

Oakwood, Dayton, Ohio  
May 9, 2012

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 Acting Clerk, Mrs. Sherri Laidler, recorded.

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

- MR. JEFFREY B. SHULMAN.....PRESENT
- MR. ANDREW AIDT .....PRESENT
- MRS. HARRISON GOWDY .....PRESENT
- MRS. E. HEALY JACKSON .....PRESENT
- MR. STEVE BYINGTON .....PRESENT

Officers of the city present were the following:

- Mr. Norbert S. Klopsch, City Manager
- Mr. Robert F. Jacques, City Attorney
- Mr. Jay A. Weiskircher, Assistant City Manager
- Mr. Dave Bunting, City Inspector

The following visitors were present:

- Martha Haley, 400 Irving Avenue
- Faye Wenner, 1900 Coolidge Drive
- Louis & Olga Illes, 342 W. Schantz Avenue
- Tim McCauley, 90 Patterson Road
- Josh Schrank, 204 W. Schantz. Avenue
- Mandy Schrank, 204 W. Schantz Avenue
- Gary Brown, 112 W. Schantz Avenue
- Denise Gibbs, 231 Northview Road
- Kathleen Walworth, 1020 Far Hills Avenue
- Irvin Harlamert, 330 Southview Road
- Gus Liapis, 269 Northview Road
- Sharon Liapis, 269 Northview Road
- Mary Anderson, 420 Kramer Road
- Deborah & David Vandercher, 272 W. Schantz Avenue
- Lisa Fry, 217 Rubicon Road
- Russ Gottesman, 201 Rubicon Road
- Drew McDonald, 326 Maysfield Road
- Matt & Lisa Kell, 247 Volusia
- Celine Maney, 704 Runnymede Road
- David Hale, 65 Wisteria Drive
- Dan Janning, 318 Volusia Avenue
- Jane Balquiedra, 414 Irving Avenue
- Robert Conard, 416 Irving Avenue
- Stan & Ann Herr, 638 Garden Road
- J.D. Whitlock, 247 Northview Road
- Jane Dunwoodie, 1046 Yorkshire Place
- Katie Wedell, *DDN*
- Paul Gibbs, 231 Northview Road
- Laurence Warwar, 701 E. Schantz Avenue
- Horace Brockman Anderson, 420 Kramer Road
- Bob Pohl, 144 W. Thruston Boulevard
- Grady Larkin, Rubicon Mill Neighborhood Association
- John McKay, 450 Kramer Road

Charlie Campbell, 625 Oakwood Avenue  
 Dan Deitz, 901 Oakwood Avenue  
 Eric Wilson, 236 W. Thruston Boulevard  
 Tom Shafer, 218 Haver Road  
 Peter Munk, 214 W.Schantz Avenue  
 Jim Joly, 1011 Little Woods Road  
 Maureen Schlanger, Lewiston Drive (Kettering)  
 Ann Rotolante, 10 E. Schantz Avenue  
 Dan Ferneding, 332 Northview Road  
 Sally Walters, Pointe Oakwood Sales Director  
 Kathy Morris, 324 Southview  
 Greg Robinson, 236 Rubicon Road  
 Jessica Urteaga, 2425 Ridgeway Road  
 Anne Hilton, 900 Harman Avenue  
 Harry Ebeling, 456 Lookout Ridge  
 John Haley, 246 W. Thruston Boulevard  
 Marlene Maimon 1101 Ridgeway Road  
 Richard Terrell, 268 W. Schantz Avenue

It was moved by Mr. Aidt and seconded by Mrs. Gowdy that the minutes of the planning commission meeting held April 18, 2012 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, the same passed unanimously and it was so ordered.

Application #12-6, the application submitted by Oakwood Investment Group LLC to amend the Master Plan for Pointe Oakwood originally approved on April 23, 2007 and subsequently amended in May, 2008, February, 2011, March, 2012 and April, 2012 in order to construct 135 luxury residences in a three and four story building with underground parking to be located northeast of the Sugar Camp Circle and W. Schantz Avenue intersection, was scheduled to be presented. Mr. Shulman explained the procedure for the meeting, then announced that the applicant, Lee Schear of the Oakwood Investment Group, had requested to make a brief statement. Mr. Schear thanked Mr. Shulman for the opportunity to speak before the Planning Commission, then stated that there has been considerable confusion regarding the plan to construct condominiums at Pointe Oakwood; therefore, until OIG can formally separate the proposed condominium project from the proposed apartment project he requested the Planning Commission to table Application #12-6 until it can be more effectively presented at a later date.

