

Oakwood, Dayton, Ohio

May 4, 2005

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 4:40 p.m.

The Chair, Mr. William Kendell, presided and the Clerk, Ms. Cathy Blum, recorded.

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

MR. WILLIAM KENDELL.....PRESENT
DR. NORMAN J. FOGEL.....PRESENT
MR. JONATHAN W. HOUSE.....ABSENT
MR. JEFFREY B. SHULMAN.....PRESENT
MR. CARLO C. MCGINNIS.....PRESENT

Officers of the city present were the following:

Mr. Jay A. Weiskircher, Deputy City Manager
Ms. Dalma Grandjean, City Attorney
Mr. Dave Bunting, City Inspector

The following visitors were present:

Kent Sholder, Grunder Landscaping
Wendy Frederick, 335 Southview Road

It was moved by Dr. Fogel and seconded by Mr. McGinnis that the absence of Mr. House 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. Kendell and seconded by Mr. Shulman that the minutes of the commission meeting held April 6, 2005 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 #05-5, the special use request by Theodore and Wendy Frederick for the installation of a semi-circular driveway at 335 Southview was reviewed. Mr. Weiskircher referenced photos of the home and the side yard area where the drive is proposed, the existing curb cut on Southview that will be maintained and a couple trees that will be removed. The property is unique in that it has two means of access to the garage and he added that the drive off Kramer will also remain. Mr. Weiskircher reviewed the plot plan and the area of nearly 90 lineal feet of drive that will be removed. In addition to the proposed curvilinear drive, the applicant is also proposing four entry pillars, two at each curb cut, which aren't part of this special use application but will be reviewed as a conditional use by staff. He indicated staff had recommended that a landscaping bed be installed at the top of the curvilinear drive by the walk and the designer has included a bed of taxus and annuals. In addition, landscaping is planned by the four 2 x 6 pillars. Mr. Weiskircher reviewed another part of the overall project, which is not part of the special use application, replacement of the brick patio with a stone patio, wall and extensive plantings. He noted Ms. Collins reviewed the landscape plan and was impressed with the year-round color design.

Mr. Weiskircher indicated in addition to the regular special use standards, there are also standards for curvilinear driveways, and the following represents how this application compares to those standards.

1. The zoning lot on which the curvilinear driveway is located is at least 1 ½ acres.
 - The Frederick lot is 1.042 acres.
2. The front door of the principle structure is at least 100 feet from the edge of the street.
 - In this application, the front door is approximately 124 feet from the edge of the street.
3. Year-round vegetation screening must be installed so as to reduce the visual impact of the curvilinear driveway.
 - Besides landscaping at the two curb cuts, there is also a proposed landscaping bed opposite the front walk next to the curvilinear driveway.

4. The curvilinear driveway may not exceed 10-12 feet in width at any point and must be constructed of the same material as any existing or proposed driveway. This policy shall also require that any existing driveway that is substandard must be upgraded or replaced.
 - The proposed curvilinear driveway, which will be constructed of concrete, is 12' in width. Nearly 90 lineal feet of the existing asphalt driveway leading from Southview will be removed. There are no plans to make any improvements to the existing asphalt driveway on the Kramer Road side of the property.
5. The curvilinear driveway may not be used for storage of material or long term parking of any vehicles, boats, RVs, or other similar items.
 - The applicant plans to use the curvilinear driveway for convenient access to the front of the home and for entertainment parking. Although for the most part vehicles will be parked on the curvilinear driveway on a short-term basis, experience has shown that overnight parking will also occur from time to time.
6. The square footage of the curvilinear driveway may not occupy more than 50% of the total square footage of the front or corner side yard.
 - In this application, the proposed curvilinear driveway occupies less than 10% of the corner side yard.
7. From the furthest point of the edge of the street, the curvilinear driveway must be at least twice as far from the street as it is from the front door of the structure.
 - At the edge of the front walkway, the curvilinear driveway is 87' from the edge of the street and 37' from the front door.
8. Exceptions to these guidelines may be granted from time to time because of unusual circumstances including, but not limited to: prohibited parking along the zoning lot; safety concerns over ingress and egress; special conditions of the residents and topography.

Mr. Weiskircher noted overnight parking is inevitable and except for the first standard where the lot is a bit short of the acreage, the applicant complies with all other standards. He added that the curvilinear drive will be concrete while the existing drives are asphalt. Mr. Shulman noted the drive cannot be used for long-range parking. Mr. Weiskircher agreed it cannot become a permanent parking space but experience has shown that parking does occur overnight. Mr. Shulman asked if repairman and guests can park there. Mr. Weiskircher concurred on a short-term basis. Mr. Kendell suggested if approved, they continue the tradition of requesting no long term parking. He believes these drives are a good fit for larger homes, but not on smaller lots. Dr. Fogel indicated the application states that the parking is for guests. Mr. Weiskircher indicated this is also an easier way to access the front door and makes for a more appropriate entrance befitting the size of the home.

