

Oakwood, Dayton, Ohio

August 6, 2014

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., Oakwood, Ohio, 45419, at 4:30 p.m.

The Acting Chair, Mr. Andy Aidt, presided and the Clerk, Lori Stacel, recorded.

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

MR. JEFFREY B. SHULMAN.....	ABSENT
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. Dave Bunting, City Inspector
 Ms. Lori Stacel, Clerk of Council

The following visitors were present:

Frank V. Surico, 127 Lookout Drive
 Linda M. Weprin, 600 Garden Road
 Todd Uhlman, 148 Lookout Drive
 Wendy Kordick, 52 Corona Avenue
 Janna and Paul Piechota, 359 Cottingwood Court
 Matt Sauer, Architect
 Gary Eichhorn, Pastor, Lutheran Church of Our Savior
 Tim Roberts, Lutheran Church of Our Savior
 Dan Jacob, Lutheran Church of Our Savior
 Christy Heppner, 533 Shafor Boulevard
 Don Hartman, 50 Beverly Place
 Matthew and Rachel Jessup, 55 Walnut Lane
 Wesley Boord, 317 Greenmount Boulevard
 Breanne and Tom Whalen, 911 E. Schantz Avenue
 Susan Usechak, 537 Hathaway Road
 Thomas Miller, 332 Volusia Avenue
 Mike Develle, 301 Corona Avenue
 Marvin Miller, 171 Lookout Drive

It was moved by Mrs. Gowdy and seconded by Mrs. Jackson that the absence of Mr. Shulman 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 July 16, 2014, 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 all in attendance.

Application #14-3, Mr. Weiskircher explained that this application involves a special use request submitted on behalf of Lutheran Church of Our Savior/Top of the Hill Preschool to relocate the former South Park United Methodist Church Preschool to the Patterson House at the Lutheran Church of Our Savior. The preschool will serve students ages 2-5 years old. Mr. Weiskircher referenced a PowerPoint presentation in which he explained that South Park Preschool operated from South Park United Methodist Church for 51 years and was asked to relocate to free up additional space for the church's Food Bank

ministry. The staff of Top of the Hill preschool consists of one director and five part-time teachers. In 2013, there were 34 students (Ages 2-5) and 75% of the students resided in Oakwood. The proposed preschool will be open Monday through Thursday from 9:00 a.m. – 11:20 a.m. with an optional lunch from 11:30 a.m. to 12:30 a.m. (Usually 8-12 students) and an optional extended day until 2:50 p.m. (Usually 6-8 students). The state of Ohio requires the preschool to have a playground and the proposed location is on the west side of the Patterson House and will be enclosed with a 54" high aluminum fence. Mr. Weiskircher pointed out that unlike the Latchkey Program that had operated in the basement of Lutheran Church of Our Savior from 1996-2000 and had operating hours from 7 a.m. to 6 p.m., five days a week, and 12 months a year, Top of the Hill Preschool is a much less intensive use operating primarily from 9 a.m. to 11:20 a.m., Monday – Thursday. Mr. Weiskircher explained that what is being proposed is similar to the Grace Learning Academy that has operated from St. Paul's Church since 2011 and operates Monday through Friday from 9:00 a.m. – 3:00 p.m. The morning session for the 2014/15 school year will have 55 students and the afternoon session, which begins at 12:15 p.m., has 14 students. He added that 89% of students reside in Oakwood. If the proposed special use is approved, city staff recommends that the following conditions be adopted: 1) no more than 40 students can be on site at any one time; 2) operator must file a year-end report with participant levels, percentage of Oakwood residents, proposed changes for next year, neighborhood complaints or concerns; and, 3) consider having the operator/church share in the cost of providing a fence or vegetation screen along rear lot line of 174 Lookout Drive.

Mr. Gary Eichhorn, Pastor at Lutheran Church of Our Savior, shared that the proposed preschool would become part of the ministry as it was at South Park United Methodist Church. Pastor Eichhorn explained that unlike the Latchkey Program that was previously at Lutheran Church of Our Savior, the church will have some control on how the preschool is run. He shared that most preschools have a waitlist and completely removing an entire preschool would not serve the children in our community.

