

Oakwood, Dayton, Ohio

July 18, 2012

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. Norbert S. Klopsch, City Manager
 Mr. Robert F. Jacques, City Attorney
 Mr. Jay A. Weiskircher, Assistant City Manager
 Ms. Carol Collins, Leisure Services Director
 Mr. Dave Bunting, City Inspector

The following visitors registered:

Angel Jordan, 100 E. Third Street
 Jane Dunwoodie, Dayton
 Irv Harlamert
 Tom Federle, Siebenthaler's
 Gary Shoup, 215 Maysfield
 Bill Rudy, 120 W. Schantz
 Brian & Lindsey Mantel, 2101 Far Hills
 George & Pam Houk, 310 W. Schantz
 Jane & Susan Harris, 1900 Southwood
 Terry Morris, Dayton Daily News
 Earl Reeder
 Bob Posner
 Tommy Routsong
 Sandy & Gene Burbey, 284 W. Schantz
 Deborah Vandercher, 272 W. Schantz
 Vicki & Ray Braun, 132 & 136 Far Hills
 Sally Walters, Pointe Oakwood

It was moved by Mr. Aidt and seconded by Mrs. Gowdy that the minutes of the commission meeting held June 13, 2012 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 with the audience.

The agenda item pertains to the following application #12-5, submitted by Oakwood Investment Group (OIG) LLC to amend the Master Plan for Pointe Oakwood in order to construct 20 residential condominium units as part of a plan that included two-3 story and two-2 story buildings to be located near the northwest corner of Far Hills and West Schantz. Based upon information submitted and the fact that the proposed project is consistent with previous development options, plans and studies on potential uses of the property in question, the Planning Commission forwarded to Oakwood City Council a recommendation for approval of the Master Plan amendment subject to submission and review by the Planning Commission of final project and site plan details. At its meeting on Monday, May 7, 2012, Oakwood City Council tabled the Master Plan amendment for the condominium buildings pending

submission and review of additional information. The Commission will now review additional site plan details, 3-D renderings, and a landscape plan submitted in support of OIG's original request to construct four (4) condominium buildings near the northwest corner of Far Hills and West Schantz.

Mr. Weiskircher referenced the following PowerPoint presentation on landscaping of the Pointe Oakwood condo proposal. A public hearing was held April 18, 2012 to amend the Master Plan for a four building, 20 unit condo project at the NWC of Schantz and Far Hills. The commission voted unanimously, 4-0, to recommend to council approval of the Master Plan amendment subject to detailed site and landscape plans. At its May 7 meeting, council tabled the recommendation in order to have additional time to review the proposal. Having already acted on the proposed amendment, today's presentation is limited solely to review of the landscape plan. Mr. Weiskircher referenced the following plans: overall master site plan; site plan of the proposed four condo buildings; perspective view looking NW with landscaping; and model view from W. Schantz looking north. The next three slides were photos of the entrance to Pointe Oakwood, Ascent Circle and Pointe Oakwood Way which provided an update on the planting of the islands in those areas. The next slide was of Huffman Park and he pointed out the existing low limestone wall which will be repeated in the condo area. The final drawing was from Siebenthaler's of the landscape conceptual plan surrounding the condo area. He indicated Ms. Collins is at the meeting on behalf of the city, has reviewed and given input on the plan. He reviewed the plan for the area starting at the mounding on the W. Schantz side due to the topography, public access walking path and the variety of trees noted on the legend. Mr. Weiskircher explained at the corner is a pergola and limestone serpentine wall to screen the garage access. On the Far Hills side, the landscaping theme will continue to the north past the assisted living facility to the north corporation limit.

Mr. Reeder explained they've made progress on the plan and thanked Mr. Weiskircher for a great job on summarizing the plan. He provided an update - a couple houses are finished and negotiations are underway on purchase offers. They have worked with Siebenthaler's to develop a landscape plan that will blend with the Sugar Camp area. Mr. Reeder indicated they also took into account the softness of Huffman Park and included city staff on design discussions.

Mr. Federle, Siebenthaler's, explained they took the perspective of creating a naturalistic environment and have the property look similar to other properties in Oakwood with a variety of kinds of trees to fill up the area beautifully. He referenced the legend on the plan which lists all the botanical names of the maples, oaks, buckeye, pine, spruce, red bud and ornamental trees - everything can be found within the community and is also located on the two islands and entrance. Mr. Federle indicated they've installed large plant material. Mrs. Gowdy asked what playground mulch is. Mr. Federle explained its heavier organic mulch, not rubberized.

