

Oakwood, Dayton, Ohio

June 1, 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 ABSENT

Officers of the city present were the following:

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

The following visitors registered:

Brad Judge, 1201 E. David Road
Richard Oaks, 1397 Jackson Road
Dave Montgomery, 2700 Kettering Tower
Martha Haley, 400 Irving Avenue
Tommy & Lisa Routsong, 494 Lookout Ridge
Kurt Ritter, Saxby's Coffee
Donald Kiley, 1204 E. Dorothy Lane
Mark Risley, 151 Aberdeen Avenue
Ann Rotolante, 10 E. Schantz Avenue
Robert & Sheila Conard, 416 Irving Avenue
Jane Balquiedia, 414 Irving Avenue
Mary Malone, 303 E. Schantz Avenue
Allison Dinning, 224 Volusia Avenue
Anne Hilton, 900 Harman Avenue
Lee Schear, 1130 Harman Avenue
Barb Miller, 6 Glendora

It was moved by Mr. Aidt and seconded by Mrs. Gowdy that the absence of Mr. Byington 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. Aidt that the minutes of the commission meeting held May 4, 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 reviewed the meeting procedure and explained since one member is absent and a majority vote is needed for approval, the applicant has the option to postpone until the next meeting. Mr. Jacques noted the absent member, Mr. Byington, has recused himself on the Routsong matter. Mr. Shulman withdrew that option and recognized Mr. Routsong and his team.

Application #11-3, the request by Routsong Realty, Ltd. to amend the major Site Development Plan previously approved in May, 2010 for the southeast corner of Oakwood and Irving Avenues was presented. The approved plan provides for demolition of the existing funeral home and construction of an 8,130 s.f. commercial/retail building on the site, including parking. The applicant is requesting to relocate an approved drive-thru from the north side to the south side of the building and in order to accommodate this change, reductions in the square footage of the building and the number of on-site parking spaces at 6 Oakwood. Mr. Weiskircher referenced a PowerPoint presentation and reviewed the May, 2010 approved

plan for an 8,130 s.f. building, Tudor architecture, 43 parking spaces; drive-thru located on the north side of the building and an approved special use for outdoor seating. He referenced the May, 2010 northwest and west elevation renderings and site plan. Mr. Weiskircher explained the amended plan before the Planning Commission calls for an 8,088 s.f. building, Tudor architecture (no change), building shifted to the south, 41 parking spaces, drive-thru relocated to the south, special use approval for outdoor seating and indicated a Letter of Intent has been submitted by an interested tenant assuming the amended plan is approved. He reviewed the site renderings, site plan and proposed signage. Mr. Weiskircher explained there will be five (5) foot wood privacy fences and plant material installed along the south and east property lines; vertical taxus bushes along Irving to screen parking; and sufficient drive-thru space to accommodate stacking of five (5) vehicles. He reviewed the proposed landscape plan which Ms. Collins has reviewed and approved. He noted there are a couple issues to consider, one is a recommendation that except for lighting necessary to secure the site - overhead and building-mounted lights should be placed on timers to shut off no more than 45 minutes after the last business closes. The second is if circumstances warrant, city staff, working with the building owner, should have discretion to enhance the approved tree and landscape plan.

Mrs. Gowdy asked if there is an intercom system with the drive-thru. Mr. Kiley replied yes, there is an intercom at the menu board. Mr. Aidt wondered about lighting along the drive-thru. Mr. Weiskircher explained there are building mounted lights. Mr. Aidt asked about menu board lighting. Mr. Routsong explained it will be back lit and the Porte Cache will have can lighting.

