

Oakwood, Dayton, Ohio

January 6, 2010

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. SHULMAN PRESENT
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
Mr. Dave Bunting, City Inspector

The following visitors were present:

Rudolf Hofmann, 221 Brookway Road
Bob Gabringer, Sugar Camp
Mackensie Wittmer, 101 E. Peach Orchard

It was moved by Mr. Aidt and seconded by Mrs. Butler that the minutes of the planning commission meeting held December 2, 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 noted the organizational meeting on the agenda.

It was moved by Mr. Aidt and seconded by Mr. Byington that Mr. Shulman be nominated to remain as Chair. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Shulman accepted and nominated Mr. Aidt to remain as Vice Chair. 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 with the applicant.

Application #10-1, the request by Dr. Rudolf Hofmann to change the zoning classification from R-6 Residential to Community Business District at 2300 Far Hills was presented. Mr. Weiskircher referenced a Power Point presentation and explained this request is to rezone from R-6 residential transitional use to community business district. As background, he explained the properties at 2300 and 2301 Far Hills are zoned R-6 residential and have been designated as transitional uses for more than 60 years. In 1970, a similar zoning change for 2300 Far Hills was requested and denied. The buildings at 2300 and 2301 Far Hills are currently limited to medical practice use. 2300 Far Hills is currently for sale and the owner is requesting a zoning change in order to expand the number of permitted uses. Any zoning change would also apply to the lot at 2301 Far Hills. Mr. Weiskircher referenced a copy of the existing zoning map and photos of the two properties. He then reviewed the issues: A change in zoning from R-6 residential transitional use to Community Business District (CBD) would permit the use of the lots for all uses permitted in the CBD. The other issue relates to there currently being only four (4) off-street parking spaces available and most uses in the CBD require a minimum of 11 off-street parking spaces based upon the square footage of the building. He then referenced a chart of the approximate 60 permitted uses in the CBD. Mr. Weiskircher reviewed the following options: 1) Recommend denial of requested zoning

change. 2) Recommend approval of requested zoning change. 3) Consider recommending rezoning of the two properties to Multi-Use Special Planning District (MUSPD) and identifying acceptable uses - brokerage firm; medical/dental office; medical/dental laboratory; or offices. Mr. Weiskircher indicated he and Dr. Hofmann discussed the MUSPD last week and he also spoke with Dr. Prikkel who owns 2301 Far Hills. Neither were opposed to the MUSPD option and he noted the recommendation from Planning Commission is forward to Council for final determination.

Mr. Shulman questioned the difference between the R-4 to R-5. Mr. Weiskircher explained more density and multi-family is permitted in R-5. Dr. Hofmann explained the building has been on the market for eight months and only one dentist has looked at it. He indicated it has been a doctor's office for years; however, the market for small medical offices is dismal since many doctors are in large practices and/or relocating to hospital buildings that offer more services. Dr. Hofmann would like to have the property rezoned the same as the business district so the building could be used as an insurance, brokerage or legal office. Mr. Shulman referenced staff's recommendation that it be rezoned to MUSPD and the acceptable uses which are general office spaces. He asked if Dr. Hofmann is amenable to that recommendation which would not permit a store or restaurant. Dr. Hofmann agreed, as he doesn't believe this location would work for a Starbucks or low volume retail. There being no further comments, the public hearing was closed.

Mr. Aidt wondered why the two properties are connected. Mr. Weiskircher explained both properties were designed as transitional use areas and then read the definition of same from the old zoning code. He noted the two properties are a package and are referenced as such in the 1989 Comprehensive Plan. He reiterated both owners are amendable to staff's recommendation to expand the number of permitted uses but to the level permitted in the CBD. Mr. Klopsch indicated if they designate as MUSPD, the properties would rely more on the Comprehensive Plan for guidance and any new development would be reviewed. He indicated the Comprehensive Plan recommends a separation between the business and residential areas. Mrs. Gowdy asked if the MUSPD would only permit those four uses. Mr. Weiskircher indicated they have some latitude with other requests and anything would come back to the commission and then onto council. Mr. Aidt questioned whether this is "spot zoning". Ms. Grandjean explained it would be better to rezone both properties since zoning is a legislative issue. Mr. Klopsch agreed it makes sense and since there isn't a specific page of information on transitional uses, he suggested staff develop a short supplement relating to these two pieces of property, similar to the Sugar Camp Subarea Plan, on potential uses. Mr. Shulman wondered if they have authority to change to MUSPD. Ms. Grandjean explained they have authority to make a recommendation to council; however, they don't officially have an application from the 2301 owner.

