

Oakwood, Dayton, Ohio

August 19, 2009

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, Mrs. Cathy Gibson, 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. STEVE 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 registered:

Tony Weiter, Cricket
Lisa and Kurt Sanford, 55 Park Road
Bob Rhodes, 55 Rhodes Center Drive

It was moved by Mrs. Gowdy 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 Mr. Byington and seconded by Mrs. Butler that the minutes of the commission meeting held July 1, 2009 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.

Application #09-4, the special use request by Kurt and Lisa Sanford to: 1) widen the proposed driveway beyond zoning code limits; and 2) install entry pillars and a 24" decorative wall within a portion of the city right-of-way at 120 Park Road was presented. Mr. Weiskircher referenced a PowerPoint presentation and explained this application has two requests and the entry pillars are before the Commission since it is located in the right-of-way. He reviewed a sketch of the proposed pillar location on either side of the drive and explained there are regulations that govern the size and footprint of the pillars based on the frontage of the property and building setback. The proposed pillars are 5' high and four feet squared as was depicted on the elevation drawing, constructed of stone veneer to match the home, include a light fixture and an attached 2' decorative stone wall. The pillars are set back 13' from the curb and the wall extends toward the street at 8' from the back of the curb. Mr. Weiskircher noted typically these are handled as conditional uses if located on private property, but since it is in the right-of-way formal action is required by Council. Mr. Aidt asked if a right-of-way agreement required. Mr. Weiskircher concurred. Mr. Aidt asked if there were any comments from the audience. There were none.

Therefore, it was moved by Mrs. Butler and seconded by Mrs. Gowdy that a portion of application #09-4, the request by Kurt and Lisa Sanford to install entry pillars and a 24" decorative wall within a portion of the city right-of-way at 120 Park Road, and known as lot #2816, be recommended to Council for approval based on plans and information 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.

Mr. Weiskircher reviewed the special use portion of the request for a widened driveway that exceeds the 12' width regulation (an appropriate size for most lots), but given the size of this large lot, 16' is requested with a small pregnancy of an additional 8' to park a vehicle. He reviewed a sketch of the proposed drive and several pictures of neighboring properties with circular and enlarged driveways. The

driveway will be constructed from concrete and extensive landscaping has been proposed. Mr. Aidt asked if drainage requirements were met. Mr. Weiskircher indicated that has already gone through the engineering department. Mrs. Gowdy questioned the maximum 24' width. Mr. Weiskircher explained the applicant originally wanted a parking pad, which is not permitted in a front yard, so this was a compromise.

Mr. Sanford explained since the house is situated on a hill and based on the curve of Park Road; it is fairly dangerous for street parking, so this is a safe spot which will be screened with landscaping. He believes this as appropriate given the footprint of the home/size of the lot and asked for the Commission's support. Mr. Byington asked if the bump out in the drive will be for their use or guests. Mr. Sanford explained for visitors. Mr. Byington wondered if there was adequate space near the garage for parking. Mrs. Sanford replied there isn't enough area to turnaround. Mr. Byington expressed concern with a car being parked there all the time and encouraged the owners to park farther back. Mr. Sanford agreed. Mr. Byington asked about lighting. Mr. Sanford explained there is some landscape lighting plus lights on the pillars.

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
PRELIMINARY STAFF FINDINGS: The Comprehensive Plan provides that improvements in residential areas be characterized by quality construction and be compatible with the character of the neighborhood. The Sanfords have built a beautiful home on the site and are seeking special use approval for a driveway that is wider than the 12 foot standard.
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 front yard of the Sanford home is .36 acres so the proposal to extend the width of the driveway will not be out of scale with the property nor change the immediate area which is characterized by circular driveways which provide property owners convenient access to their homes.
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: Allowing the applicants the opportunity to widen their driveway will not be detrimental to the public health, safety, morals, comfort, convenience or general welfare. This request is confined to private property and is solely to accommodate the property owners.
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: As already mentioned there are a number of existing circular driveways in the immediate area. The Sanfords believe that a circular driveway will detract from the appearance of their home so they have proposed a wider driveway in order to accommodate simultaneous vehicle use. Further extending the width of the driveway near the front walk to 24 feet will allow a vehicle to pass while another vehicle is parked in this location.
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: This proposed use will have no impact on the development of other properties 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: This plan to widen the driveway to 16 feet and to further widen the driveway near the front walk to 24 feet should have no impact on the character of the neighborhood.
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: All costs associated with drainage will be at the applicant's expense.
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: The suggested improvement will eliminate the need for the applicant to park a vehicle on the street in order for others to have unobstructed use of the driveway.
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 widened driveway, the proposal conforms to all other applicable regulations.
PLANNING COMMISSION FINDINGS: Sustained.

