

Oakwood, Dayton, Ohio

April 5, 2006

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 4:35 p.m.

The Chair, Mr. William Kendell, presided and the Clerk, Ms. Cathy Blum, recorded.

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

MR. WILLIAM KENDELL.....PRESENT  
MR. JEFFREY B. SHULMAN.....PRESENT  
MR. STEVEN BYINGTON.....PRESENT  
MR. ANDREW AIDT.....PRESENT  
MR. CARLO C. McGINNIS.....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 registered:

Robert D. Burns, 1701 Far Hills  
Joan Cole, 1726 Coolidge Drive  
Linda Grandfield, 607 Far Hills Avenue  
Tom Qualey, 4764 Fawnwood Road  
Gordon Williams, 101 Oak Knoll  
Dennis Donnellan, 9090 Coachtrail Lane  
Betty Hoevel, 24 Oak Knoll  
Zola Larkin, 25 Oak Knoll  
Vicki & Ray Braun, 128 Oak Knoll  
David Grayson, 1805 Far Hills  
Lisa Reeder, 126 W. Hadley  
Harrison Gowdy  
Laura Mercer, 143 Oak Knoll  
Ginny Risley, 151 Aberdeen

It was moved by Mr. Kendell and seconded by Mr. Byington that the minutes of the commission meeting held January 4, 2006 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 #06-3, the special use request from Sunrise Assisted Living to enlarge and relocate the existing identification sign at 1701 Far Hills was reviewed. Mr. Weiskircher explained that this is a request to amend the original planned unit development (PUD). He referenced a PowerPoint presentation which included a picture of the existing sign that was approved in 1993 that sits angular to Far Hills and Park, approximately 10' from the walk. The next slide depicted the site plan and shows the current and proposed location of the sign. The proposed location relocates the sign toward the south and perpendicular to Far Hills. He reviewed a sketch of the proposed sign with brick posts, rather than the existing stone, and 64" in height from the ground to the top. The proposed sign is larger and also includes an extension on the bottom of the sign. Mr. Weiskircher reviewed three other free-standing signs in the area -Historical Society, Chabad and Wright Library. The next slide was a chart comparing the three other signs to the existing and proposed sign and he noted the proposed sign is larger in all dimensions and includes illumination. Mr. Weiskircher explained Wright Library's sign is illuminated in the evening during Library hours only.

Mr. Kendell asked when else Sunrise requested an amended sign. Mr. Weiskircher responded several years ago when the name was changed from Karrington to Sunrise. Mr. Kendell recalled at that time, the commission denied an enlarged sign. Mr. Weiskircher concurred and recalled that request included that the sign be lit and a bottom hanger for marketing purposes. Mr. Aidt asked about standards for temporary signs. Mr. Weiskircher indicated there is no regulation and he has seen the temporary sign they display for “happy hour” and referenced the city’s concern with advertising versus identification.

Mr. Burns, Executive Director of Oakwood Sunrise, explained he has been at the site for eight months. They plan to replace the current sign which is worn and since he hasn’t been there that long was unaware of the previous request. He indicated they want to relocate the sign so it can be seen by traffic traveling north on 48 for marketing purposes.

Mr. Kendell asked if there were any comments from the audience. Ms. Cole, 1726 Coolidge, explained her home is to the rear of Sunrise and she is against an enlarged sign. She indicated the current sign blends with the environment which is residential. She noted her home is on the market and the major complaint she has heard is the proximity to Sunrise, therefore a larger sign will only make the area appear more commercial. Ms. Cole asked that the request be denied. Mr. Shulman asked if there were any other concerns with proximity to Sunrise. Ms. Cole indicated the compressor on the roof is very noisy, and she doesn’t believe this residential facility needs to advertise happy hour. She reiterated that the request be denied so it won’t devalue her home and others on Park Road.

Mr. Grayson, 1805 Far Hills, indicated he can stand in his front yard and see all the signs referenced. He believes the Library sign is acceptable given it’s low height; however, the Historical Society sign is obnoxious and in disrepair. He is not bothered by the existing Sunrise sign and has no problem with it being perpendicular to Far Hills but would prefer it not be illuminated or larger.

