

Oakwood, Dayton, Ohio

October 3, 2007

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 Vice Chair, Mr. Jeffrey Shulman, presided and the Clerk, Ms. Cathy Blum, recorded.

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

MR. WILLIAM KENDELL.....ABSENT
MR. JEFFREY B. SHULMAN.....PRESENT
MR. STEVEN BYINGTON.....PRESENT
MR. ANDREW AIDT.....PRESENT
MR. CARLO C. McGINNIS.....PRESENT

Officers of the city present were the following:

Ms. Dalma Grandjean, City Attorney
Mr. Jay A. Weiskircher, Assistant City Manager
Ms. Carol Collins, Leisure Services Director & Horticulturist
Mr. Dave Bunting, City Inspector

The following visitors registered:

Bert Murvay, 110 N. Main Street
The Lowe Family, 254 Schenck Avenue
Alan Rinzler, OIG
Herold Williams, Versant
Mr. Smith, Woolpert

It was moved by Mr. Aidt and seconded by Mr. Byington that the absence of Mr. Kendell be excused. 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 only four of the five members are present and the applicant is given the option to delay their request for a full commission or they may proceed.

It was moved by Mr. Byington and seconded by Mr. McGinnis that the minutes of the planning commission meeting held September 12, 2007 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.

Tabled application #07-6, the special use request submitted on behalf of Fifth Third Bank to remove the existing vegetation screen along the west property line and install a six foot high wood privacy fence at 2601 Far Hills was reviewed. Mr. Weiskircher referenced a PowerPoint presentation - plot plan of the property and pictures of the shadowbox style fence. In follow up to the commission's direction at the last meeting, a letter was sent to the four abutting property owners. He referenced pictures of those abutting properties and their responses: at 20 Dell Park, far north end, that owner suggested a fence be installed to avoid trash blowing into her yard; at 2606 Hillview, that owner also prefers a fence; and at 2612 Hillview, that owner had no strong feelings either way since he already has a privacy fence. However, the owner at 25 Oak Knoll, where the vegetation has survived, prefers that the vegetation remain. Mr. Weiskircher indicated he and Ms. Collins, City Horticulturist, visited the site and noted there is approximately 3' between the edge of the parking curb to the property line. If the commission approves the fence, there is adequate space for vegetation and Ms. Collins has listed a variety of species that could survive; but expressed concern with the lack of convenient water source.

Mr. Murvay, representing the maintenance firm which contracts with the Bank, had nothing additional to present. Mr. Shulman noted one neighbor prefers vegetation so there is no sense to put the fence by her property. Mr. Murvay indicated for some reason the vegetation in that area has survived, however, believes for aesthetic reasons the fence should be installed in the entire area, but they do want to be a good neighbor. Mr. Byington asked if they plan screening in that 3' area between the back of the curb and the property line. Mr. Murvay indicated he will get the list of suggested vegetation from the horticulturist. Mr. Shulman asked about watering. Ms. Collins explained that is a critical point and anything planted needs initial watering until it is well established. Mr. McGinnis asked if she had input on the prior screening. Ms. Collins indicated the evergreen vegetation has been replaced numerous times but it hasn't survived. Mr. McGinnis questioned whether it has been a maintenance issue. Ms. Collins indicated the Bank has always replaced when need be, but they need to make sure the plant material is initially established. Mr. Byington noted in this case, the evergreens don't seem to work. Mr. Aidt noted Ms. Collins' recommended taxus as a possible material. Ms. Collins indicated evergreens have been an ongoing problem over the past 20-25 years in that area. Mr. Weiskircher noted over the past couple years, the Bank has planted another 15-20 and only three have survived.

Mr. Shulman asked if the fence will enhance the area. Ms. Collins believes the fence will be very nice and suggested plant material to help soften and break up the fence. Mr. Murvay agreed. Mr. Shulman wondered if all the existing plant material should be removed. Mr. Byington suggested the plantings abutting 25 Oak Knoll remain and wondered if there are other plantings on the owner's side of the property line. Mr. Weiskircher indicated that owner does have other plant material. Mr. Byington suggested in that area the fence be installed on the other side of the existing vegetation. Mr. Murvay noted at the south end of the lot there is a large pine tree with electrical wires intertwined and that tree may need to be removed. Mr. Byington suggested the fence jog back by 2612 Hillview and low maintenance plantings be installed on the east side to soften the fence.