Mr. Montgomery, Pickrel, Schaeffer & Ebeling, is representing the applicant and introduced members of the development team in the audience – Richard Oaks, Brad Judge, Don Kiley and Tommy Routsong. He explained since the May, 2010 approved plan, they've had an opportunity to re-evaluate the site and work on issues that are best for the city, site, neighbors and tenants. He explained since the applicant owns the lots to the east and south, which are greatly affected, Mr. Routsong has a vested interest. Issues associated with the approved plan relate to turning into the site from Irving, the radius is next to impossible and could create potential confusion at that awkward corner plus it only permits four stacked cars (new plan permits five). Mr. Montgomery explained the amended plan gets the cars in/out more easily, keeps the traffic flow east bound with the Irving access, as well as a more intuitive flow of traffic from Oakwood– if the stacking lane is full they can simply park and access the building. He believes the proposed site flow is easier with in/out access. Mr. Montgomery pointed out the proposed location of the dumpster which can be easily accessed by Waste Management. He indicated they are sensitive to any noise issue with the “squawk box” (which was part of the approved plan) on the south side of the building. He explained that Mr. Kiley took noise decibel ratings and the drive-thru was at 68 decibels compared to a standard conversation at 60 decibels. Mrs. Gowdy asked about the decibel rating for this box. Mr. Montgomery indicated he is unsure, but the industry is fairly standard and explained the noise will be mitigated by the vertical vegetation on the south and the 5' fence. He explained the menu board will be internally lit so there will be no light extending from the lot. Mr. Montgomery indicated they seek approval of the application and noted they met with neighbors and the vast majority were in support of the amended plan, it was a productive and fruitful meeting.

Mr. Kiley explained he measured the decibels at a McDonalds from the same distance of the abutting lots and the rating was 58 decibels, traffic was 85 decibels, and this was at a location that had no buffer around the parking lot. He noted the speaker seems louder when you are in your vehicle at the drive-thru than it will from a buffered lot with landscaping and a solid 5' wood composite fence. Mr. Routsong indicated they also plan to save several trees. Mr. Aidt asked if the 5' fence runs the entire length to the alley. Mr. Kiley responded no, there is nothing in the “L” portion of the alley but the fence will continue on the other side. Mr. Aidt asked what is planned between the fences. Mr. Kiley indicated landscaped beds and an opening for neighbors to access. Mr. Routsong indicated if the commission wants a fence, he'll put one in. Mr. Aidt expressed concern with headlight glare and suggested an evergreen or fence to help screen those lights. Mr. Kiley explained that area abuts a neighboring garage. Mrs. Jackson asked about the height of the dumpster. Mr. Kiley indicated 5-6' in height.

Mr. Aidt recalled the approved plan depicted a walk from the alley as well as one in the opposite corner for pedestrians and suggested they do the same in the amended plan. Mr. Montgomery indicated the

taxus on Irving are at a significant height so there will be little visibility. Mr. Aidt indicated he is not suggesting they close the lot but have some walks to “celebrate”. Mr. Routsong indicated no problem, he also wants access. Mr. Aidt questioned the architecture to the rear of the building and whether it remains as is. Mr. Kiley responded yes, although there might be some additional architectural features if rear entrances are wanted. Mrs. Gowdy asked about number of tenants. Mr. Kiley responded a maximum of four and internal walls are moveable. Mr. Shulman asked if there is a potential tenant. Mr. Montgomery explained they have a coffee house that has expressed an interest; they have reviewed the approved and proposed site plans and the tenant believes the proposed plan would be more functional. Mr. Shulman asked if they have a Letter of Intent. Mr. Routsong concurred. Mr. Shulman wondered how strongly it is the tenant will move in. Mr. Montgomery indicated there is a representative in the audience.

Mr. Ritter, Saxby Coffee, owns and operates two local shops and the one off Feedwire is very similar to this proposed model. He has two interested investors who have signed a Letter of Intent and it has been approved by the franchisor. Mr. Shulman asked if they would proceed if the drive-thru isn't relocated. Mr. Ritter indicated that is not their desired plan since this amended plan gives them an extra car. He indicated at one of his existing sites, they have a similar awkward access as is depicted on this approved plan and cars are hitting the pole so the amended plan is preferable. Mrs. Gowdy asked if the Feedwire location has an intercom system. Mr. Ritter concurred, similar to what McDonald's has and often times, they are asked to repeat; and can manipulate the volume; it's the best equipment out there. Mr. Aidt asked about numbers. Mr. Ritter indicated they have 120 cars/day; approximately 3,000/month and the majority are from 7-10 a.m. at the Feedwire location. Each vehicle can move through in approximately three minutes. Mr. Shulman asked if there was any one in the audience with questions.