There were no other comments from the audience. Mr. Kendell indicated the existing sign is attractive and acceptable, the stone is not falling apart and he is not in favor of amending the sign. He recalled the previous request included other items, but the commission denied the sign request. Mr. Kendell believes approving a larger sign will set a precedent and the commission’s philosophy is not to encourage signs. Mr. McGinnis recalled the 1989 Comprehensive Plan stated they should maintain the Far Hills residential corridor outside of the Business District. Mr. Byington asked if they can vote on this per line item. He agrees the size increase is not warranted, but likes the proposed brick posts and shifting the orientation of the sign so it is visible to both north and southbound traffic. Mr. Aidt added that he did not have a concern with the sign being perpendicular to Far Hills nor the brick pillars since brick is predominant on the building. Mr. Shulman objected to the “add on” at the bottom of the sign but had no objection to relocating the sign or using brick. Mr. Kendell asked if the existing and proposed sign is constructed from wood. The sign contractor concurred.

Therefore, it was moved by Mr. Shulman and seconded by Mr. Aidt that whereas the Planning Commission has heard and considered the evidence presented by the applicant, and has heard and reviewed the staff’s findings, the Commission concurs with the staff’s findings; and wherefore, the Planning Commission approves the application with the following conditions: (1) new sign can be no larger than the existing sign; (2) the support posts may be constructed of brick rather than stone; (3) the sign may not be illuminated nor include any attachments; and (4) the sign location may be re-oriented so it is perpendicular to Far Hills; for application #06-3, the special use request from Sunrise Assisted Living to enlarge and relocate the existing identification sign at 1701 Far Hills Avenue, and known as lot #3523,

Mr. McGinnis asked if they can include the concern with the compressor noise. Mr. Klopsch indicated staff will follow-up on same.

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

MR. WILLIAM KENDELL.....NAY  
MR. JEFFREY B. SHULMAN..YEA

MR. STEVEN BYINGTON.....YEA  
MR. ANDREW AIDT.....YEA  
MR. CARLO C. McGINNIS.....YEA

There being four (4) yea votes and one (1) nay vote thereon, said motion was declared duly carried and it was so ordered.

Application #06-2, the request from Sophia Klein Trust for a map amendment to rezone the lot at 20 Oak Knoll Drive and known as lot #1742, 43, 44 pts., from R-4 Residential to CB Community Business District was reviewed. In addition to the map amendment, site development plan approval of a parking lot is also being sought as part of this application. Mr. Weiskircher referenced a PowerPoint presentation on the two parts of this application and explained the first issue, map amendment to rezone from Residential to CB Community Business, requires a recommendation from the commission which is then forwarded to council for final action. He reviewed pictures of the residential structure at 20 Oak Knoll which was built in the 1930s, detached garage, and ingress/egress from Oak Knoll. The next pictures depicted the two commercial properties at the corner of Far Hills and Oak Knoll, which are not part of today's application, 2701 Far Hills is a one-story building built in 1949; and the two-story building was built in 1942. Mr. Weiskircher referenced views to the west from Far Hills to 20 Oak Knoll between the two businesses; a view from 20 Oak Knoll to the east toward both businesses; the existing parking; and the fact there is no existing buffer between the businesses and the residential property at 20 Oak Knoll. He indicated Mrs. Klein owns all three properties. He also reviewed views from 2701 Far Hills toward CVS and across the street toward 25 Oak Knoll. Mr. Weiskircher pointed out that 25 Oak Knoll sits on two parcels, with a large area toward the east. He indicated 24 Oak Knoll fronts on Oak Knoll with garage access off Hillview. He referenced the existing white vinyl fence at 20 Oak Knoll; the rear view of 20 Oak Knoll; the view toward 2904 Hillview, property in Kettering; view from Hillview toward the east; and the northeast direction from Hillview.

Mr. Weiskircher referenced the current Business District zoning map from Peach Orchard to Dorothy Lane and noted the areas in blue are commercially zoned property, and those off Hillview are residential; however, unique to Oak Knoll is the fact there are two residential properties between Far Hills and Hillview rather than one which is the case throughout the remainder of the west side of the business district. Although he reviewed the archives he found no history on this unique feature of the additional lot off Hillview. Mr. Weiskircher reviewed the rezoning request and the following information.