Mrs. Janna Piechota, Preschool Director, explained that the proposed Top of the Hill Preschool will be a loving and caring small preschool for the Oakwood community, which will allow the staff to get to know not only the children, but also the families.

Mr. Matthew Jessup shared that he was upset when he heard that South Park Preschool was closing and added that he's looking forward to seeing this application approved.

A parent with a child attending South Park Preschool explained that her family has had a long legacy with South Park Preschool including her brothers who attended more than 25 years ago. She has kids that she would like to see continue the legacy and attend the proposed preschool in Oakwood.

Mr. Mike Develle shared that South Park Preschool is unique due to the amazing amount of education given at the preschool level. He feels that this preschool provides the foundation consistent to that of the Oakwood School District.

The matter was then opened for public hearing.

Dr. Marvin Miller shared that he feels the proposed preschool would change the character of neighborhood by adding more noise and traffic.

Mrs. Linda Weprin explained that she feels the preschool will add to Oakwood's family community and would not have a negative impact on property values. She added that she resides on Garden Road and she doesn't notice additional traffic during Sunday services at the church or during voting times.

Dr. Natallia Maroz shared that she recently moved to the area and this is not what they were looking for when they moved. She said this will change the neighborhood by increasing traffic and noise.

Mr. Todd Uhlman shared that he has several concerns including noise and traffic. He shared that he purchased the property to work from home thinking that the area would not be developed. He asked that if this is approved that conditions be considered to reduce noise and traffic.

Mrs. Terry Rhoades explained that she lives on the east side of the church and there is no longer a lot of vegetation to act as a barrier. She inquired about what was being proposed on the east side of Thruston, why there was such late notice of the proposed application and if the preschool would pay city taxes.

Mr. Weiskircher explained that the application was submitted at the last possible time to meet the deadline and that he hasn't been involved in any conversations regarding landscaping or other screening along the east side of the church lot.

Mr. Aidt asked Mr. Weiskircher to explain why a special use is needed. Mr. Weiskircher explained that a preschool may be approved as a special use in a religious institution or school.

Mrs. Rhoades asked if fencing or vegetation will be offered to residents directly impacted by this proposed application similar to the residents at 174 Lookout Drive.

Mr. Tom Whalen asked approximately how many people visit the church throughout the day including Sunday and how many times they have received a noise complaint.

Pastor Eichhorn explained that there are over 30 different organizations that use the church and/or the parking lot of the church. There isn't a day in the week where someone isn't at the church for some reason or another. There could be as few as 4-5 cars in the parking lot up to possibly 25 cars in the parking lot. Pastor Eichhorn clarified that the discussion for the fence at 174 Lookout Drive was not a result of the proposed preschool, but occurred long before this application was submitted.

Mrs. Gowdy asked if the proposed fence at 174 Lookout Drive would be on the church property or the property of 174 Lookout Drive. Pastor Eichhorn responded that it would be on the property of 174 Lookout Drive.

Mr. Todd Uhlman explained that he is sympathetic to the church as well as the people sending their kids to the preschool, but as a resident, he needs to be concerned about possible future issues. He asked that if the Planning Commission decides to pass the proposed preschool application, that they think about local impacted residents and limit the number of kids, limit the hours of operation and consider a fence to reduce traffic and noise.

Mrs. Jackson asked Mr. Weiskircher about the existing preschool at St. Paul's. Mr. Weiskircher shared that the surrounding residents were already impacted by traffic from Harman School so there is not much more of an impact with the preschool and confirmed that since Grace Learning Academy relocated to St. Paul's there have not been any complaints.

Mrs. Gowdy asked why a circle pattern in front of the building wasn't considered as a route for drop off and pickups. Mr. Weiskircher shared that ideally, that would be best, but the thought was to move all traffic to the back of the building.

Mrs. Rhoades asked if a traffic study has been completed around this area. Mr. Weiskircher explained that a traffic study analysis was done with the Latchkey Program and since there were no problems with that program, and since this is a much less intensive use, no traffic study is needed.

Mrs. Gowdy explained that she found traffic impacts of up to 15 minutes in the afternoon at Harman School in the afternoon due to hundreds of cars picking up students, but 40 cars may not have that large of an impact.

