

Oakwood, Dayton, Ohio

September 23, 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 Chair, Mr. Jeffrey Shulman, presided and the Clerk, Mrs. Cathy Gibson, recorded.

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

MR. JEFFREY B. SHULMANPRESENT
MR. ANDREW AIDTPRESENT
MRS. REBECCA BUTLER.....PRESENT
MRS. HARRISON GOWDYPRESENT
MR. STEVE BYINGTONPRESENT

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 registered:

Larry Stockmyer, 242 Volusia Avenue
Bill Frapwell, 400 Hathaway Road
Lisa Kell, 247 Volusia Avenue
Martha Haley, 400 Irving Avenue
Dave Montgomery, 2700 Kettering Tower
Mark Stuart, 1201 E. David Road
Tommy Routsong, 474 Lookout Ridge
Don Kiley, 1204 E. Dorothy Lane
Mark W. Risley, 151 Aberdeen Avenue
Brent Ogburn, 9770 Byers Road
Barbara Mill, 6 Glendora
Jon Barhorst, 1155 Ridgeway Road
Veronica & Craig Beardsley, 246 Irving Avenue
Denise Feeney, 468 Irving Avenue
Lance Roll, 201 Volusia Avenue
Allison Dinning, 224 Volusia Avenue
Deanna Kissell, 269 Volusia Avenue
Marge Meinke, 1211 Far Hills, #317
Rob Stephens, 214 Forrer Boulevard
Lois Thomas, 223 Volusia Avenue
Mary Malone, 303 E. Schantz Avenue
Kenneth Rosenzweig, 317 Volusia Avenue
George & Jane Liston, 111 Oakwood Avenue
Carlo McGinnis, 830 Harman Avenue
Steve Rhoads, 55 Rhoads Cetr. Dr.
Ted Bucaro, University of Dayton
Marlene Maimon, 1101 Ridgeway Road
Anne Hilton, 900 Harman Avenue
Jeff Weinheir, 1160 Ridgeway Road
Kathy Luckett, 34 Shafor Circle

It was moved by Mrs. Gowdy and seconded by Mrs. Butler that the minutes of the planning commission meeting held August 19, 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.

Mr. Shulman explained this is the fourth hearing on the Routsong application, including the rezoning, and the group has returned with significant changes to the plan. Mr. Shulman asked everyone in the audience to keep comments confined to the proposed changes.

Tabled application #09-3, the request by Routsong Realty, LTD for a Major Site Development Plan review associated with the proposed demolition of the existing funeral home structure and construction of a new one-story 8,130 s.f. commercial/retail building, including parking, at 6 Oakwood Avenue, and known as Lots 148, 149, 150 and 153, was presented. Mr. Weiskircher referenced a PowerPoint presentation and explained there are two requests: 1) approval of Major Site Development Plan for the southeast corner of Oakwood and Irving Avenues; and 2) special use for proposed outdoor seating. The Major Site Development Plan was presented to the Planning Commission on July 1, 2009. The Planning Commission tabled the application citing the following issues/concerns: parking along Oakwood Avenue frontage; necessity of having a drive-thru; architectural compatibility of the building with the surrounding neighborhood; justification for proposing 12 more on-site parking spaces than required by the Zoning Code; and loss of all existing mature trees on the current site. Mr. Weiskircher reported since the July 1 meeting, the following plan changes have been made after staff has met with the project team several times. He extended thanks to Mark Risley for his input and expertise; specifically, as it relates to the architectural enhancements. Overall plan changes include: Tudor architectural theme enhanced; parking next to Oakwood Avenue sidewalk has been relocated to the east immediately adjacent to the front of the building; new free-standing light fixtures that complement building architecture; limited outdoor seating proposed along Oakwood Avenue frontage; and pedestrian connection from public sidewalk along Oakwood Avenue to the front of the building. He referenced a chart of the original proposal compared to today's revisions which included the rezoning (how the applicant withdrew the request to demolish the residential properties); the building size has decreased from 10,455 to 8,129 s.f.; parking decreased from 54 to 45 spaces and architecture design is Tudor. Mr. Weiskircher compared the July and September elevation and site plans. He noted staff has suggested the rear façade include enhanced architectural features to break up the mass of the building and referenced a sketch of the proposed free-standing light fixture. Mr. Weiskircher reviewed remaining issues/concerns: absence of architectural detail on the east elevation; parking along Oakwood Avenue frontage; alignment of public sidewalk along Oakwood Avenue; number of parking spaces proposed for the site (reduction of 2 from July; still 10 more than required); and necessity of drive-thru feature.

