

Oakwood, Dayton, Ohio

October 3, 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 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. 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:

Shawn McGee, 221 Wonderly  
 Bob Posner, OIG

It was moved by Mr. Aidt and seconded by Mrs. Gowdy that the minutes of the planning commission meeting held September 5, 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.

Mr. Shulman reviewed the meeting procedure with the applicants.

Application #12-9, the special use application from Shawn McGee for the existing paver patio that exceeds the 50% green space requirements at 221 Wonderly was presented. Mr. Weiskircher referenced a PowerPoint presentation and reviewed a photo of the existing paver patio. He explained Mr. McGee is the new property owner and since the previous owner did not apply for a building permit nor a special use, Mr. Weiskircher added that the patio was found during a recent pre-sale inspection. Mr. McGee indicated he was unaware this was an issue with the seller, but the patio is of good craftsmanship and was one of the draws to the property. He is new to Oakwood and asked for their approval.

There being no other public comment, the hearing was closed. Mr. Shulman thanked the new owner for appearing on an issue he inherited. Vice Mayor Byington welcomed Mr. McGee to the community.

#### **SPECIAL USE STANDARDS**

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.  
 PRELIMINARY STAFF FINDINGS: The improvement is consistent with the principles and standards in the Comprehensive Plan that all residential improvements should be characterized by high-quality construction and should be compatible with the scale and character of the neighborhood.  
 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 amount of rear yard impervious surface on this lot does not change the character of the area.

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: Approving the paver patio will not be detrimental to the public welfare.

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: There is no evidence to support that the existing paver patio is injurious to the immediate area nor impacts property values.

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: The paver patio does not adversely affect the use and development of nearby properties.

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: The materials used and appearance of the paver patio are consistent with similar improvements throughout the community.

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: At the time of installation the former owner of the property assumed all costs associated with construction of the paver patio.

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: Not applicable to this application.

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 fact that the former owner did not secure special use permission and a building permit, the paver patio conforms to all other zoning regulations.

PLANNING COMMISSION FINDINGS: Sustained.

Therefore, it was moved by Vice Mayor Byington and seconded by Mr. Aidt that application #12-9, the special use application from Shawn McGee for the existing paver patio that exceeds the 50% green space

requirements at 221 Wonderly Avenue, and known as lot #2198, 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.

Application #12-10, the application submitted by Oakwood Investment Group LLC and Plan B Realty LLC to amend the Sugar Camp Master Plan originally approved on April 23, 2007 for the purpose of expanding the existing surface parking lot on the east side of Building A from 18 spaces to 37 spaces (193 spaces at Building D and 202 at the Synagogue), was presented. Mr. Weiskircher referenced a PowerPoint presentation and reviewed photos of the parking lot view from the W. Schantz and Far Hills intersection; the existing access road and parking lot at Building A; site plan of the Building A parking lot expansion; and landscape plan. He noted the commission recommendation will be forwarded to city council in November and Mr. Schear hopes to complete the parking lot expansion yet this year. Mr. Weiskircher reminded the commission this was reviewed last November and a decision deferred pending the outcome of the application to build an apartment building on the adjoining property. Since that proposal has been withdrawn and there are no immediate plans for the 5+ acres, the request is back. There being no public comment, the hearing was closed.

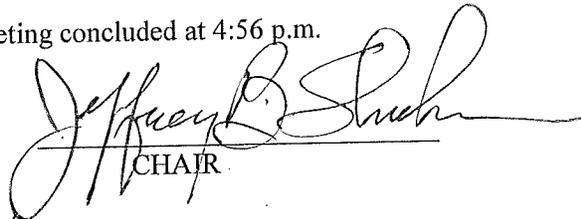
Mr. Aidt understood there were no issues from a zoning standpoint with the parking lot crossing the property line. Mr. Weiskircher concurred.

Therefore, it was moved by Mr. Shulman and seconded by Mr. Aidt that application #12-10, the application submitted by Oakwood Investment Group LLC and Plan B Realty LLC to amend the Sugar Camp Master Plan originally approved on April 23, 2007 for the purpose of expanding the existing surface parking lot on the east side of Building A from 18 spaces to 37 spaces, was presented. Upon a viva voce vote on the question of the motion, same passed by a 4-0 vote and it was so ordered.

Mrs. Gowdy indicated she has not recently reviewed any new building plans for Pointe Oakwood homes. Mr. Posner, OIG, explained Bob Rhodes has one under construction with the possibility of three more. He noted one new owner is moving in this week and they also close on the model home. He indicated Mr. Reeder is also finishing detailed plans on the condos and a potential house behind the model with a lot of windows. Mrs. Gowdy asked if any of the plans are ready for an architectural review. Mr. Posner responded no. Mrs. Gowdy asked if the Homearama was a success. Mr. Posner indicated there were 8,200 visitors, they had hoped for 5,000-7,000 and the Home Builders' Association was very pleased, it was good exposure.

Mr. Klopsch announced that Cathy Gibson is retiring at the end of the month and this is her last Planning Commission meeting. Mr. Shulman extended thanks to her for her service over the years to the commission.

The Planning Commission adjourned. The public meeting concluded at 4:56 p.m.

  
CHAIR

ATTEST:



CLERK