Mrs. Sheila Conard, 44 year Irving resident, enjoys the residential nature of the area and had a couple suggestions; one is for Mr. Routsong to consider installing a sign at this entrance to Oakwood and its Schantz Historical Park District. She also suggested he not rent the parking spaces to the Pine Club in the evening; and expressed concern with safety since 3,000 cars seems like a lot in a congested area where the Post Office is and children are walking to Holy Angels. Mrs. Conard suggested the city require crossing guards in that area. She noted it's not just a coffee shop but four businesses and with pedestrians in the area, there will be a great deal of traffic, this is very different than a funeral home use.

Dr. Robert Conard, made a correction in regard to the recent neighborhood meeting, residents did not show a majority preference on the amended plan, the majority would prefer no commercial development at this Oakwood entrance. He understands the first plan was approved; however, it's the commission responsibility to make sure this development is avoided and he would prefer a park or attractive entrance. Mr. Shulman asked if the majority prefer one plan over another. Dr. Conard indicated they've already lost the battles so no plan had a consensus and suggested this not be approved.

Ms. Allison Dinning, 224 Volusia, is not opposed to development but is concerned with pedestrian safety. She indicated Oakwood Avenue is already congested and she has noticed cars stacked when the light changes, so adding a drive-thru will make this corner even more difficult. She is concerned with the safety of children and doesn't feel it's safe for kids to travel through the lot and drive-thru traffic. She would like to see the coffee shop welcome pedestrian traffic and urged less parking at this entrance to Oakwood. Ms. Dinning believes this development will be detrimental to property values and re-sale of the homes in the area and believes the Commission and Council need to consider the investment of the residents and businesses. She noted this area is going through a lot of transition, a lot of positives have been undertaken by UD, but this corner sets a precedent for Oakwood. Mrs. Jackson asked about alley concerns. Ms. Dinning suggested they close off the alley for no traffic access, the nicest time of day she enjoys her porch is early morning before the traffic and now she will hear more traffic and coffee orders. She believes if they don't close off the alley, it will destroy the residential area. Mr. Shulman asked if there were any more comments. There being none, he asked if the applicant would like to reply.

Mr. Routsong indicated he has been an Oakwood resident for over 55 years and grew up with the traffic on Irving, even recalls when there were only a few buses travelling to NCR. He indicated something will be built, either this amended plan or the original plan - a lot of the changes are issues that Mr. Aidt brought up and they have a good anchor tenant contingent on the amended plan. He is willing to work on

fence issues and added he will not do anything that will harm anyone; he also wants to maintain the integrity and value of homes. In regard to the request for a sign, he'd be more than happy to install one. Mrs. Conard asked about fire emergency access. Mr. Routsong indicated that has always been an issue and the trucks know they can't access that alley. Mrs. Conard suggested better ideas for pedestrian safety. Mr. Routsong believes foot traffic is tenant driven and he has a potential physician interested which would have low foot traffic. He indicated he can't fix walkers who are not paying attention and referenced years ago when they had three funerals a day with 50-75 cars per visitation. Mr. Shulman agreed with the concern about safety and wondered if he'd be willing to help with signage. Mr. Routsong agreed with the safety of children and noted this sets back further than the front walk at Oakwood High School. He sees a lot of foot traffic at night going to the Ice Cream shop and is willing to make it safe. Mrs. Jackson asked about eliminating parking along the Oakwood Avenue frontage. Mr. Routsong indicated front parking spaces, which provide easy access for elderly, etc., are key to a successful business. He sees issues down the street where there is no front parking. One of his objectives was to provide more parking than required and tenants want a place for easy customer access. Mrs. Gowdy disagreed since Milano's, Pine Club, etc., are successful businesses. She believes the parking spaces abutting Irving provide easy enough access and pedestrians will have issues with access on Irving and Oakwood. Mr. Montgomery indicated at the last hearings they discussed the need for front parking for this development and nothing has since changed. Mrs. Gowdy noted there is more front parking on the amended plan and this is a pedestrian area.