It was moved by Mr. Shulman and seconded by Mr. Byington that the application be approved contingent on vegetation along the fence subject to approval by the horticulturist. Ms. Grandjean asked that the standards be reviewed.

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
PRELIMINARY STAFF FINDINGS: One of the principles and standards set forth in the Comprehensive Plan is that screening and buffering should be promoted between commercial and residential areas, including landscaping and attractive fencing.
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: Throughout the business district there are a mixture of vegetation and privacy fences being used to screen parking lots from residentially zoned property. Therefore, what is being proposed by the bank is not out of character with existing conditions.
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 proposed privacy fence will achieve a more complete screen and thus an enhancement over the vegetation screening which currently exists.
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: The proposed fence will not impact the use and enjoyment of other property in the immediate area and in fact, will provide the adjoining

residentially zoned properties with added privacy.

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: Not applicable to this application.

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 mentioned earlier, there are already privacy fences being used throughout the business district to separate and screen parking lots from residentially zoned property. The use of privacy fences is common on residential lots throughout the community so it will not depreciate property values.

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: Not applicable to this application.

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: Not applicable to this application.

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 height and materials to be used to construct the fence comply with applicable regulations.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mr. Shulman and seconded by Mr. Aidt that in regard to tabled application #07-6, the special use request submitted on behalf of Fifth Third Bank to remove the existing vegetation screen along the west property line and install a six foot high wood privacy fence at 2601 Far Hills, the Planning Commission has heard and considered the evidence presented by the applicant, and has heard and reviewed the staff's preliminary findings, the Commission concurs with the staff's findings; and based on the foregoing, the Planning Commission finds that the special use standards set forth in Oakwood Ordinance Section 1004.6 are each met; and wherefore, the Planning Commission approves the application; subject to vegetation being installed along the east side of the fence, said vegetation to be approved 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.

Application #07-7, the special use request for Chris Lowe to install a secondary 24 x 20 detached garage at 254 Schenck was reviewed. Mr. Weiskircher referenced a PowerPoint presentation and reviewed the plot plan depicting the proposed garage location as well as photos of the shared drive, abutting neighbor's garage and the existing garage under the front porch. He also reviewed elevation drawings of the proposed two-car garage that will be 15' in height and constructed with hardi plank siding, asphalt shingles; and materials consistent with other garages in the immediate area. Mr. Weiskircher explained the special use is based on the secondary garage so the owners can park both cars, and the existing garage will be used primarily for storage. Mr. Lowe reviewed problems with the shared driveway, when he has

parked to drop off groceries, etc., the neighbor can't access his garage or the street. Mr. Shulman asked about use of the existing garage. Mr. Lowe indicated they will use that for lawn equipment and storage since it provides access to the house. Mr. McGinnis noted the steepness of the rear yard and whether the neighbor to the rear had any concerns. Mr. Lowe indicated that neighbor had no problem. Mr. Shulman asked about timing. Mr. Lowe responded as soon as possible. Discussion ensued in regard to the necessity of the hearing.

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
PRELIMINARY STAFF FINDINGS: The proposed structure is consistent with the objective that new construction complement and enhance existing neighborhood scale and character.
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: Since there are already several detached garages in the immediate vicinity, the improvement will not change the character of the area.
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 applicant is proposing to build a garage to accommodate two vehicles and thus eliminate the need to park a vehicle on the street.
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: The proposed garage will not directly impact any of the three adjacent properties or impair property values.
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 proposed garage will have no impact whatsoever on the use or development of adjacent properties. The location, size and exterior appearance of the proposed garage are consistent with other detached structures in the immediate area.
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: The proposed garage is 15' in height with an asphalt shingle roof and hardi plank exterior.
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: The proposed garage will be accessed from the existing shared driveway. All of the costs related to construction of the garage, including drainage, will be borne by the applicant.
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: As just mentioned, the proposed garage will be accessed from the existing shared driveway. Once the garage is completed, the applicant will be able to all but eliminate the need to park a vehicle on the street.

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 special use request, the garage conforms to all other applicable regulations.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Mr. Shulman and seconded by Mr. Aidt that in regard to application #07-7, the special use request for Chris Lowe to install a secondary 24 x 20 detached garage at 254 Schenck Avenue, and known as lot #322-335 pt., the Planning Commission has heard and considered the evidence presented by the applicant, and has heard and reviewed the staff's preliminary findings, the Commission concurs with the staff's findings; and based on the foregoing, the Planning Commission finds that the special use standards set forth in Oakwood Ordinance Section 1004.6 are each met; and wherefore, the Planning Commission approves the application 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.

