

Oakwood, Dayton, Ohio

August 13, 2008

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. Andrew Aidt, presided and the Clerk, Ms. Cathy Blum, recorded.

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

MR. JEFFREY B. SHULMAN.....ABSENT
MR. ANDREW AIDT.....PRESENT
MRS. REBECCA BUTLER.....PRESENT
MRS. HARRISON GOWDY.....PRESENT
MR. STEVEN BYINGTON.....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

The following visitors were present:

Eric Sauer, Envision Works
Mayor Judy Cook
Leigh Ann Fulford, 219 Orchard

It was moved by Mr. Byington and seconded by Mrs. Butler 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 commission meeting held June 4, 2008 be approved as submitted and the reading thereof be dispensed with. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Application #08-6, the review of plans for a 35-space municipal parking lot to be located on the current site of a four-unit apartment building at 22 Orchard Drive was presented. Mr. Weiskircher referenced a PowerPoint presentation and site map of the business district, proposed parking lot location and explained there is no special use or variance, this is a permitted use in the R-6 district. The purpose of the hearing is simply to provide the public another opportunity to comment on the plan as well as to seek comments and suggestions from the Planning Commission. He pointed out area off-street parking and how the parking areas on the east side are buffered along Shafor. He reviewed the current parking inventories for the west and east side of the Far Hills Business District based on the number of on-site spaces, spaces required, cruise lane, and side street parking availability and the difference for a plus amount of 103 spaces on the west and a negative ten on the east. Mr. Weiskircher referenced photos of current on-street parking conditions along the west and east sides of Shafor, between Claranna and East; and the west and east sides of Shafor between Wonderly and Claranna and noted that most of these cars belong to Dorothy Lane Market employees. He then referenced a photo of the existing four-unit apartment building at 22 Orchard Drive that the city purchased in 2006 with the goal of using it for parking and it has been vacant ever since.

Mr. Weiskircher explained in 2006 the city entered into an agreement with MDG Investment for unrestricted public use of the 27 space parking lot behind the Oakwood Club. This agreement expires on August 31, 2012. Although 37 spaces located north of Talbotts were lost with the construction of the new Oakwood Retail Center, 17 diagonal public spaces were created along the east side of the cruise lane and the south side of Orchard. In 2007, with cooperation of the previous building owner, the city assisted with the redesign of the parking lot behind the 2600 Building. While the new lot configuration is a significant improvement over the previous lot, there was a net loss of 20 spaces. The city installed a new pedestrian crosswalk at Orchard to encourage business patrons to use available parking on the west side

of Far Hills. Mr. Weiskircher reviewed public outreach efforts. In March, the city held a public meeting with interested neighbors and business owners to explain the need for additional parking in the area of the 2400 and 2500 blocks on the east side of Far Hills. The presentation was well received and since that time the city has been working with Eric Sauer, Envision Works, a local landscape architect, on the parking lot design. A second meeting was held on July 22 to review the proposed parking lot plans. The 13 attendees that evening were supportive of the plans and the city's intent to move forward with the project.

Mr. Weiskircher introduced Mr. Eric Sauer, President of Envision Works who grew up in Oakwood, has been a pleasure to work with and is the designer of the recently completed Orchardly Park Improvement Project. Mr. Sauer referenced the layout of the parking lot which has no handicap parking due to the availability of public ADA spaces on Far Hills. Based on concern with the existing large magnolia tree, which will remain, they designed a large planting area to protect the tree. He pointed out the additional planting buffer area on the east side of the lot which will be on either side of the proposed 5' privacy fence. Mr. Sauer indicated they plan to bid both vinyl and wood fencing and pointed out the location of the rain garden areas within the lot. He reviewed the perspective rendering of the parking lot from behind the Oakwood Club and reiterated plantings will be on both sides of the east fence. Mr. Sauer reviewed the proposed lighting fixtures, a reflective fixture which provides soft even light. He referenced the proposed plant material designed to insure seasonal color and indicated the area will be irrigated.