Mr. Dave Montgomery, Pickrel, Schaeffer & Ebeling, introduced property owner Tom Routsong; Don Kiley, K & A Architects; Mark Stuart, Judge Engineering; Brent Ogburn, Grunder Landscaping; and Mark Fornes, Fornes Realty. He extended thanks to staff and others who have met with the project team since the last commission meeting on this lengthy process. They feel the enhanced design clarifies expectations raised by the neighbors and referenced his analysis of the 13 criteria which were part of the July meeting process and which he will reiterate by reference today. Mr. Montgomery plans to supplement some of those answers. In regard to parking concerns, the modified parking plan has been reduced by two spots, moved away from Oakwood Avenue and closer to the building to open the Oakwood Avenue corridor. In regard to preserving some of the mature trees, those cannot be maintained as is with any new development; construction would interfere with the root line so the compromise is to replant trees which will have greater success, particularly with the existing overhead utility lines. He noted it's not a matter of the developer not wanting trees, especially since Mr. Routsong planted the existing ones. Mr. Montgomery referenced the special use issues relating to outdoor seating, a design detail they came up with after discussion with the neighbors to provide additional amenities to the site (similar to Ben & Jerry's) as well as pedestrian friendliness and softening the appearance. He reviewed façade enhancements and the traditional Tudor style which is keeping in line with the residential flavor. Mr. Montgomery indicated they will address other issues during the presentation and submitted a revised landscape plan with additional screening details along the Irving Avenue side of the property.

Mr. Don Kiley, K & A Architects, reiterated since the last commission meeting they have met with staff and Mr. Risley on architectural details and appreciated Mr. Risley's input on how to enhance the building and suggestion to add outdoor seating to help soften the building. He pointed out the following new

features: low lying stone walls and additional landscape beds; how the parking was flipped closer to the building than the street and two spaces were taken away; pedestrian access from the alley with a small paver area; change in light fixtures (which were shown by Mr. Weiskircher); stamped pavement area to connect pedestrians from the walk to the building; and corner landscaping area for a "Welcome to Oakwood" sign. Mr. Kiley referenced the enhanced Tudor style and following amendments: use of timber wood elements and stucco; backlit stained glass window in the Tower with use of the oak leaf; limestone type material for the arches which are similar to the High School; front backlit signage; cover over the drive-thru area; wood brackets; and use of oak leaf medallions. He referenced the rear east elevation where the utility meters are located which they plan to paint to blend in. Mr. Kiley presented a 3-D animation circling the building, pointing out utility lines, screening, light fixtures, medallions to break up the façade, landscaping; outdoor seating; and providing aerial view of the building/vegetation/dumpster area. He also reviewed photos of the existing trees and power lines.

Mr. Mark Fornes, Fornes Realty, has been in commercial real estate for 33 years, owned his firm for 22 years after working with Danis Real Estate, and was asked to review the development in terms of leasing quality tenants. In regard to the trees, he believes if not removed within three to five years they would die based on the root system; so it's best to put in new trees. Mr. Kiley referenced the photo of the tree root which has hindered the walk and added that Mr. Ogburn, Grunder Landscaping, stated that oak trees are more susceptible to dying when the drip line is disturbed. Mr. Kiley pointed out they relocated the sidewalk closer to the street and referenced a picture of the sidewalk along Oakwood Avenue which is in the same location they propose. He reviewed the east elevation, parking layout and photos of the Post Office across the street where parking is prominently seen from the street and with less landscaping.