Mr. Byington indicated although he cannot vote on this and will recuse himself, he had several questions. He asked if they considered any other material than playground mulch at this pedestrian pathway. He could foresee a problem with the elderly, bikes and strollers on that uneven surface. Mr. Reeder explained they wanted a woodland experience and since the terrain varies at this access, this is similar to Houk Stream; there are other public accesses available for handicap reasons. Mr. Federle noted they use the playground mulch a lot and feel it is a better use on this slope, safer than gravel, a win-win for all. Mrs. Gowdy indicated unlike Houk Stream, this area goes from neighborhood to neighborhood and kids and families will access to get to the fields. Mr. Byington asked if the existing trees along W. Schantz will be removed. Mr. Federle noted some on the north end of the corner. Mr. Reeder indicated some of the trees will be removed so that higher quality trees can be installed.

Mrs. Gowdy reviewed the two sidewalk/steps at the corner to the parking area. Mr. Reeder explained those are access stairs from the lower level garages, will be landscaped and are not intended for public access. Mr. Federle reviewed the plan at the trellis which will include ornamental grass that won't be very tall so the trellis can be seen. He indicated they could include climbing or flowering vegetation but don't want to detract from the beautiful trellis element. The low plantings will be sedums of different textures and colors, a very naturalistic look. He indicated around each building is a 3' strip of gravel which will assist in not cluttering up the area, the larger plants will screen. Mr. Aidt asked what the trellis

is sitting on. Mr. Reeder explained the trellis will sit on a 4 ½' retaining wall, similar to the technique used at Cox Arboretum and noted the trellis blends with the Huffman park gazebo. Mr. Byington asked if the plan has any invasive plant material. Ms. Collins indicated the plan is consistent with landscaping throughout the community, a use of natural plant material to blend. She indicated playground mulch is used in city parks and she has seen strollers on it.

Mrs. Jackson asked about the steps. Mr. Reeder indicated there are two sets of steps and the area is narrower than a public sidewalk. Mrs. Jackson wondered if any flowers are planned by the path. She believes kids travelling north from the high school will choose any given path. Mr. Reeder indicated they'd be happy to include flowers, but wanted the concept of a natural area. Mrs. Jackson expressed concern with pedestrians using the corner to access and then entering the parking lot. Mr. Klopsch explained this is private property and should be treated no differently than any other home. He recalled part of the original plat included a public path and noted the property owner could install a gate or sign since the area is not intended to be a public sidewalk. Mr. Reeder agreed and pointed out the sidewalks at the corner are for homeowner access and there could be a gate/architectural design to define public versus private domain, some type of "ceremonial boundary" but not a "gated community". Mrs. Gowdy noted there are no doorways from the condos onto Schantz or Far Hills. Mr. Reeder concurred. Mrs. Gowdy indicated access is from inside the cul-de-sac which makes this more institutional. Mr. Reeder explained they don't want everyone going through private yards. Mr. Byington indicated the size of the building gives the perception of some public area so he believes a gate would help with limiting public access through private property.

Mr. Aidt noticed the landscape plan was changed to have more openness, no hedges/barrier. Mr. Reeder recalled the commission expressing concern that they did not want a barrier, but more open and met with staff on the revision. Mrs. Gowdy believes this is a better plan but suggested the trellis area not be welcome to walk through. Mr. Reeder noted the public dedicated land will be more open. Mr. Aidt is pleased with the plan and the islands, the plantings look like they've been there for years. Mr. Shulman suggested a gate in front of the path to solve the concern. Mr. Reeder doesn't want to be limited to a physical "gate". Mr. Shulman doesn't believe a property owner would want bikes and walkers going through their lot. Mr. Reeder indicated there has been a lot of interest in the condos. Mrs. Jackson doesn't see pedestrians walking down to the entrance or any children living in the homes behind the condos not cutting through to Far Hills. Mr. Reeder indicated depending on where you live is how you'll access the property and there are number of ways. He reminded the commission this area is more for seniors based on lot sizes, home designs, etc. Mr. Shulman suggested they continue to work with staff on those matters. Mr. Byington is also concerned with kids and lazy folks cutting through so suggested the easiest fix is to plant a couple hedges to deter access. He noted the public access off Schantz and Far Hills is very evident and people need to recognize this as private property. Mr. Reeder asked for approval.

Mr. Shulman explained at the outset of the public hearing, that on April 18, the commission recommended approval of the condominium concept to Council. He noted the commission doesn't make the final decision; it will be discussed at the July 30 council meeting. Mr. Shulman reiterated the hearing this evening only relates to landscaping since the condo project itself was already recommended.