Mrs. Frederick explained the intent is for guest parking and added there currently is no easy access to the front door. She feels the proposal is more befitting of the home on the lot. Mr. Sholder, Grunder Landscaping, indicated from an architectural standpoint this is more aesthetically pleasing and will accomplish a grandiose approach to the home. Mr. McGinnis referenced the proposed pillars and concerns his neighbor has had with the pillars being run into and knocked over based on the proximity to the drive. Mr. Sholder indicated they have set the pillars off of the drive, had thought through that concern. Mr. Kendell reiterated his suggestion that they include the stipulation of no long term parking.

At this public hearing evidence was presented by the applicant to meet the requirements of ordinance 1004.6, and based upon the information presented to it the Planning Commission hereby makes the following findings of fact which have been met.

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
PRELIMINARY STAFF FINDINGS: The principles and standards contained in the Comprehensive Plan state that development should be compatible with the character of the surrounding neighborhood. There are already a number of curvilinear driveways in the immediate area.
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 six curvilinear driveways in the areas of Southview, Kramer Road, Maysfield and West Thruston. Therefore, there is no reason to conclude that the proposed improvement will adversely affect or change the character of the neighborhood.

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 curvilinear driveway seems appropriate for the scale of the home and there is no reason to conclude that the special use will be detrimental to the public welfare. The two curb cuts at the street will be accented with entrance pillars and landscaping beds.

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: Since the proposed use is compatible with other similar uses in the area, it should not be injurious to the use and enjoyment of other property in the area.

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 is no information available to indicate that the proposed curvilinear driveway and associated vehicular parking will adversely affect the use and development of nearby property.

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 a number of existing curvilinear driveways in the immediate area on similarly sized lots. Along with the curvilinear driveway, the applicants are proposing to erect two stone pillars and planting beds at each driveway cut. There is also a proposed planting bed adjacent to the curvilinear driveway opposite the front walk.

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 costs associated with the curvilinear driveway, including removal of a portion of the existing driveway and installation of a trench drain, are being 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 proposed driveway cuts should not have a negative impact on traffic along either Southview or the Kramer Road intersection.

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: The proposed curvilinear driveway is only 12 feet in width and therefore conforms to the width requirement of the ordinance. The entrance pillars and the proposed walkway leading from the front door to the curvilinear driveway qualify for

conditional use approval by the city manager.
PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Dr. Fogel and seconded by Mr. Shulman that application #05-5, the special use request by Theodore and Wendy Frederick for the installation of a semi-circular driveway in the front yard of 335 Southview Road, and known as lot #374, be approved based on plans and information previously submitted, subject to no long-range parking on the curvilinear driveway 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.

Mr. McGinnis commented this is a beautiful lot and one of his favorite houses in Oakwood. He noted the city is blessed that the Fredericks have put money into improving the property in a very tasteful manner and extended his appreciation. Mrs. Frederick extended her thanks and indicated Mr. Sholder has does a very nice design job.

In regard to other business, Mr. Weiskircher indicated permission was given to the owner adjacent to Little Woods to install a curb cut on the new street. In exchange, the owners agreed that by August 2007, they would remove the Runnymede driveway cut. Mr. Weiskircher reported that permission was given to erect a more permanent tent for a produce stand at Dorothy Lane Market from April through October. Mr. Weiskircher indicated that Mr. McGinnis had suggested additional landscaping and noted when the city undertakes the parking issues in the 2600 lot; they'll try and work with Dorothy Lane Market at the same time. Mr. Shulman questioned the status of Sugar Camp. Mr. Weiskircher indicated nothing new to report, however, NCR recently requested that the County significantly reduce the property valuation. He also informed the commission that Mr. Klopsch was unable to attend today's meeting since his son had to undergo emergency surgery.

Mr. Weiskircher expressed on behalf of staff, appreciation to Dr. Fogel for the past 15 years of service on the Planning Commission. He indicated Dr. Fogel was a great supporter of staff and the city, will be missed, and wished him all the best.

Mr. Kendell joined council, staff and the other commission members in thanking Dr. Fogel for all his service. It's hard to believe they have served together for 15 years. He extended Dr. Fogel best wishes.

Dr. Fogel indicated he has been very lucky to be part of the city and joked about talking too long at council meeting when he was recognized. He acknowledged all the wonderful people he has worked with, two Mayors, Jeff Ireland and Judy Cook; two Vice Mayors, Carlo McGinnis and Jack Donnelly; three Law Directors, Jim Gould, Nick Farquhar and Dalma Grandjean; three City Managers, Dave Foell, Mike Kelly and Norbert Klopsch; as well as Jay Weiskircher. He has learned from everyone, including previous commission member Charlie Harbottle. Dr. Fogel reflected on how he became active in local government, the various boards he has served on, and all the satisfaction he has gained. He also praised Mr. Kendell for chairing the commission even though he rarely got to fill in as vice chair. Dr. Fogel reiterated his thanks to everyone.

There being no further business to come before this session of the planning commission, it was moved by Dr. Fogel and seconded by Mr. Shulman that this session of the planning commission of the City of Oakwood, now adjourn. Upon a viva voce vote on the question of the motion, it passed unanimously. Thereupon, this session of the planning commission did adjourn at 5:20 p.m.

CHAIR

ATTEST:

CLERK