Mr. Fornes referenced a photo of the Miller-Valentine/UD development on Brown Street which has no front parking and has been 70% vacant for two years. He believes the lack of parking in the front is a problem in leasing so this proposal should include features to help lease it, i.e., front parking as people are creatures of habit and want to be close to the front door. Mr. Fornes indicated the owner has given up some parking by eliminating the double rows in front of the building, but still one row of parking makes it more viable for a quality tenant. He noted this is also a gateway on the northern fringe of the community and they want and deserve to have good quality tenants there. Mr. Kiley pointed out the dramatic difference of this proposal compared to the vacant property on Brown Street. Mr. Fornes explained although he is a Kettering resident, he believes this revised rendering blends with the high school and other structures in the community. He indicated that his firm continues to struggle with the northern gateway to Kettering at Dorothy Lane and Far Hills based upon inadequate space for parking and the impact of The Greene, etc. Mr. Fornes indicated this new quality development will lead to quality tenants particular since the existing building is un-useable. He referenced a photo of the Chico's development which includes upscale tenants and front parking for convenience. Mr. Byington referenced the building on Brown and wondered whether there was enough on-site parking. Mr. Fornes is unsure of that but understands UD students illegally park there. Mr. Byington wondered how a comparison can be made if the number of parking spaces isn't known. Mr. Kiley believes there are 60 spaces. Mrs. Gowdy pointed out the other side of Brown Street is full of tenants with no front parking. Mr. Byington questioned the lease pricing. Mr. Fornes believes it was just lowered by \$3 per square foot. Mr. Byington expressed difficulty in being convinced that having no front parking is the reason the building wasn't leased. Discussion ensued in regard to various area businesses and parking. Mrs. Gowdy asked if they have changed from destination to impulse tenants. Mr. Fornes believes Starbucks is a quality upscale tenant; Chico's could be impulse yet Oakwood Club a destination. He believes in this economy it's easier on a retailer to have front parking and referenced how The Greene impacted Town & Country and believes this proposal will assist this older community. Mr. Kiley referenced parking concerns and indicated although they have reduced by two spaces, since there are four tenants and needed staff shift changes, they need 20 spaces for employees, thus the extra parking.

Mr. Montgomery reiterated they believe they have met the 13 criteria. In regard to the parking issue, they have exceeded the minimum requirements of the Zoning Code to include employee shift change needs. In regard to front parking, they believe it's needed for either a destination or impulse stop and for the convenience of users. Mr. Montgomery explained Mr. Fornes is not the leasing agent but gave expertise

on what tenants are looking for. He hopes the commission recognizes that they have already reduced the number of parking spaces; are comfortable with the revised project; thanked staff, public and the commission and from a business cost standpoint believe this is a unique opportunity for the developer and city.

Mr. Shulman asked if the commission had any questions. Mrs. Gowdy asked if the tower is any taller than a two-story building. Mr. Kiley indicated it is 36'. There being no other comments from the commission at this time, Mr. Shulman opened the public hearing and reminded audience members to only address changes to the application. At this time and at the suggestion of the Chair, Ms. Grandjean swore in witnesses.

Mrs. Allison Dinning, 224 Volusia Avenue, agreed this is the gateway to Oakwood but doesn't want to see a tower at the entrance to a residential community and doesn't believe this fits in with a residential (neighborhood) business district. She believes the setback is very important along Oakwood Avenue and the front parking lot makes the commercial area stand out. Mrs. Dinning indicated the examples provided are in a commercial area, not a residential business district. She explained this is an urban area and believes the proposed architectural features are similar to a building in Centerville/Kettering which is more suburban; the architectural features don't blend in the residential area. Mrs. Dinning referenced pedestrian concerns and noted the area at five points has the sidewalk located too close to Oakwood Avenue and during the renovation of Oakwood Avenue citizens expressed concern about this school route for children and although the city made it safer it wasn't enough. She suggested the side walk be set back more in line with the city's walk for children travelling to Holy Angels. In regard to parking, only 33 spaces are required yet the applicant has proposed more, including parking in the front which doesn't help with the residential feel, it only screams commercial. She expressed concern about the future of the Post Office, the development at Far Hills and Schantz, and precedent-setting. Mrs. Dinning referenced shift parking needs for employees and indicated if they plan to include boutique type quality shops, those usually don't have employee shifts. She suggested they reduce the number of retail spaces in order to not require as much parking. She referenced retail spaces and parking at Town & County, The Greene, etc. Mrs. Dinning does not believe the drive-thru is in keeping with the historic nature of the residential area so suggested that aspect be eliminated. She referenced the history of rezoning on this property that occurs every 20 years and indicated what the commission decides will significantly impact the neighborhood in the future. She urged the commission to make sure this is economically viable. Mrs. Dinning reminded the commission this is the first time they have visited this development plan which differs significantly from Mr. Routsong's original plan.