Mrs. Gowdy wondered why this couldn't be under the NBD classification. Ms. Grandjean explained that is a broader category. Mr. Byington noted they wouldn't want a deli or drive-thru. Mr. Shulman is sympathetic with Dr. Hofmann, agreed it shouldn't be rezoned to general business and concurred with staff's recommendation to rezone to MUSPD. He suggested Mr. Weiskircher meet with both building owners, review potential uses and package the rezoning of both parcels together. Mr. Weiskircher indicated he and Ms. Grandjean will draft legislation to present to both doctors for review. Mr. Shulman asked the applicant if he felt that was reasonable. Dr. Hofmann concurred. Mr. Byington asked if this would also require a variance for parking. Mr. Weiskircher indicated they will address parking in the legislation. Mr. Klopsch believes there are enough issues that this needs to return to the commission before going to council. Ms. Grandjean asked that Dr. Hofmann amend his application to change the zoning to MUSPD and that a request be submitted from the owners of the 2301 building.

Therefore, it was moved by Mr. Byington and seconded by Mr. Aidt that application #10-1, the request by Dr. Rudolf Hofmann to change the zoning classification to Community Business District at 2300 Far Hills be tabled. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mrs. Gowdy expressed concerns with how they recently approved the café in the business district based on there being enough parking in the district; yet in the aforementioned, express concern with parking. Mr. Weiskircher indicated these two transitional use buildings have been used as doctor's offices for

many years and parking has not been an issue. In regard to the café, staff is concerned with parking and hopes that project will be successful. He noted this is one reason why the city built a parking lot in the business district. Mrs. Gowdy agreed that helps make the business district stronger and more viable; but expressed concern with how the corner of Far Hills and Schantz is zoned NBD, not MUSPD and that could have the same impact as the aforementioned. Mr. Byington indicated they address each situation individually and Oakwood has a distinctive code that deals with a walking community. Mr. Shulman asked if 2301 is maxed out in regard to parking. Mr. Weiskircher concurred and noted there is more off-street parking near the 2300 Far Hills property.

Mr. Weiskircher referenced the marketing signs at Sugar Camp and reviewed photos of the one at the east gate opposite Maysfield Road and at the west gate. He then reviewed the recently approved 4' x 8' marketing sign for Building B. He indicated Mr. Gabringer, representing OIG, is here to review the two signs that were approved in 2007. Mr. Gabringer referenced their original request for two signs, one at each entrance; however, the entrance across from Maysfield has now been closed. He would ideally like the sign near the traffic light but is afraid two signs make it confusing. Mr. Weiskircher had spoken with the other realtor about amending their sign but they were reluctant to customize the sign. Mr. Klopsch asked which location they'd prefer if they only had one sign. Mr. Gabringer prefers near Kramer but doesn't want to clutter the area. Mr. Aidt suggested the signs be organized with the same setback, etc. Mr. Byington wondered how effective the signs are on this residential street. Mr. Gabringer explained smaller local users do call. Mr. Weiskircher believes the commission agrees that only two of the three signs should remain and suggested staff work with the two groups.

Therefore, it was moved by Mr. Byington and seconded by Mrs. Gowdy that staff be directed to work with both realtors at the Sugar Camp property for the placement of two signs. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Klopsch updated the commission on the Athletic/Recreation Master Plan. They are about half done but not yet ready to roll out the final plans. He indicated they've reviewed expanding the OCC site by reducing the number of tennis courts, enlarging the building, parking on the site, better connection between the pool and Shafor Park, etc. At Old River, they've looked at large activities such as soccer, indoor gymnasium, playgrounds, etc. He indicated the committee has three more meetings; there are additional public community meetings planned, a mailing and telephone survey prior to the Plan being submitted to Council. Mr. Klopsch referenced how the city relies on the estate tax, hasn't raised taxes since 1991, recently let a tax levy expire; all of which relates to how the Master Plan might be funded.

Mr. Klopsch referenced the Comprehensive Plan and indicated staff plans to review the goals and objectives so as to provide an update on accomplishments since 2004. Discussion ensued in regard to when the entire Plan might be updated, 10 or 15 year increments.

At 5:20 p.m., it was moved by Mr. Shulman and seconded by Mr. Byington that the Planning Commission adjourn into executive session to discuss pending legal matters. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

At 6:15 p.m., it was moved by Mrs. Butler and seconded by Mr. Aidt that the Planning Commission adjourn from executive session and to adjourn the meeting. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

CHAIR

ATTEST:

CLERK