

Oakwood, Dayton, Ohio

November 7, 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 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
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:

Mr. Norbert S. Klopsch, City Manager
Ms. Dalma Grandjean, City Attorney
Mr. Jay A. Weiskircher, Assistant City Manager
Mr. Dave Bunting, City Inspector

The following visitors were present:

Brian Smallwood, Sugar Camp
Lee Schear, Sugar Camp
April Jordan, Sugar camp
John Eastman, LJB
Herold Williams, Versant
Robyn Angel/Dan Sutch, 427 Glendora

Mr. Kendell acknowledged and congratulated Mr. Byington on being elected to City Council.

It was moved by Mr. Kendell and seconded by Mr. Shulman that the minutes of the planning commission meeting held October 3, 2007 be approved as submitted and the reading thereof be dispensed with. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Application #07-7, a lot area variance associated with a proposed replat of the lot at 304 Schenck, for Robin Angel and Daniel Sutch was presented. Mr. Weiskircher referenced a PowerPoint presentation and explained the applicants reside at 422 Glendora and have undertaken a lot of work to the property. They recently purchased the property to the north, 304 Schenck, however, there is a 3-4' encroachment of the Glendora drive onto the Schenck property. They propose to replat the lots and although the minimum lot area is 12,000 square feet, there is currently 11,850 square feet at 304 Schenck and this replat will make it 10,951 square feet. Mr. Weiskircher explained the owners plan to refurbish 304 Schenck including demolishing and rebuilding a new garage which will necessitate a separate drive cut. He referenced the plot plan which depicts the new garage approximately 17' off the revised property line. Mr. Weiskircher explained this proposed replat and lot variance are being recommended by staff for approval.

It was moved by Mr. Shulman and seconded by Mr. Byington that application #07-7, a lot area variance associated with a proposed replat of the lot at 304 Schenck Avenue, for Robin Angel and Daniel Sutch be approved based on plans and information submitted and in compliance with all city rules and regulations. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Weiskircher referenced the Sugar Camp replat. He summarized events since the last meeting which included a ground breaking ceremony and site excavation for the access road and parking lot east of Building D with the base course of asphalt to be completed after Thanksgiving. He noted that a significant number of trees have been removed on the internal area of the lot but along W. Schantz, only dead or diseased trees were removed as was stipulated in the original plan and Arborist Alan Bunker provides weekly reports on tree preservation issues. Mr. Weiskircher indicated they also met with the

Board of Health on the dust mitigation plan and Dr. Eastman has outlined procedures for monitoring conditions involving the foundry sand on Lot 2 as the community was promised when the development was approved. He noted earlier in the week, council adopted legislation to adjust the corporation line with Dayton, north of the residential area and south of the soccer field for an access road which is part of the agreement when the fields were purchased from NCR. The city will pay Dayton \$10,000 for the strip, a good example of inter-governmental cooperation. Mr. Weiskircher reported the project team met with DP&L and Vectren on utility issues. He indicated everyone agrees this is a complicated project with various infrastructures, different jurisdictions, relocation of various utility lines, etc. Mr. Weiskircher extended his thanks to Dr. Eastman for his work in coordinating these efforts.

Mr. Weiskircher introduced Brian Smallwood, Woolpert who has worked on the various easements, etc.; and OIG Attorney April Jordan who worked on the covenants and restrictions. The replat still has some issues they are working on. Mr. Byington questioned those issues. Dr. Eastman explained engineering calculations on the easements and parcels so that once recorded it will serve all concerns, i.e., the required 40' buffer along Schantz and Far Hills which is distinct from the building setback line. Mr. McGinnis asked about access points for pedestrians from Schantz to the fields. Dr. Eastman explained at Kramer, the west entrance, there is access to the sidewalks abutting the roadway. Mr. McGinnis asked about the public park area. Dr. Eastman explained that is on the Versant plat which hasn't been worked on and he reviewed the location of the park on lot #82 which can be accessed from the walks abutting the roadway. Mr. McGinnis asked about pedestrian access from Sugar Camp Circle. Dr. Eastman indicated there is a 100' drop in elevation which leads into the new proposed location of the mid-rise condos and reiterated the roadway system includes sidewalks. Mr. McGinnis indicated as a walking community, access is needed and suggested a foot path be included to the west. Mr. Byington had thought the refuse services, etc., would be accessed from the west. Dr. Eastman indicated that western portion includes elevation issues and abuts a retaining wall that overlooks the Versant project. Mr. McGinnis suggested an overlook feature on the commercial portion of the area.