Mr. George Liston, 111 Oakwood Avenue, has been a resident for 43 years and is a member of the city's facilities committee which spent a great deal of time on the city building project based on citizens expressing concern about the architecture and urging the city not to tear down but maintain. He noted the internal changes of the city building have been a vast improvement. In regard to this application, he believes citizens are asking for no parking in the front. He referenced his recent trip to Charleston, South Carolina and how parking is at a premium, etc. Mr. Liston referred to the regional dispatch issue and although many wanted to save money, a lot of citizens expressed concern that Oakwood's dispatch remain as is and Council wisely kept that in-house which was a good thing given the recent regional dispatch chaos.

A resident of Irving Avenue asked about access to the drive-thru since Irving is so busy. Mr. Kiley responded it is to be located at the east side of the lot off Irving so that there will be no large car stacking proposed. Another member of the audience wondered if you enter off Oakwood Avenue and park in front, how you would exit. Mr. Kiley explained there is a large area at the corner of the lot to accommodate turn-arounds.

Mr. Montgomery appreciated the input and noted they can't design this site by committee, have met with neighbors and staff and prior to the application, Mr. Routsong held a community meeting on the issue. He noted the team has modified the site since the July meeting and added a neighborhood business district is not required to look residential, only compatible. They have revised the building to a Tudor style, a

significant enhancement, and met the 13 criteria. Mr. Montgomery noted they have heard a lot of testimony on this emotional issue.

There being no other comments from the audience, Mr. Shulman closed the public hearing. Mrs. Butler asked about the size of the landscaping on the east side. Mr. Ogburn, Grunder Landscaping, explained 3-4ø caliper, 12-15ø in height, ornamental grasses will have a 2 ½ - 3ø spread and shrubs 36-42ø in height. Mr. Byington asked about the tree growth rate. Mr. Ogburn indicated 8-12ø once established. Mr. Aidt noted there are three trees planned along Oakwood, a 3-4ø caliper honey locust which is more opaque than an oak tree. Mr. Ogburn agreed and noted they originally planned oak trees but after talking with the city horticulturist and staff, they amended the species. Mrs. Butler wondered why the sidewalks have been moved closer to Oakwood Avenue. Mr. Kiley explained to provide more grass space on the property and for greater growth area. Mr. Shulman asked if they had any alternatives to that plain east wall. Mr. Kiley indicated they looked at awnings but felt it would draw unnecessary attention. Mr. Montgomery indicated they complied with the minimum setback in the Zoning Code and if they push the building back farther that would impact the landscaping. Mr. Aidt suggested only landscaping abutting Oakwood Avenue, no parking. Mr. Montgomery reiterated they complied with the setback and have testified that they need front parking. Mr. Byington referenced the example used of parking and walking to Chipotle (on Brown Street) a quality tenant without front parking.

Mr. Routsong indicated in the funeral business he has learned you need to be kind to old people and make it easier for them to get in and out. Mr. Aidt noted if approved the front parking spaces would be full all the time. Mr. Routsong took offense because the parking will assist the neighborhood; take it off the street since Volusia has received parking permits to avoid UD students from parking. Mr. Aidt believes the setback doesn't fit in to the urban setting. Mr. Kiley indicated they were hired by Mr. Routsong based on their retail experience and after having reviewed the Zoning Code, complied with the setback. Mrs. Gowdy indicated this doesn't meet with the streetscape. Mr. Aidt noted the Post Office has parking on the side, not in the front. Mr. Byington questioned how elderly people will back out of a parking space based on the drive-thru traffic and pedestrian walk; doesn't believe that is generous enough area for ingress/egress. Mr. Byington asked for an example of an existing parking situation like the proposal. Mr. Montgomery indicated their civil engineer appropriately designed the site to be safe.