Therefore, it was moved by Mr. Aidt and seconded by Mrs. Gowdy that application #12-6, the application submitted by Oakwood Investment Group LLC to amend the Master Plan for Pointe Oakwood originally approved on April 23, 2007 and subsequently amended in May, 2008, February, 2011, March, 2012 and April, 2012 in order to construct 135 luxury residences in a three and four story building with underground parking to be located northeast of the Sugar Camp Circle and W. Schantz Avenue intersection, be tabled.

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

MR. JEFFREY B. SHULMAN..... YEA  
 MR. ANDREW AIDT ..... YEA  
 MRS. HARRISON GOWDY ..... YEA  
 MRS. E. HEALY JACKSON ..... YEA  
 MR. STEVE BYINGTON ..... ~~YEA~~ Recused

There being <sup>four</sup> five (5) yea votes and no (0) nay votes thereon, said motion was declared duly carried and it was so ordered.

Subsequently, having tabled the application, Mr. Shulman noted that in his experience, when people come to a meeting ready to voice opinions, they should be given the opportunity to do so. That said, he allowed a timeframe of thirty minutes (three minutes per speaker) for public comment. Before public comments, however, Mr. Shulman asked Mr. Weiskircher to explain how meeting notification was handled.

Mr. Weiskircher thanked Mr. Shulman and noted that concerns were voiced at the Monday, May 7, City Council Meeting regarding notification to neighbors of the proposed project. Mr. Weiskircher explained that, as required by ordinance, notices were mailed to residents residing within 200 feet of the proposed project on April 23, and should have been received by no later than April 25 – 14 days prior to the meeting date and well within the ten day minimum specified in the ordinance. A legal ad was also published in the *Oakwood Register* on April 25, 2012. Mr. Shulman asked if citizens have a right to obtain a copy or view the related application and supporting documents? Mr. Weiskircher replied in the affirmative, but stated that in this case, the information from the applicant was incomplete and the city did not receive updated plans and supporting documentation until late Thursday afternoon, May 3, 2012; less than a week before the hearing.

Mr. Shulman then invited interested parties to approach the Planning Commission with comments or concerns regarding this application. He directed the audience to give their name and address upon approaching the microphone.

Irvin Harlamert, 330 Southview Road, approached and stated that he was speaking on behalf of Gary Shoup, 215 Maysfield Road, who could not attend this meeting due to the recent death of his father.

Mr. Harlamert then stated that in his opinion, the proposal of condominiums and/or apartments as part of the residential development at Pointe Oakwood has tipped heavily in favor of multi-family housing. Mr. Harlamert also presented a written document to the Planning Commission which he said was a thorough summary of Mr. Shoup's concerns about the project.

Robert Conard, 416 Irving Avenue, stated that one item he finds troubling regarding the Pointe Oakwood Development is the number of changes/variances in the project which have been accompanied by numerous market studies. Mr. Conard remarked that one could conclude unreliability in studies that contradict each other and that one should be cautious when confronted with such change, which is undermining the whole project.

Julie Patel, 460 Kramer, stated that she has lived in Oakwood most of her life; she grew up at 450 Kramer. She believes that a four-story apartment building will not fit in attractively with the ambiance of Oakwood. She stated that the building proposed by Hills Development will not be a *luxury* apartment building and it will increase traffic in the area by 50%. She also reported that a great number of residents in the area have children who ride their bikes. These neighbors know each other for the most part and watch out for each other's children. Mrs. Patel raised her concern that bringing apartments into the area with short-term residents who rent will disrupt that caring and watchfulness in the community.

Drew McDonald, 326 Mayfield Road, stated that he grew up in Oakwood and attended Oakwood schools. He noted that a 135-unit apartment building could potentially place a burden on Oakwood schools and wondered where the funds would come from to support the increased enrollment as renters do not pay property taxes.

Connie Gardner, 525 Mayfield, commented that steps should have been taken to alert the community of this proposed project and that although Mr. Weiskircher stated that the rules were followed, additional actions *beyond* what is required should have been taken in this case to prepare the community for what is being proposed.

Josh Shrank, 204 W. Schantz Avenue, provided renderings of what three and four-story buildings look like then stated that this is the size of what could go up at near his residence. Mr. Schrank then stated that when Pointe Oakwood was first proposed it was his understanding that any taller buildings would be located at the bottom of the hill and that traffic would be routed to Far Hills Avenue; not so now. He

concluded by pointing out there have been vast changes to the Master Plan that was originally agreed upon.

Paul Gibbs, 231 Northview Road, stated that when the Ponte Oakwood Plan was first proposed he was in agreement that the developer who was investing the money should be allowed to develop the project as he saw fit within reason, but now that the project seems to be constantly changing it is time to say no.