Sugar Camp Development. Mr. Weiskircher recognized Mr. Rinzler, OIG; Mr. Williams, Versant; and Alan Bunker, Project Arborist, who has another commitment so asked that the Tree Preservation Plan be reviewed at this time. He explained one of the conditions of the approved PUD was submission of a Tree Preservation Plan which is for informational purposes, and does not need planning commission approval. Mr. Weiskircher referenced the PowerPoint presentation and pointed out the three areas Mr. Bunker has designated. Area A includes the area along W. Schantz west of the existing east entry to the site; B is east of the gate along W. Schantz to the corner and north along the west side of Far Hills to the corporation limit; and C is the internal area. The plan notes that in A there are currently 61 trees, 16 recommended for removal; in B 95 trees, 21 recommended for removal; and area C will be individually evaluated and recorded. Mr. Weiskircher indicated that he and Ms. Collins met with Mr. Bunker and others for a four-hour on site review on one of the hottest days in August. While walking the site, it became evident that Mr. Williams and Mr. Bunker have spent a lot of time identifying trees and as a developer, Mr. Williams prefers to preserve trees. They also saw where the housing units will be located. Mr. Weiskircher indicated it was very educational and some of the preservation issues won't be known until earth work is undertaken. He referenced the following points of the Plan: 1) select healthy, structurally sound trees for preservation; 2) prepare and protect trees for site changes; 3) protect trees and green space from injury during construction; and 4) maintain trees after construction. He noted there was also reference to the Emerald Ash Borer as there are many ash trees on the site.

Mr. Bunker indicated it's been a pleasure to work with staff. Mr. Aidt questioned whether there were many ash trees. Mr. Bunker indicated there are three varieties plus other tree species including sugar maple, hackberry, etc. Mr. Shulman questioned Zone C which still needs identified. Mr. Bunker explained that is the ravine which he examined last November and includes large specimens. Given the density of that area, they plan to keep as is for buffer purposes. Mr. Shulman commended everyone on the work and is pleased they plan to only remove 37 trees along the edges of the site. Mr. Bunker indicated things could vary when construction begins but he will work closely with them. Mr. Byington wondered if any of the trees could be transplanted. Mr. Bunker responded generally not given the size. Mr. McGinnis referenced Zone C and the steep hillside behind the existing buildings. Mr. Weiskircher indicated that a 40-50' wide area will be undisturbed and remain as a buffer. Mr. Rinzler noted there will be no construction in that area per the deed restriction and elevation line. Mr. McGinnis suggested they make a footnote on the plan so citizens are aware they are protecting and keeping trees. Mr. Williams indicated the tree preservation plan is part of the overall five-year plan for work.

Mr. Weiskircher referenced the proposed Master Landscape Plan from OIG which is a condition and stipulation included in the resolution of approval and requires the commission's review and action. He suggested if approved, language be included that the city horticulturist can add features in the future if need be. He introduced Mr. Tom Smith, Landscape Architect with Woolpert and indicated that he and Ms. Collins spent time going over the plan emphasizing that attention be given to the entrances, screening of the parking areas along W. Schantz, internal landscaping within the parking areas, the edge of Sugar Camp Circle, and foundation plantings.

Mr. Smith reviewed the Master Landscape Plan in detail pointing out foundation plantings that will enhance and soften the building architecture; plantings abutting the signage; parking lot screening plans; various plantings of ornamental grasses, large deciduous vegetation, etc. He noted the trees along W. Schantz are being saved and the other entry will also have the same planting bed theme. Mr. Smith reviewed the existing canopy between Buildings A and D and how that will be reworked with abutting annual flower beds. Mr. Rinzler noted other flower beds will be installed for beautification. He pointed out the walkway from the parking lot, handicap ramp, building canopies and drop off areas, etc. Mr. Aidt questioned dumpster locations. Mr. Rinzler pointed out the locations. Mr. Aidt noted one dumpster is in line with the housing portion of the property. Mr. Rinzler explained given the 8-10' slope and existing vegetation, it will not be visible. Mr. Byington asked about the demolition plan for the new parking lot. Mr. Rinzler indicated unfortunately, they will be losing a few nice trees in front of Building D, for the parking area. Mr. Shulman asked about prospective tenants. Mr. Rinzler indicated in Building A, they have a tenant who will be using the lower level and outdoor patio, Dr. Thomas is on the north side of the building, one floor is the HVAC for the entire campus. He noted they are in preliminary discussions with a potential tenant for the upper level of Building B. Mr. Rinzler explained part of the problem with potential tenants is that the roadway won't be complete until next spring so an occupancy date can't be given. Mr. Shulman asked about the proposed office building to the west near Schantz. Mr. Rinzler indicated there is no potential tenant at the moment.