Mr. Byington wondered if the lease rates are comparable since they've made the point they need front parking for quality tenants. Mr. Montgomery explained each project is based on the developer needs and design costs, and in this instance the developer knows there will not be an immediate return on the investment. Mrs. Butler asked if the front parking on Oakwood Avenue is a deal breaker; as well as the drive-thru. Mr. Routsong responded yes. Mrs. Butler indicated the issue with ingress and parking is problematic and wondered if the location of the sidewalk could be adjusted since it's so close to the street. Mr. Routsong explained he wants it to look aesthetically right, reserved judgment to his engineer on turnaround; parking and drive-thru access, and thinks it's a cool looking building. Mrs. Butler agreed significant progress has been made except for the issue of congestion which is problematic with the parking and drive-thru; and the frontage is still a problem. She reiterated for the record that significant progress has been made on the project but in her opinion there are still other issues. Mr. Montgomery indicated relocating the sidewalk will have an impact on landscaping and safety with the front walk; however, doesn't believe it any different than the sidewalk on Far Hills in front of the high school and other locations in town. Mrs. Butler indicated it's not about the number of parking space as much as the traffic flow, how it looks from Oakwood Avenue, the setback and congestion. Mr. Shulman wondered if there is any room to negotiate on the parking and traffic flow. Mr. Mark Stuart, Judge Engineering, indicated they could work with the city engineer on this. Mr. Byington doesn't believe there will be sufficient turning radius. Mr. Klopsch indicated on behalf of staff and as an engineer, he doesn't believe they have sufficient space to create an appropriate turning radius. Mrs. Gowdy expressed her concern that this is a gateway corner, doesn't represent a neighborhood business district and with the front parking. Mr. Kiley indicated they could pull the building back. Mr. Aidt wondered about having the front be one-way traffic. Mr. Shulman applauded Mr. Routsong and his team for the work they've accomplished after which discussion on the issue ended.

It was then moved by Mrs. Gowdy and seconded by Mr. Aidt that tabled application #09-3, the request by Routsong Realty, LTD for a Major Site Development Plan associated with the proposed demolition of the existing funeral home structure and construction of a new one-story 8,130 s.f. commercial/retail building, including parking, at 6 Oakwood Avenue, and known as Lots 148, 149, 150 and 153, not be approved. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Application #09-5, the request by Dr. Adam Waldman for review of the landscape plan associated with demolition of the existing single family home at 1140 Ridgeway Road, and known as lot pts 92 and 93, was submitted. Mr. Weiskircher referenced a Power Point presentation and gave the following background information. The Waldmans purchased the property earlier this year with the intent of demolishing the existing home and building a new home on the site. The Waldmans would like to proceed with demolition this fall in the hope of beginning construction on their new home during the first half of 2010. The Planning Commission must approve a landscape plan in advance of the issuance of a demolition permit. The Waldmans are proposing to remove all impervious surfaces from the site, grade the excavated areas, and seed all disturbed areas consistent with the proposed landscape plan. He referenced a site plan of the property and explained the home has been vacant for a couple years with significant damage occurring after a water pipe burst. He noted Mr. Rhoads will be building the new home, demolishing the existing home and no trees will be planted since construction on the new home will commence in the spring. As required, they have furnished a \$15,000 letter of credit in the event that demolition is not completed.

Mr. Steven Rhoads, R. A. Rhoads Construction, is representing the owner and concurred the home is in deplorable condition. At this time, Ms. Grandjean sworn in witnesses on this matter.

Mr. Jon Barhorst, 1140 Ridgeway, asked if the slab will be removed. Mr. Rhoads concurred. Mr. Barhorst questioned how the runoff will be handled once the retaining wall is removed. Mr. Rhoads explained after everything is removed, they will bring dirt back in to fill and level out the property so the water flow should be directed to the front. Mr. Barhorst asked if they plan to remove the huge oak tree to the north. Mr. Rhoads explained they only plan to remove trees and vegetation close to the home.

Mrs. Marlene Maimon, 1101 Ridgeway, expressed concern with mold infestation which is significant and whether there will be any risk to the neighbors. Mr. Weiskircher explained the city requires documentation that the mold has been abated prior to demolition. Mr. Byington asked if any demolition materials will be used for fill. Mr. Rhoads explained everything will be removed from the site.

Therefore, it was moved by Mr. Aidt and seconded by Mr. Byington that application #09-5, the request by Dr. Adam Waldman for review of the landscape plan associated with demolition of the existing single family home at 1140 Ridgeway Road, and known as lot pts 92 and 93, be approved. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Weiskircher announced since there are no applications, the October meeting has been cancelled.

The Planning Commission adjourned. The public meeting concluded at 7:20 p.m.

CHAIR

ATTEST:

CLERK