Mrs. Gowdy asked if the parents drop off the kids at the door or if they park their car and walk in the children. Mrs. Piechota answered that parents park the car and walk the children in.

Mr. Uhlman inquired about after hours programs or extended stay options that the preschool would offer. Mrs. Piechota answered that there are usually 8-12 students involved with extended stay and pick up times vary from 11:20 a.m. to 2:50 p.m.

Mrs. Gowdy asked if the drop off time is staggered or all at one time in the morning. Mrs. Piechota shared that it has a 9 a.m. start, but drop offs occur until approximately 9:30 a.m.

Pastor Eichhorn explained that children attending the preschool from ages 2-5 would not be able to last all day for an after school program and it is something that they are not interested in.

Mr. Dan Jacob, Youth and Children's Ministries Coordinator at Lutheran Church of Our Savior, shared that there are typically 10-15 students attending events at the church on weekends, including after school events.

Mr. Byington explained that this application is for the preschool, if the church would be interested in after school programs that fall outside of this application, they would need to resubmit a special use request that would come before the Planning Commission for approval. He also explained that this is not rezoning, but simply a special use request on the current proposal.

Mrs. Rhoades asked if immediate neighbors of the church were surveyed because she has concerns that a lot of people are gone right now because of the summer.

Mr. Byington asked about the South Connection Program (Latchkey Program) and the types of complaints received. Mr. Weiskircher responded that it was not a pleasant experience for anyone involved and a lot of time was spent with neighbors before and after the application was approved.

Mr. Tom Whalen shared that this is one of the few preschools that offer their program to two year old children and he would like to see it passed.

Pastor Miller, South Park United Methodist Church, shared that the South Park Preschool was at his church for four years and he never received any neighbor complaints.

Mrs. Piechota explained that the proposed Top of the Hill Preschool would be through the Ohio Job and Family Services which require a \$500 license fee and assured neighbors that attendance limits, hours and ages are not easy to change through Job and Family Services.

Mrs. Rhoades asked how the church benefits from having the preschool. Pastor Eichhorn explained that the church is not receiving any funds from the preschool. The families of the children attending the preschool pay the teachers' salaries and any excess funds are held for the years with minimal student attendance to cover teacher salaries. If needed, the church will also help cover teacher salaries as was done in the past at South Park United Methodist. The church will also take care of snow removal for the preschool kids.

The public hearing was then closed and the Planning Commission discussed the issue. Mrs. Gowdy shared that she needed to excuse herself from the meeting, but that she was in favor of this application with the following conditions: 1) move drop off zone to the front of the building; and, 2) the church work with surrounding neighbors on vegetation or privacy fences. At this time, Mrs. Gowdy left the meeting.

Mr. Byington asked Pastor Eichhorn to speak to how many people attend services during the week and on Sunday. Pastor Eichhorn explained that 35-50 people attend the 5:30 p.m. Saturday service, 25-35 people attend the 8:15 a.m. Sunday service, and 75-100 people attend the 10:30 a.m. Sunday service.

Mr. Byington asked Mr. Weiskircher if the Planning Commission has the authority to place conditions on the proposal such as requiring a fence. Mr. Weiskircher confirmed that the Planning Commission can authorize such conditions and has done so in the past.

Mr. Byington asked Mr. Weiskircher to address how and when notifications are sent out to the neighbors to address an earlier inquiry. Mr. Weiskircher answered that application deadlines are three weeks prior to the hearing date. Ms. Stacel confirmed that notifications need to be sent or advertised no less than 10 days and no more than 30 days. It was also noted that letters were sent to neighbors within 300 feet of the

church rather than the 200 foot minimum required by the zoning code.

Mrs. Jackson shared that she hasn't seen a recommendation in the past for a fence to be placed on private property as a condition. Mr. Weiskircher confirmed that in the past for example on condenser units, a fence or vegetation screening was a required condition.

Mr. Aidt commented that he feels the fence should be on the property line or on the church's property.

Mrs. Jackson asked why this wouldn't be left up to the applicant and owner versus the Planning Commission deciding this. Mr. Aidt added that it could indeed be left up to them to decide.