Mrs. Gowdy asked if residents are permitted vinyl fencing. Mr. Weiskircher concurred. Mr. Aidt questioned the grade. Mr. Sauer explained the building sits a few feet above grade. Mr. Byington asked about the fence height. Mr. Sauer explained it will be 5' in height, and will be approximately 4' within the property line to accommodate plantings on both sides. Mr. Weiskircher indicated that during the July 22 public meeting some concerns were expressed about access to the lot and he explained there are no plans to chain off the lot in the evening but signs will be posted that there is no overnight parking. He indicated they will monitor the lot and referenced another concern about potential traffic which the city believes won't be an issue as people will use either Far Hills or Shafor. He noted they are in the process of conducting traffic counts now and will do so again after the lot is in place. Mr. Sauer reviewed the two properties to the east of the lot, pointed out the city owns the building to the east and if additional parking is needed, this plan permits expansion into that area with the loss of minimal landscaping. Mr. Aidt asked if the rain gardens are all that will handle the stormwater runoff. Mr. Sauer indicated there is also a drain. In response to a question, Mr. Sauer pointed out the proposed three (3) locations for the light fixtures. Mr. Klopsch asked if the apron on Orchard lines up with the apron across the street. Mr. Sauer responded yes within a few feet will be the new curb cut. Mr. Weiskircher reviewed the project timetable, in late August; they will take bids and award the contract. In mid-September the building will be demolished and the lot graded so work can begin. In late October, the parking lot will be opened to users and in early November, perimeter landscaping completed.

Mr. Sauer indicated they also plan to install three (3) individual bike racks behind the RTA shelter at the intersection of Orchard Drive and Far Hills Avenue. Mr. Klopsch explained originally they thought about using one of the parking spaces for the bike rack but believe there is sufficient area behind the RTA shelter. He indicated in 2003 a lot of time was spent on rewriting the Comprehensive Plan on land use, transportation and facility issues. One component dealt with the Business District, the importance of its revenue and an "attractive place to go" with accessible parking. He indicated a careful balance is needed since Oakwood is primarily a residential community, yet they want to maintain and expand a vibrant and attractive business area. Mr. Klopsch indicated when council authorized the purchase of the apartment building it was done with this proposal in mind and they could spend less on this \$300,000 project but it wouldn't be the Oakwood way. Mr. Aidt noted it's one of the best parking lots he has seen in a long time and far exceeds the typical design. Mr. Klopsch indicated the commission needs to focus on the design, layout and if it fits into the area, the issue to build the lot has already been addressed by elected officials.

Mr. Aidt opened the public hearing for comment. Mr. Klopsch recognized Leigh Ann Fulford who has been involved in both the first and revised Comprehensive Plans. Mrs. Fulford explained over 20 years ago when they moved into Oakwood, she was working with Woolpert and knew about parking issues. At that time, the Business District was depressed with trash, empty parking, etc. She indicated the lot behind

the Oakwood Club is usually empty since people like to park in front of the business, not behind and walk up the hill. Although she doesn't advocate rear entrances, Mrs. Fulford believes the rear entrance at the Oakwood Club has made that rear lot a success. She is supportive of the Business District and walking and asked about park benches for patrons after they get ice cream and/or coffee, make the area more like a park. Mr. Sauer indicated a bench and trash receptacle is planned under the magnolia tree. Mrs. Fulford indicated her husband is a "green person" and would like to see solar power light fixtures. Mrs. Gowdy asked if there would be room for another bench. Mr. Sauer suggested they wait and see how it is used first. Mrs. Fulford pointed out there are now on-street parking issues at Orchardly Park, it's impossible to drive down the 300 block. There being no other comments, the public hearing was closed.

Mr. Byington extended thanks to the Fulfords for their suggestions; it's refreshing to have positive and constructive information. Mr. Aidt wondered if the commission needs to do anything. Mr. Weiskircher asked for their review and suggestions. Mr. Klopsch suggested a motion. Mrs. Gowdy expressed concern with vinyl fencing. Mr. Sauer indicated it will be bid with an option for a wood fence as well.

Therefore, it was moved by Mr. Byington and seconded by Mrs. Butler that application #08-6, the review of plans for a 35-space municipal parking lot to be located on the current site of a four-unit apartment building at 22 Orchard Drive, and known as lot #3491, be approved as to design.

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

MR. JEFFREY B. SHULMAN.....ABSENT
MR. ANDREW AIDT.....YEA
MRS. REBECCA BUTLER.....YEA
MRS. HARRISON GOWDY.....YEA
MR. STEVEN 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.

