Mr. Aidt and seconded by Mrs. Gowdy that the Planning Commission be adjourned. The public meeting concluded at 4:52 p.m.

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CHAIR

ATTEST:

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CLERK