Mrs. Jackson questioned why this is an amended versus new plan. Mr. Weiskircher explained the applicant has approval for the first plan and if this amended plan is rejected, there is no impact on the first plan. Mr. Aidt expressed concern that the dumpster has been moved closer to the residential area and suggested it be relocated. Mr. Montgomery indicated they have been sensitive to the neighbors, the purpose of the plan is to make it better for everyone and it's hard to visualize on paper. Their goal is to make a functional site with less impact on the neighborhood. Mrs. Gowdy referenced traffic flow around a Chick Filet and impact it could have on the lot with pedestrians, etc. Mr. Montgomery indicated that is no different than the impact on the approved plan. Mr. Kiley explained this drive-thru is not for food service which would be more intense, the zoning controls the use. Mrs. Gowdy indicated 150 cars on this corner lot in the morning is a lot. Mr. Routsong explained it's 150 per day, approximately 45 in the morning. Mr. Montgomery explained the numbers are based on the Feedwire store at 675 and Wilmington, a significantly different location. There being no other comments, Mr. Shulman closed the public hearing.

Mrs. Jackson noted she was not part of the prior hearings and after having reviewed the files, believes the request didn't meet the judgment standards nor did it follow the Comprehensive Plan. She believes shifting the building/drive-thru doesn't address the issues of safety in the neighborhood. Mr. Aidt asked if they make a recommendation to council on this matter. Mr. Weiskircher explained the Commission makes the final decision on the Major Site Development Plan but the applicant could appeal the matter before Council. He further explained there are 13 factors the commission is to consider and they are to look at the package as a whole. He indicated everyone worked very hard to address city, planning commission, neighbor and applicant's concerns, there was no perfect plan but the approved plan was a good compromise after many months of hearings and discussions. He indicated the Commission went as far as they could, consequently denied the plan; and the matter was appealed to Council who approved the plan. Discussion ensued in regard to no specific factor that swayed the previous decision.

Mr. Shulman asked Mrs. Jackson what she felt didn't conform. Mrs. Jackson responded setbacks to which Mr. Routsong disagreed. She explained the set back for cars in the front creates doesn't conform and referenced a comment in the minutes from an Andrew Hubbard that using the front setback for parking is the wrong way to approach this setting. Mr. Shulman recalled that was a comment from the opposition. Mrs. Jackson indicated there are so many unknowns with the Post Office, UD development and what could happen if Mr. Routsong no longer owned the properties abutting this parcel. Mr. Shulman questioned her reference to the Comprehensive Plan. Mrs. Jackson explained this is a neighborhood business district (NBD) which should be compatible with the residential area; she is concerned with the architecture and doesn't believe it differs from what she sees on Far Hills going south. Mr. Weiskircher referenced the parking along Oakwood and reminded the commission that staff preferred the building

closer to the street; but over time, and after checking with respected real estate experts, it appeared that in order to have a viable business; some parking in front of the building is needed. Mr. Shulman questioned the set back violation. Mr. Weiskircher explained the proposed is set back further than the residential properties. He explained the Tudor architecture was a result of Mr. Kiley, Mr. Routsong and Mr. Risley working together and added his thanks to Mr. Risley, who was in attendance, for his assistance in helping make the building look unique.

Mrs. Gowdy believes the proposed plan decreases pedestrian safety. Mr. Aidt prefers the amended plan and believes the circulation works better. He would like to see better pedestrian access from the alley and street intersection corner since walker usually take the shortest distance. He suggested crosswalk lines or something to mark the walk. Mrs. Jackson believes this will have more traffic than Starbucks on the way downtown. Mrs. Gowdy pointed out there are many coffee houses in Oakwood.

Mr. Alan Schaefer, Pickrel, Schaefer & Ebeling, asked for a point of clarification as to what the exact question before them today is. He understands that despite the Commission's recommendation to deny the plan, after review of standards and the Comprehensive Plan, Council approved the May, 2010 plan; yet today they question that plan when the issue today is to determine whether the amended or original plan is best. Mrs. Jackson asked if Council had different standards of review. Mr. Jacques indicated Council has the same guidelines. Mr. Aidt referenced the 13 items to consider. Mrs. Gowdy indicated when she compares the two plans, she'd prefer the trash container be moved behind the building and the alley be made pedestrian friendly since people will cut through. Mr. Aidt would prefer the alley not be entirely closed off but an open walkway distinguished. Discussion ensued in regard to front and rear entrances, car lights, etc.