Dr. Eastman explained the Versant portion of the area has been named "Point Oakwood" and the intent to replat the Sugar Camp area, also known as Lot #1, is to transfer a portion to Versant for the residential portion. He reviewed the area along the top of the hill behind the commercial buildings which is heavily wooded and abuts the Synagogue. Mr. Shulman asked how the fields are currently accessed. Dr. Eastman explained off River Park Drive which will be closed, also a condition of the purchase agreement. Discussion ensued in regard to parking areas for the fields. In response to a question, Dr. Eastman pointed out the proposed location of the mid-rise condos on the Versant lot adjacent to the Synagogue.

Mr. Klopsch indicated the access to the fields is still being worked out; however there is no access from OIG. Mr. Byington doesn't believe citizens necessarily want to access through established commercial property for safety reasons, nor would that be beneficial for the businesses or Synagogue. Mr. McGinnis pointed out there is a marvelous view from the OIG area and since they have entered into a partnership with the city to help fund the infrastructure improvements, he would like to plan that objective which the community would appreciate. He asked which parking lot is for the Synagogue. Dr. Eastman explained in the declaration of covenants it states that parking is available to all for common use. Mr. McGinnis asked if they are prepared to discuss signage. Mr. Weiskircher responded not yet, but two primary monument signs are proposed on W. Schantz which will list each business.

Dr. Eastman noted the urgency to record the plat with Montgomery County which includes all documents, i.e., covenants, etc. Mr. McGinnis believes now is the time to make modifications as part of the record. Dr. Eastman indicated there is a stipulation for an overlook in the Versant area, nothing in the Sugar Camp area, there are two distinct plats and they can't transfer land from OIG to Versant until Lot #1 is divided into eight lots. Mr. Williams explained the replat of Lot #1 is the issue before the commission, so as to be recorded as quickly as possible for the change from commercial to residential. Once that is completed, he can return with the residential proposals. Dr. Eastman reiterated the property lines and easements are fine. Mr. Klopsch explained they are taking Lot 1 and creating eight new separate lots, one of which will be transferred to Versant. Dr. Eastman indicated subject to very minor details, the Sugar Camp replat is ready to be recorded.

Mr. McGinnis asked that access and overlook points be addressed. Mr. Klopsch suggested approval be contingent on easements for pedestrian access and staff work with the developer on the overlook issue. Mr. McGinnis reiterated the beautiful vista on the OIG site. Mr. Klopsch indicated when trees are removed for the residential area; they might determine another location for an overlook. Mr. Williams reviewed the overlook on the Versant plan. Mr. McGinnis is pleased with that area but would also like an overlook near the existing Sugar Camp buildings. Mr. Schear explained there is a 70' elevation drop at the rear of the building. Mr. McGinnis suggested an overlook to the north of the buildings by the parking lot. Mr. Klopsch indicated that view would be looking directly into the trees and suggested they walk the area. Mr. Schear indicated he would not be opposed if they find a spot that could be a win-win.

Mr. Klopsch explained it's important to approve the replat. Mr. McGinnis concurred but reiterated his concern that there be a scenic overlook. Mr. Weiskircher recalled Mr. Rinzler expressing concern with an overlook in the commercial area, the scenic overlook was approved in the Versant area – the request for a second overlook is a new issue. Mr. Kendell suggested staff and the developer look for a potential second overlook and return with a suggestion. Mr. McGinnis reiterated his request to explore another overlook site. Mr. Schear indicated they will consider same. Mr. Kendell suggested they not hold up the replat and asked if an area along the access roads to the soccer fields could be used for an overlook. Mr. Klopsch explained they cannot require, as a condition of the replat approval, a request that OIG provide a second overlook because that was not part of the master plan approval. They can work with the owners to see if there is a potential overlook and he trusts Mr. McGinnis knows they will be diligent and suggested they walk the area.

Mr. McGinnis hopes there will also be pedestrian accessibility through the commercial area since the city is building a nice road. Mr. Klopsch indicated a pedestrian path through the commercial area was not a condition of the original master plan approval and they need to be careful with the mix. Mr. McGinnis indicated the city has partnered on this project, this is not a gated area, there needs to be give and take. Mr. Klopsch indicated they will look into the issue. Ms. Grandjean noted they cannot impose additional requirements since it wasn't in the original master plan approval. Mr. Kendell noted there is one overlook and the owners are willing to work with staff to see whether there is another. Mr. McGinnis reiterated his concerns and also urged a pedestrian path to the fields. Mr. Kendell suggested a short recess be taken.