Under the Zoning Code, where a Zoning Map Amendment is proposed for a particular property, the Planning Commission shall make findings based upon evidence presented to it in each specific case with respect to, but not limited to the matters presented below. Besides the staff comments as noted in the following paragraphs, the developer, in a separate attached memo, has also submitted comments on each of the cited matters.

1. Existing uses of property within the general area of the property in question;
2. The zoning classification of property within the general area of the property in question;  
**Staff Comments:** The property in question is surrounded by residentially zoned lots to the south, west and across the street to the north. The residential lot to the south is located within the city of Kettering, while the two other residential lots to the west and north are both located in Oakwood. The property to the east of the residentially zoned lot which is the subject of this Map Amendment request is zoned Community Business and is currently being used for commercial purposes.
3. The suitability of the property in question to the uses permitted under the existing zoning classification, as well as, the proposed zoning classification.  
**Staff Comments:** The property in question is still suitable for residential use.

The developer insists that the cost of acquiring and developing the corner property requires a building of at least 8,000 square feet (4,000 square feet per story). The Zoning Code requires four

(4) spaces per 1,000 square feet of space, or a total of 32 parking spaces. Without inclusion of the residential lot the applicant does not have sufficient space for on-site parking even if they applied for and received the maximum 25% parking space variance. Even with the residential lot there is only space for 29 vehicles - the other three (3) spaces are being provided by available on-street parking.

4. The current Comprehensive Plan for the city of Oakwood.

**Staff Comments:** The Comprehensive Plan speaks to development related issues regarding the Far Hills Avenue Business District in a number of sections.

- Under New Objectives, the Comprehensive Plan recommends that existing zoning regulations be reviewed to help promote creative site and building designs solutions to help offset small site sizes and other constraints (page 16).
- There is a reference to a number of older and marginal buildings that should be subject to redevelopment in the future (page 21).
- There is also a reference to concerns on the part of nearby residents about spillover of commercial traffic and parking within the adjacent neighborhoods (page 22).
- Under Principals and Standards for Commercial Areas, the Comprehensive Plan recommends encouraging consolidation of parking facilities for two or more businesses. It goes on to say that parking for commercial uses should be provided in a manner compatible with adjacent residential areas (pages 28 and 29).
- Under the Recommendation Section, the Comprehensive Plan encourages shared parking and the possibility of public easements to allow multiple businesses to utilize the same parking facility (page 30).
- The Comprehensive Plan also mentions that any minor expansion of the Business District will have to be balanced within existing neighborhood character (page 31).
- On the subject of new construction in the Far Hills Avenue Business District, it is recommended that new buildings should reflect the existing scale of the District. Two and three story buildings should predominate; new buildings should be located close to the sidewalk and be constructed of traditional building materials such as brick and stone in the red and buff color ranges (pages 31 and 32).

5. A lot, or zoning lot less than 25,000 square feet in area shall not qualify for a Map Amendment, unless it adjoins a lot or parcel of land zoned the same classification as the one proposed class.

**Staff Comments:** The subject lot adjoins a lot zoned for commercial business uses.

6. The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the amendment is in the public interest, and not solely for the interest of the applicant.

**Staff Comments:** If the rezoning request is approved, and the applicant receives approval for the Major Site Development Plan which proposes placement of a parking lot on this site, the corner lot will be cleared of two older buildings which are difficult to rent and maintain and replaced with a new "Class A" commercial building which fully complies with all current building codes and has an exterior appearance in keeping with the business district.

As already mentioned, even if the two components of this application are approved, a second Major Site Development Plan will need to be submitted at a later date for a proposed commercial building.

Mr. Weiskircher reiterated that the commission's recommendation is forwarded to council and then a separate hearing would be needed on the corner development. He also referenced information received from Phil Hanegraaf, a Chicago consultant, who has done planning work for the city for a number of years. Mr. Hanegraaf reviewed the proposal and Mr. Weiskircher referenced those findings to the commission. Mr. Weiskircher asked if the commission would like to proceed with a review of the major site development request or discuss the rezoning issue. Mr. Kendell suggested they handle the issues separately.