Mr. McGinnis asked that they buffer any lighting issues so as to not impact the neighbors on W. Schantz. Mr. Smith indicated there are a lot of mature trees in that buffer area that will remain. Mr. McGinnis indicated although they have probably already addressed that concern, they need to be sensitive to any light spillage. Mr. Rinzler explained they will have security light fixtures on a timer which will go off at a set time unless there is a special event. Mr. Weiskircher explained the lights will not exceed 16' in height and cast downward. Mr. McGinnis commended the plan. Mr. Byington was also impressed with the plan and asked about cost estimates. Mr. Rinzler indicated he has told his staff they will spend whatever it takes to do it right to fit in with Oakwood and at this point in time, he doesn't have an overall estimate. Mr. McGinnis asked about mechanisms for future maintenance. Mr. Rinzler indicated they plan to install a sprinkler system so everything will be properly watered and they have hired a full-time employee for maintenance. He noted Oakwood ordinances also make certain that everything is properly maintained. Mr. McGinnis asked about common areas. Mr. Rinzler indicated the parking and green space is maintained in common by the OIG Association which in turn designates a manager and then bill back to the tenants.

Therefore, it was moved by Mr. Shulman and seconded by Mr. McGinnis that in regard to the approved OIG application at Sugar Camp, 101 W. Schantz Avenue, the Commission has reviewed the preliminary Master Landscape Plan and approves same on the condition that it be subject to the discretion of city staff, and in particular the city horticulturist, to order additional landscaping if necessary to achieve appropriate appearance and that the developers are permitted to make minor modifications subject to approval of staff with any major modifications being presented to the Planning Commission. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Weiskircher indicated that proposed modifications to Mr. Williams' approved Master Site Plan will be presented in November, but at this time, a summary will be given. Mr. Williams referenced minor reconsideration of dwelling types and noted the name attached to the residential area is "Pointe Oakwood at Sugar Camp", although the final logo for marketing materials is still being worked on. They plan to eliminate the attached doubles in the residential area based on size and marketability and for greater green

space, have proposed a smaller scale of buildings abutting Far Hills. Mr. Williams explained they plan to concentrate on condo units, three-stories with underground parking and built into the hillside as a visible landmark looking south from Dayton. Mr. McGinnis asked about the elevation seen from the playing fields. Mr. Williams indicated it will be visible as it is set into the hillside. Mr. Byington questioned the overall net gain. Mr. Williams indicated overall it remains at approximately 130. The modified plan also contemplates relocating the mid-rise condo buildings to the northwest corner of the site. Mr. Williams believes the buildings are more appropriate in this area and afford the developer the opportunity to make full use of the unique topography while offering tenants an excellent view of the Dayton skyline.

Discussion ensued in regard to the underground parking, digging into the foundry sand, excavation, etc. Mr. Williams indicated there is an excavation and dust mediation plan. Mr. Byington noted that will be extremely scrutinized. Mr. Williams indicated they will be presenting that information to the Board of Health. Mr. Shulman questioned the distance between the homes. Mr. Williams responded it varies from 12' to 25' as they are trying to eliminate front parking/garage doors. Mr. Byington asked if the community building has been changed. Mr. Williams responded it is narrower and only 3,500 square feet. Mr. McGinnis suggested they be prepared to discuss the density issue in terms of the number of units. Mr. Rinzler noted there has been a greater demand for condos. Mr. Shulman asked about timing. Mr. Williams plans to complete earthwork this fall with no building until the spring. He hopes to start on the condo buildings when 50% of the building has been sold.

The Planning Commission adjourned. The public meeting concluded at 6:28 p.m.

VICE CHAIR

ATTEST:

CLERK