The next item of business is a public hearing on amendments to the sign regulations. Mr. Weiskircher explained in the early 1980's, Oakwood took pride in its unique sign regulations and strictly enforced the restriction permitting only one sign per zoning lot. For the past few years, the ACLU and other groups have become aggressive with many communities that had regulations in place limiting the number of signs. The courts have consistently ruled against restricting the number of permitted signs. For this reason, the city stopped enforcing the regulation last year. These proposed amendments will control signage in a manner which the courts have permitted to date. Mr. Weiskircher explained the city surveyed similar sized cities in Ohio, i.e., Indian Hill, Bexley, etc., on their regulations and found a variety of controls. Staff is recommending a control measure be based on overall square footage. He referenced a chart on the summary of amended sign regulations. In regard to "temporary signs", currently lots are limited to one sign per residential zoning lot no larger than 12 square feet (double sided) and not displayed for more than 30 days. The proposal is that signs may not cumulatively exceed 12 square feet (single sided) with no single sign being more than 6 square feet and elimination of the 30 day time restriction. Mr. Weiskircher indicated that real estate signs which are typically 6 square feet. Under this proposal, a property owner could have up to four (4) of the current 3 square foot political signs. In regard to "political signs" currently it is defined as a temporary sign and the proposed would eliminate the political sign definition. In regard to "civic banners", currently they may not be displayed for more than 14 days; and the proposal is that the city manager may approve an extension of time. In regard to "sign colors", the proposal would eliminate the three (3) color restriction and retitle the section from "colors" to "visibility" and maintain the current language limiting the use of red, amber or green illuminated signs within 150' of a traffic signal. In regard to "sign height" currently signs in residential districts may not exceed 3 1/2' in height; and the proposal is to increase the maximum height to 4' as is in keeping with standards used by most communities. In regard to "business signs", the proposal is that this be regulated by the Business District Design Guidelines.

Mr. Weiskircher explained they are looking for suggestions and then a recommendation to forward to council for review. Mrs. Butler asked for clarification that advertising signs are still not permitted or if they are temporary signs. Mr. Weiskircher concurred advertising signs are not permitted. Mrs. Gowdy indicated based on the proposed square footage restriction, there could be no more than four (4) signs on a lot. Mr. Weiskircher concurred unless smaller signs are used but no sign can be larger than six square feet. Mrs. Gowdy asked if signs are still limited to 30 days. Mr. Weiskircher responded that the courts have ruled that communities may not place a time limit on how long signs can be displayed. Mr. Klopsch indicated it's also difficult to enforce the 30 day regulation. Ms. Grandjean explained the court defines temporary signs of a material that won't last long, and then it's appropriate for removal. Mrs. Butler asked for an example of a temporary sign that isn't political or an issue. Mr. Byington responded a baby announcement sign. Mr. Aidt recalled when Kettering reviewed its sign regulations and determined they couldn't regulate content. Mrs. Butler noted no sign is permitted in the right-of-way. Mr. Weiskircher agreed, only on private property. Mr. Aidt was surprised the city wasn't enforcing the rule. Mr. Klopsch indicated a couple residents voiced concern about wanting to show support for more than one issue and/or candidate and if this is recommended to council for their review in September, a press release will be issued. He indicated property maintenance regulations will come into play if a temporary sign is worn. Mr. Aidt recalled Kettering putting together an informational sheet for campaign managers with information beyond what the code states and wondered if they need to address readability. Ms. Grandjean indicated they didn't address lettering, only coloring for traffic hazard concerns. Mr. Klopsch explained they cleaned up sections of the code but did not re-write it. Discussion ensued in regard to citizen concerns, freedom of speech, supporting multiple issues, etc.

Mr. Aidt opened the public hearing. Mayor Cook explained the court still recognizes blight and with all the festivals, etc., there is an issue with the number of signs. She believes they will learn from citizen input on this. There being no other comments from the audience, the public hearing was closed.

Therefore, it was moved by Mr. Aidt and seconded by Mrs. Butler that in regard to the proposed ordinance to amend Section 1003 of the Zoning Code, the Commission has heard and agreed with the findings presented by staff, the text amendment has been reviewed and is consistent with the Zoning Code, Comprehensive Plan and in the best interest of Oakwood as a whole, the Commission recommends the amendment be reviewed by Council.

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

MR. JEFFREY B. SHULMAN.....ABSENT
MR. ANDREW AIDT.....YEA
MRS. REBECCA BUTLER.....YEA
MRS. HARRISON GOWDY.....YEA
MR. STEVEN 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.

Discussion ensued in regard to the September meeting date. Mr. Weiskircher indicated Mrs. Clark's buffer yard issue will be resolved as her attorney is requesting the required 20' buffer yard designation. Mr. Klopsch updated the Commission on the status of work at Sugar Camp and Pointe Oakwood.

The Planning Commission adjourned. The public meeting concluded at 5:50 p.m.

VICE CHAIR

ATTEST:

CLERK