Mr. Shulman explained to the applicant that if they were to vote on the amended plan, in all likelihood they'd get a two to two vote so asked if he'd like them to proceed or table the matter for another month with the hopes that some of the issues might be blended in to the amended plan. Mr. Montgomery indicated their preference to table the matter and appreciated the additional month to work on the site plan. Discussion ensued in regard to specific issues that should be addressed. Dr. Conard reiterated his preference that there be no development at this entrance to Oakwood.

Therefore, it was moved by Mr. Aidt and seconded by Mr. Shulman that application #11-3, the request by Routsong Realty, Ltd. to amend the major Site Development Plan previously approved in May, 2010 for the southeast corner of Oakwood Avenue and Irving Avenue. The approved plan provides for demolition of the existing funeral home and construction of an 8,130 s.f. commercial/retail building on the site, including parking. The applicant is requesting to relocate an approved drive-thru from the north side to the south side of the building and in order to accommodate this change, reductions in the square footage of the building and the number of on-site parking spaces 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.

Application #11-4, the review of an application submitted by the Oakwood Investment Group to amend the PUD so as to erect two (2) marketing signs for the Pointe Oakwood Residential Development, was presented. Mr. Weiskircher referenced the PowerPoint and reviewed a rendering of a 6' x 4' (approximate 7' height) double sided entrance sign and the proposed 4' x 8' sign panel (approximately 7' in height) with 14" x 8' rider panels to hold literature pockets. He noted the applicant, Mr. Schear, had another commitment and had to leave the meeting earlier than anticipated.

Ms. Ann Rotolante, 10 E. Schantz, was surprised more neighbors were not at the meeting and expressed concern that two signs have been up for the business development and now they are requesting two signs for the residential area. Mr. Weiskircher explained the developer received feedback from real estate agents and potential buyers that they aren't sure what is going on, where the sales center is, and need additional information. Ms. Rotolante agreed that makes sense but believes four signs is a lot for one development. Mr. Weiskircher indicated that isn't unusual for new developments. Ms. Rotolante wondered if they have a website and expressed concern with brochures flying away. Mr. Weiskircher indicated they do have a website and the sign has plastic inserts with an overhang for protection from the

elements. Ms. Rotolante recalled discussion when the businesses signs were installed that the signage would be reviewing within a period of time. Mrs. Jackson asked if there is a time limit. Mr. Weiskircher indicated the commission can stipulate a time limit. Mr. Shulman wondered if they should limit the number of flyers since the sign appears to have a lot of space on the sign. Mr. Weiskircher indicated staff doesn't want to police the number of flyers being displayed. Discussion ensued in regard to potential time review of the sign, weathering, marketing, etc.

USE EXCEPTIONS

A. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.

STAFF COMMENTS: The signs being requested are typical of new residential developments. As lot sales increase, the sign located at the intersection of Pointe Oakwood Way and Old River Trail will be used to provide current information on lot availability. The marketing office sign at the entrance to the development clarifies the current use of the model residence.

B. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.

STAFF COMMENTS: The proposed signs are tastefully done and are being placed at locations on the property so as to have no impact whatsoever on the residential properties across the street

C. That not more than twenty five (25) percent of the ground area or of the gross floor area of such development, whichever is greater, shall be devoted to the uses permitted by such exception; however, in a residential planned development not more than ten (10) percent of the total land area shall be devoted to business uses.

STAFF COMMENTS: This standard does not apply to this application.

Therefore, it was moved by Mr. Aidt and seconded by Mrs. Jackson that application #11-4, the review of an application submitted by the Oakwood Investment Group to amend the PUD so as to erect two (2) marketing signs for the Pointe Oakwood Residential Development, be recommended to City Council for approval based on plans and information previously submitted, per use exceptions 1011.5, subject to review in 18 months, 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 Planning Commission adjourned. The public meeting concluded at 6:35 p.m.

CHAIR

ATTEST:

CLERK