Mr. Irv Harlamert, Southview and Kramer, lives several blocks from Pointe Oakwood. He referenced the July 3 legal notice which states this hearing would also review additional site plan details. He indicated he is a member of the Oakwood Integrity group, not a leader or chair. Mr. Harlamert asked if the commission includes, as criteria in reviewing an application, the amount of tax revenue generated by a development. Mr. Shulman indicated they don't look at each project in terms of taxes but how it will impact the property and globally. Mr. Harlamert indicated that is an important issue now that the state has repealed the estate tax. Mr. Byington explained the commission does not make final approval, only a recommendation to council and it's council's responsibility to look at tax issues, etc., the commission looks at planning and the ordinance. Mr. Harlamert asked if the commission has had any communication with the schools about the impact of the condos. Mr. Shulman referenced Mr. Byington's comments that this is not part of the commission's charge. Mr. Harlamert indicated the Oakwood Integrity group is

meeting with city staff and the owner/developer on July 24 for an informal exchange, information gathering and questions and answers. The ultimate goal is for all three sides to explore a possible negotiated settlement which will relieve any future issues or an appeal to the Common Pleas Court. He urged the commission not to make a final decision, table the matter until their next meeting after the July 24 meeting and a possible settlement. Mr. Harlamert distributed copies of his comments to the commission for the record.

Mrs. Sandy Burbey, 284 W. Schantz, wondered what the playground mulch is made of. Mrs. Gowdy responded natural material. Mrs. Burbey noted that her concerns regarding public access have been addressed. Mrs. Burbey asked about the building setbacks on Far Hills and Schantz. Mr. Weiskircher indicated the two three-story buildings are at 27' and the two-story buildings at 40'. Mr. Reeder indicated the existing houses on Far Hills are setback 27' from the rear of the walk and the farthest condo on W. Schantz is 40' from the back of the walk and behind the hill. Mrs. Burbey questioned the distance between the buildings. Mr. Reeder explained 70' between the two buildings on W. Schantz, 60' at the corner and 25' between the two on Far Hills.

Mr. George Houk, 310 W. Schantz, asked how the city can enforce these issues with OIG. Mr. Jacques explained through the Zoning Code guidelines for this multi-use special planning district. The commission and council approve specific site plans within the established zoning district, so if there is any violation in the future, it's enforced as a code violation.

Mr. Shulman asked for other comments from the audience. There being none, the public hearing was closed. Mr. Byington wondered if there are lighting plans other than street lights. Mr. Reeder noted the general lighting plan has been approved and installed; there will also be some lights on the buildings, at egress points and by sidewalks. It is not the intent to have any bright lights and there may be some landscaping lighting. Mr. Aidt doesn't see any benefit in tabling as the matter will be forwarded to council on July 30. Mr. Shulman suggested the motion be subject to the applicant continuing to work with city staff on refining any issues that might arise.

Therefore, it was moved by Mr. Aidt and seconded by Mrs. Gowdy that application #12-5, submitted by Oakwood Investment Group LLC to review the comprehensive landscape plan submitted for the recommended approval of 20 condominium units as part of a plan that includes two-3 story and two-2 story buildings to be located near the northwest corner of Far Hills Avenue and West Schantz Avenue, be recommended to city council for its review and approval subject to the developer collaborating with city staff as landscaping adjustments may become necessary. Upon a viva voce vote on the question of the motion, same passed unanimously (4-0 vote, with Mr. Byington recusing himself) and it was so ordered.

The following proposed legislation was presented for review.

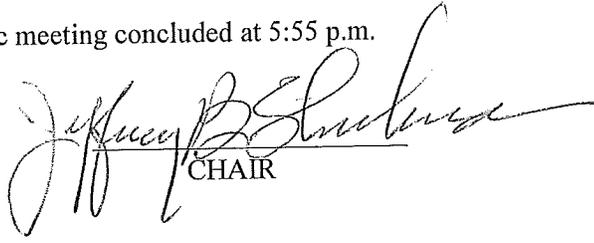
TO AMEND SECTION 403.1 OF THE OAKWOOD ZONING ORDINANCE TO ADD WOOD COMPOSITE OR SIMILAR TO THE LIST OF PERMITTED FENCE MATERIALS.

Mr. Weiskircher explained in 2003, the fence material regulations were amended to include synthetic fences and a resident recently expressed interest in using a composite material which staff didn't feel they had the latitude to approve. He submitted the material to the commission for their review and explained it's already permitted in other communities and has a 15-year warranty. Mr. Shulman questioned the pros/cons. Mr. Weiskircher indicated it doesn't require paint or ongoing maintenance, looks like wood, is more expensive than wood and an attractive alternative. Mr. Aidt indicated he has used this material on a railing at the back step and it doesn't weather or change color. Mr. Byington noted the material also doesn't get mold or moss. Mrs. Gowdy believes this looks better than vinyl.

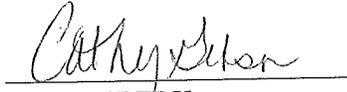
Therefore, it was moved by Mr. Aidt and seconded by Mrs. Gowdy that the aforementioned ordinance be recommended to city council for review and approval. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

It was determined that the commission would not meet in August.

The Planning Commission adjourned. The public meeting concluded at 5:55 p.m.


CHAIR

ATTEST:


CLERK