Mr. McGinnis wondered how they can decide on the parking lot at this rezoned property until they know the business use. He also referenced the concept of shared parking with CVS and questioned the transitional area between residential and commercial, particularly since there is a multi-family use in the transitional area off Shafor. Mr. McGinnis suggested an analysis be undertaken of north bound traffic access from Far Hills and the impact on the neighborhood.

Mr. Tom Qualey indicated he is representing the owner and is also the developer. He didn't have much more to add to staff's presentation. He noted they have worked with staff on the plan and understand that any new development has both positive and negatives; however, feels this has more positives, a good commercial plan. Mr. Qualey indicated they can't market the property without the rezoning approval and preliminary studies have shown a possible bank use, retail on the first floor and offices on the second for a total 8,000 square foot area.

Mr. Byington asked if they have discussed shared parking with CVS. Mr. Qualey indicated he helped develop CVS and understands that Mr. Weiskircher has made a tentative approach to CVS, however, he cannot speak for CVS. Mr. Shulman asked if there are proposals other than a bank. Mr. Qualey indicated possible retail or office and noted that Far Hills Business District is a sought after area. Mr. Byington asked if 8,000 square feet is the breaking point. Mr. Qualey responded yes and that in itself is a pricey proposal.

Mr. Kendell asked for comments from the audience. Ms. Hoevel, 24 Oak Knoll, explained that she lives in the house to the west of 20 Oak Knoll, referenced the map and pointed out the division between residential and business is very clear and that rezoning 20 Oak Knoll takes a bite out of the residential area. She indicated her tiny lot would be impacted, not only in terms of this residential area (where people look out for one another) but also with lights, etc. Ms. Hoevel hopes that Mrs. Klein's representative can be creative in their business use and asked that the area remain residential since residents are in Oakwood for the long haul.

Mr. Williams, 101 Oak Knoll, indicated he just sold his home last Friday but still occupies the house. He asked that the residential character remain protected, is concerned with the families who have young children and the impact of additional traffic. He indicated parking from businesses already spills into the area. Mr. Williams expressed concern with setting a precedent by rezoning this property.

Mrs. Braun, 128 Oak Knoll, has lived in Oakwood for more than 20 years and recalled when Mrs. Klein received an offer from Graeter's to use the business lot and personally isn't sure another bank is needed. Mrs. Braun has noticed the CVS parking lot is rarely full and wondered if it should be monitored for a possible agreement with CVS rather than demolishing a home. She indicated she would prefer that the small red area depicted on the map remain green (residential) rather than blue (commercial).

Mr. Grayson, 1805 Far Hills, noted there is no left turn into CVS while traveling north on Far Hills and the next turn isn't until Dell Park which then cuts through the bank or neighborhood. He believes north bound traffic off Far Hills would exacerbate a difficult traffic situation.

Ms. Couper, 140 Oak Knoll, indicated as a single mom she is doing all she can to stay in Oakwood and believes a parking lot will take away from her property value. She noted people already cut through the area and she doesn't want increased traffic. Ms. Couper indicated houses on Oak Knoll sell, recently five have sold. She believed Mrs. Klein lost her tenants because she didn't improve the properties.

Ms. Mercer, 143 Oak Knoll, believes the map tells it all, there is a division between the business and residential areas and she suggested they not take a chunk away from the residential. She noted there is no buffer zone because Mrs. Klein owned all the property and didn't care. She had heard that Mrs. Klein was a difficult landlord and did nothing to maintain the business property.

Mr. Larkin explained his mother lives at 25 Oak Knoll, has since 1957 and they have seen a lot. He can't see this zoning change happening, feels it is very wrong. He noted his heart is in Oakwood even though he no longer lives in the city. Mr. Larkin reiterated it's wrong to change a residential property to business, sets a bad precedent.

Mrs. Gowdy indicated she had to park a block away from the city building to attend this meeting and feels the request is very selfish, to demolish a home for parking. She too felt it would set a bad precedent to take away a home for parking.