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
 PRELIMINARY STAFF FINDINGS:
 • The daycare program will primarily serve Oakwood residents and is consistent with the community's commitment to educational excellence.
 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:
 • The introduction of additional traffic on residential streets is always a concern as it relates to noise and pedestrian safety. Some of these concerns will be mitigated by limiting enrollment and requiring all pick up and drop offs to occur at the north side of the Patterson House.
 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:
 • In looking back at the Oakwood City School's Latchkey Program, which operated out of the basement of the Lutheran Church of Our Savior in the mid 1990's, we did not experience any safety issues with the added vehicular traffic in the immediate area.
 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:
 • Again, our experiences with the Oakwood School's Latchkey Program, as well as the past several years since the Grace Learning Academy has operated at St. Paul's Episcopal Church, lead us to believe that the proposed use will have no impact whatsoever on property values in the immediate 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:
 • The area is already fully developed so the proposed use will not impact future use and development of adjacent 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:

- Except for the proposed playground, there will be no other exterior site or building changes.

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:

- Any exterior or interior modification costs necessitated by the proposed use are the responsibility of the daycare operator/church.

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:

- All vehicular traffic will enter the site at the west entrance and exit along the east property line to E. Thruston Blvd.

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 special use request meets all other applicable regulations of the zoning district.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mrs. Jackson and seconded by Mr. Byington that application #14-3, to relocate the former South Park United Methodist Church Preschool to the Patterson House at the Lutheran Church of Our Savior for the purpose of operating a preschool for students ages 2-5 years with the following conditions: 1) no more than 40 students can be on the site at any one time; and, 2) the operator must file a year-end report to include participation levels, percentage of Oakwood residents, proposed changes for the next school year, and any complaints or concerns from the neighbors.

Upon call of the roll on the question of the motion, the following vote was recorded:

- MR. ANDREW AIDTNAY
- MRS. E. HEALY JACKSON YEA
- MR. STEVE BYINGTON YEA

There being two (2) yea votes and one (1) nay votes thereon, said motion was denied.

Mr. Aidt made a motion that application #14-3, to relocate the former South Park United Methodist Church Preschool to the Patterson House at the Lutheran Church of Our Savior for the purpose of operating a preschool for students ages 2-5 years with the following conditions: 1) no more than 40 students can be on the site at any one time; 2) the operator must file a year-end report to include participation levels, percentage of Oakwood residents, proposed changes for the next school year, and any complaints or concerns from the neighbors; and, 3) the church/applicant work with surrounding residents to screen vehicular traffic areas caused by the proposed special use around the entire site.

Mrs. Jackson responded that she felt this created more of a problem for the neighbors versus not specifying vegetation or fencing and felt this would open up more conflict.

Mr. Byington added that this would require the need to speak with all neighbors and added that the Planning Commission is responsible for addressing everyone's needs.

Mrs. Gowdy returned to the meeting and was briefed on what occurred during her absence. She inquired about the drop off and pick up zones.

Mr. Aidt withdrew his previous motion.

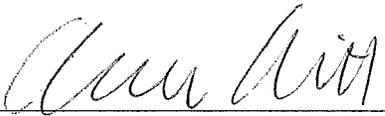
Therefore, it was moved by Mrs. Gowdy and seconded by Mrs. Jackson that application #14-3, to relocate the former South Park United Methodist Church Preschool to the Patterson House at the Lutheran Church of Our Savior for the purpose of operating a preschool for students ages 2-5 years with the following conditions: 1) no more than 40 students can be on the site at any one time; 2) the operator must file a year-end report to include participation levels, percentage of Oakwood residents, proposed changes for the next school year, and any complaints or concerns from the neighbors; and, 3) all vehicular drop offs and pickups will take place at or near the entrance of the Patterson House.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. ANDREW AIDT	YEA
MRS. HARRISON GOWDY	YEA
MRS. E. HEALY JACKSON	YEA
MR. STEVE BYINGTON	YEA

There being four (4) yea votes and no (0) nay votes thereon, said motion was declared duly carried and it was so ordered.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 6:05 pm.



 ACTING CHAIR

ATTEST:



 CLERK