Celine Maney, 704 Runnymede Road, stated that she will be putting her house on the market soon as her husband is one of the last remaining NCR employees in Dayton who will relocate to Georgia. She voiced her concern with property values if this project moves forward. She stated that such a "monstrosity" on the west side of Oakwood could prove to be a huge detriment to the area.

Maureen Schlanger, Kettering, stated that it seems that people are passing judgment on people who reside in apartments and people who may move into Oakwood if this proposed apartment building is constructed. She then shared that she is a 42-year-old divorced mother who in fact lives in an apartment in Kettering. She stated that she would like to be able to afford to buy a house, but that is not possible now as she has a child entering college soon. She assured the audience that they need not fear people like her who happen to live in apartments. She also stated that it seems like she is being told she is not worthy to live among them. She concluded by stating that these apartments will be *luxury* apartments, not apartments likely to be occupied by drug dealers.

Tom Castle, 300 Kramer Road, stated that when he first moved into Oakwood he lived in an apartment, and then purchased a home on Dell Park Avenue, now resides on Kramer Road. He then stated that he believes *all* types of housing enrich the community, but something of this size might overpower the community.

Debbie Price, 620 Runnymede Road, shared her concern in the fact that the Pointe Oakwood Master Plan has changed so many times. She also expressed her concern in the impact a 137-unit apartment building would have on Oakwood. She stated that this project would have a gross impact on city services and be a detriment to Oakwood schools. She concluded by stating that word of this plan was not adequately shared with the community.

Sally Walters, Pointe Oakwood Sales Director, disputed charges that numerous changes have been made to the Pointe Oakwood Master Plan. She stated that Lee Schear was a silent partner in the Oakwood Investment Group until last May. Ms. Walters also stated that she would like to assure everyone that Mr. Schear has done his research to glean what would work best in Oakwood and that this represents the last significant modification to the original Master Plan approved for a developer who is no longer involved with the project.

Connie Gardner, 525 Maysfield, returned to the microphone to state that if Mr. Schear has done ample research he should let us see it all.

Dan Janning, 318 Volusia Avenue, stated that his main concern is not renters; numerous UD students rent homes near his residence.

Russ Gottesman, 201 Rubicon Road, stated that he lives five houses away from the proposed development and he did not receive a notice of the Planning Commission hearing. He also stated that he agrees with Gary Shoup's (215 Maysfield Road) view of the proposal. He said that as a small business owner his biggest concern is the lack of a business plan. He then stated that by tabling the application now it does a disservice to the members of the Planning Commission who were prepared to hear the application as well as the people who took the time to attend today's hearing, many who took off time from work. He also commented that tabling it today shows lack of organization on the part of the applicant. He concluded by suggesting the applicant should come back with a comprehensive plan; "the response here says it all!"

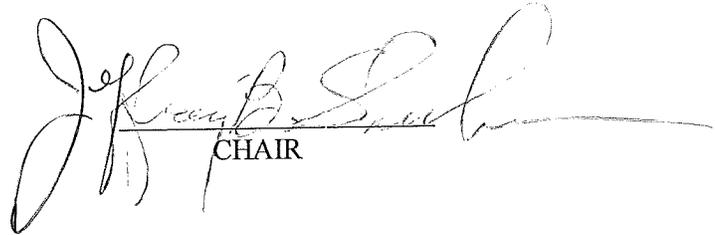
Horace Brockman Anderson, 420 Kramer Road, loves Oakwood and is deeply involved in what will happen. "Cancel this project; it is not ready for approval in any way! From the standpoint of what has been done so far, Pointe Oakwood is a disaster!" He went on to add that he did not see the need to remove all the trees nor does he understand why the existing power lines along the north end of the project were not buried. He indicated that everyone involved in the project should be ashamed with how this project has evolved.

Drew McDonald, then reapproached the Planning Commission and asked if any of them has visited another Hills Development apartment building.

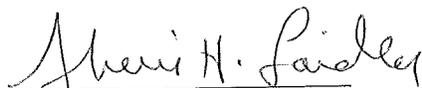
Irvin Harlemert, 330 Southview Road, reapproached Planning Commission and suggested that in order for Planning Commission to know exactly how the residents here feel there should be a show of hands of those in favor and those opposed. Mr. Shulman stated that would not be necessary.

Dan Deitz, 901 Oakwood Avenue, stated that when we talk about a plan that is really a misnomer. He pointed to the assisted living facility, lack of parking and drastic revisions. He pointed out that previously there were no apartments included in the plan now apartments are being proposed. He stated that the view on the hill will be horrible. He concluded by stating that if you are planning on building there, there are no assurances as to what will happen there in the future.

The Planning Commission adjourned. The public meeting concluded at 5:08 p.m.

  
CHAIR

ATTEST:

  
ACTING CLERK