At approximately 6:05 p.m., the meeting resumed. Mr. Kendell indicated after a brief "side bar" discussion, it's been suggested a motion be made to accept the preliminary replat with the condition that staff work with the developer to see if there is an opportunity of an additional overlook on the west, accessible through the commercial area.

Therefore, it was moved by Mr. McGinnis and seconded by Mr. Shulman that the preliminary replat of the Sugar Camp property be approved subject to staff and the commercial developer reviewing a potential overlook to the west. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Weiskircher referenced the briefing Mr. Williams gave at the last meeting about the proposed amendment to the Versant residential master plan. He indicated this amendment will require a review by the commission and council action. He referenced a sketch of the residential area and relocation of the mid-rise buildings to the northwest corner of the property. Mr. Weiskircher explained the original density was 130 units which included four mid-rise four story buildings with 32 units. The revised plan is still 130 units, but amended to 71 single family and 59 condo units. The latter will change to three ten story buildings with 20, 20 and 19 units so that the one building has a full size penthouse; all of which have an un-obstructed view of Dayton. Mr. Weiskircher explained staff reviewed the ten story buildings and since Oakwood does not have any building with a similar number of stories, they met with the Kettering Fire Marshall and city safety department staff. He explained the Fire Code requires that the buildings be sprinkled and with a concrete shell, the Fire Marshal believes the chances of a significant structural fire are remote. They discussed equipment needs, access, etc. and the Fire Marshall felt there would not be an issue. Mr. Weiskircher indicated one issue with ten stories is that the roof tops will be visible from W. Schantz and referred to an elevation sketch.

Mr. Williams explained the three condo buildings will have a shared parking garage area on the lower level. He reviewed the elevation sketch which depicted the site line from Schantz looking north and referenced a legal restriction in the Synagogue documents which restricts an obstructing height from the corner of that building, i.e., nothing above an 815 elevation. Mr. Shulman noted the overall number of units is the same. Mr. Klopsch responded yes, but the original mid-rise condos only had 32 units and now there are 59; more condos, less town homes. He referenced one of the community concerns relating to increased number of school children and these condo units further remove that possibility. Mr. Shulman questioned the reasoning behind making the change. Mr. Williams explained the market analysis shows the need for this product and in a special unit. He indicated there will be a single elevator serving only two units per floor which is an added cost but adds to the luxury accommodations. Mr. Shulman asked about the construction phase. Mr. Williams explained once the units are more than 50% sold, then they will begin. Discussion ensued in regard to this “lock-and-leave” condo building.

Mr. Byington indicated this is a dramatic change from the original plan and recalls a commitment that the style and character of the new residential area would be in keeping with the community - Oakwood doesn't have any ten story buildings. He believes ten stories not only create a residential component the city doesn't have, but it probably would not be accepted. Mr. Byington referenced the elevation drawing and noted residents on W. Schantz will probably see more than just the top of the building as will those leaving the synagogue. He asked if there is any compromise between the original approved four stories to the ten stories. Mr. Williams indicated he could possibly do a different configuration but needs optimum use based on cost. Mr. Byington expressed his shock with the proposed ten stories and questioned the view from the fields looking back at Oakwood. He would prefer to see the buildings shortened, doesn't believe they want a carillon tower or any type “tower” which can quickly become dated because of its size. Mr. McGinnis agreed with Mr. Byington and also prefers that the buildings be lowered.

Mr. Williams explained the ten stories were to give some visibility to this prominent project and everyone can't get the top floor for the best view. Mr. Byington asked about the sight line from Far Hills over the trees. Mr. Williams believes only a couple stories would be visible given all the greenery. Mr. Byington asked if they reviewed the shadow lines, how the ten stories might impact the homes. Mr. Williams explained it abuts the hillside and vegetation so shadowing should not be a problem. Mr. Shulman indicated he is willing to look at a lower building and suggested this be tabled until other possibilities are submitted. In order to proceed with the plat, Mr. Williams asked if relocating the multi family units and reducing the number of single family unit is acceptable. Mr. Shulman had no problem with the new location, only the height. Mr. Klopsch recalled Miller Valentine using that same spot for high rise units. Mr. Klopsch noted the concept of relocating the multi-story building has been concurred in, but prior to forwarding to council for review, the height of those buildings needs additional work.

Therefore, it was moved by Mr. Byington and seconded by Mr. Shulman that the amendment to the Versant residential master plan be accepted as it relates to relocating the condo manor home residences to the far west area of the site but that details on the mid-rise buildings are yet to be determined. 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 6:40 p.m.

CHAIR

ATTEST:

CLERK