Mrs. Risley, Aberdeen, apologized to the neighbors since she has cut through the area. She appreciates the home at 20 Oak Knoll for its architectural style. She believes this would set a bad precedent by taking away a chunk from a residential area. Mrs. Risley noted removal of that residence would impact her view from Far Hills and would lead to concerns with businesses expanding further as is evident on Shafor in Kettering.

There were no other comments. Mr. Shulman noted if the commission recommends approval of the rezoning, then another application would be made for the overall site plan. Mr. Weiskircher indicated a site development plan would need to be submitted if council concurred in the rezoning request. He noted he has made preliminary contact with CVS about shared parking but has no answer since dealing with a large corporation is difficult. Mr. Klopsch indicated even without a formal study, it's evident that parking spots are available at CVS, however, all those parking spots were required by the city so legally the city needs to make a formal review of the situation. He added that if CVS were to close and another re-use of that property ensued, the city needs to be careful about how the parking spaces are shared. Mr. Shulman asked if there is a sense on how CVS is doing. Mr. Klopsch indicated gross receipts are very low at that store compared to others. Mr. Shulman understood part of CVS is in Kettering. Mr. Klopsch noted all the parking is in Oakwood. Mr. Weiskircher indicated Mr. Aidt had provided an aerial photo of the CVS site and the red line depicts where the corporation line is in the building.

Mr. Byington felt they are putting the cart before the horse, a judgment on losing an Oakwood home shouldn't be decided in case they can work out an arrangement with CVS for shared parking. He has found precedent in other zoning codes whereby "zoning parking credits" are given to help balance out parking issues. Mr. Byington doesn't see anything to make this a viable request and referenced that HNTB's report states it's "possible".

Mr. Weiskircher questioned the timing. Mr. Qualey indicated they are in the due diligence period and the development is contingent on the rezoning for parking so that the 8,000 square foot building is marketable. Mr. Shulman asked about the due diligence time. Mr. Qualey responded three months left, they hope to have the rezoning approved so they can work with potential tenants. He added after they have the rezoning approval, they can bring forth a viable project including easier access to CVS, but their proposed site is "free-standing". Mr. Shulman noted they are asking the commission to change the zoning on a home before they meet with CVS and a possible shared parking plan. Mr. Qualey believes the shared parking idea should be pursued but added clients will want their own parking lot. Mr. Shulman asked if there is any interest to work with CVS. Mr. Qualey indicated there is no guarantee they could work out a shared parking arrangement. Mr. Shulman asked if CVS did allow shared parking would they still want parking on the residential lot. Mr. Qualey responded yes. Mr. Byington wondered why it is crucial that the residential lot be turned into parking. Mr. Qualey explained given the premium cost for the business, parking is wanted in close proximity to the building. Mr. Aidt wondered how many spaces are proposed on the residential lot. Mr. Qualey responded 32. Mr. Kendell reiterated the commission's charge is to make a recommendation to council who has final say and the recommendation to rezone the property for a parking lot is to be in the public interest of the community. Mr. Byington indicated this is a rezoning request, not a demolition.

Therefore, it was moved by Mr. Byington and seconded by Mr. Shulman that the Planning Commission has heard and considered the evidence presented by the applicant for application #06-2, the request from Sophia Klein Trust for a map amendment to rezone the lot at 20 Oak Knoll Drive and known as lot #1742, 43, 44 pts., from R-4 Residential to CB Community Business District, including approval of a parking lot, and has heard and reviewed the staff's preliminary findings, and whereby the Planning Commission asked that their recommendation to deny the rezoning request be forwarded to City Council for review. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Weiskircher noted that with the recommendation to deny the rezoning request the second portion of his presentation on the site development plan for the parking lot is a moot issue.

Discussion ensued in regard to the status of Sugar Camp and two possible contracts on Lot #1 and Lot #2; Business District development; and reference to the Edsall and Comprehensive Plan reports.

The Planning Commission adjourned. The public meeting concluded at 6:25 p.m.

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CHAIR

ATTEST:

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CLERK