Whereas 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; 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 therefore, it was moved by Mr. Byington and seconded by Mrs. Gowdy that a portion of application #09-4, the special use request by Kurt and Lisa Sanford to widen the proposed driveway beyond zoning code limits at 120 Park Road, and known as lot #2816, be approved 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.

Mrs. Sanford questioned the next step. Mr. Weiskircher explained they may proceed with the drive, but the columns will be reviewed by City Council at the September 21 meeting.

Application #09-2, the request by Cricket Communications, Inc., to affix three (3) antennas and one (1) cabinet to the existing penthouse wall located on the roof of the commercial building at 2600 Far Hills was presented. Mr. Weiskircher referenced the PowerPoint presentation and noted this location already has antennas for two other telecommunication providers, Sprint and Cingular. He reviewed a plot plan of the lot and roof penthouse, pointing out where the three proposed Cricket antennas will go, photos of the existing antennas, and noted the new antennas will be painted to match the building. Mr. Weiskircher indicated there are a number of submissions required as part of the application and the following have been received: plot plan; photo simulations; technical necessity; review by Radio Frequency Engineer; and although required in this instance not needed – a site and landscaping plan. He noted a Co-Location, Maintenance and Removal Agreement has been submitted on behalf of Cricket. Mr. Weiskircher referenced 19 standards which must be met, however, in this application all 19 don't apply and the applicant has submitted responses to those applicable standards. He noted the consultant has concurred that the request is justified, the applicant has submitted responses, this is very similar to other applications approved and Mr. Weiter, a consultant working on behalf of Cricket, is in attendance to answer any

questions. Mr. Weiskircher noted a lot of time has been spent on the submittal and Cricket has performed their due diligence.

Mr. Weiter emphasized the antennas will be painted to match the penthouse façade. Mr. Weiskircher asked about the size of the antenna. Mr. Weiter explained 1” thick, 11” wide and 42” high, similar to the existing antennas. Mr. Aidt noted at some point, the building probably won’t be able to accommodate more antennas. Mr. Weiskircher concurred and reiterated this recommendation needs to be forwarded to City Council.

Therefore, it was moved by Mrs. Butler and seconded by Mrs. Gowdy that application #09-2, the request by Cricket Communications, Inc., to affix three (3) antennas and one (1) cabinet to the existing penthouse wall located on the roof of the commercial building at 2600 Far Hills Avenue, and known as lot #3463-67 pts., be recommended to City Council for approval based on plans and information submitted and in accord 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.

The Commission discussed the September meeting date and pending applications.

Mr. Klopsch referenced a recent event at Hawthorn Hill and reported how well the tours have gone via Dayton History with no complaints from neighbors, a great decision. He referenced how Oakwood generally has a couple new homes built every year and during a recent conversation with Centerville City Manager Greg Horn, their numbers have dramatically decreased to two from an average of 300. He noted this could be due to the economy or how that community is “built out”.

Mr. Klopsch indicated the Parks & Recreation Master Plan process is underway. He and staff met earlier in the week with MSA representatives, Oakwood School officials and representatives from The University of Dayton. He indicated they had good discussions on partnering, an exciting opportunity to expand on sharing facilities.

Mr. Aidt reported on a bike symposium sponsored by MVRPC and Five Rivers that he and Mr. Byington attended. Mr. Byington indicated they had great ideas on a bike friendly community and plans to make the paths continuous.

The Planning Commission adjourned. The public meeting concluded at 5:13 p.m.

VICE CHAIR

ATTEST:

CLERK