

Oakwood, Dayton, Ohio

October 4, 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 4:30 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. Jay A. Weiskircher, Assistant City Manager  
Mr. Dave Bunting, City Inspector

The following visitors were present:

C. Hyland Schooley, 601 Woods Road  
Jim Joly, 1011 Little Woods Road

It was moved by Mr. Kendell and seconded by Mr. Shulman that the minutes of the planning commission meeting held September 6, 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.

Tabled application #06-8, the special use request of Linda Meister/Rick Smith to install an enlarged driveway at 619 Woods was on the agenda, however, Mr. Kendell indicated the applicant requested it remain tabled. Mr. Weiskircher explained Dr. Mesiter called earlier in the day and asked that the matter remain tabled and added that the applicant may withdraw the application all together. He noted the applicants don't believe the alternative plan would solve their parking problem.

Application #06-13, the special use request from James Joly to amend the original special use approval so as to permit a portion of the driveway to be wider than 12 feet at 1011 Little Woods Road was reviewed. Mr. Weiskircher referenced the approximate 30' section of drive that the owner would like to widen to 17'. He explained there is currently a gravel surface which the Jolys have been using and soon realized the existing width doesn't provide enough room for two cars to pass given the length of the driveway. Mr. Weiskircher also noted they are requesting a couple other minor driveway adjustments which can be approved administratively. He reported last evening was the first night the Jolys spent in their new home. He also reviewed the significant landscaped mound between the Joly and Mullen properties.

Mr. Joly indicated the drive begins at 11' width and there is an approximate 40' area where they want to widen the drive to 17'. He noted although they don't have very large vehicles there is concern about backing out of the driveway. He had spoken with Mrs. Mullen who had no problem with the request. Mr. Kendell asked for comments. There were none. The commission was pleased with the extensive landscaping and understood the needed area to assist with access out of the drive.

#### SPECIAL USE STANDARDS

A. The proposed use at the specified location is consistent with the Comprehensive Plan.

PRELIMINARY STAFF FINDINGS: The new home and appurtenances are consistent with the Comprehensive Plan objective that new housing be compatible with and enhance neighborhood scale and character.

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: This appears to be a practical solution to a problem not uncommon at properties with extended driveways. The proposed special use, which will impact only a 30' section of the driveway, should not adversely affect or 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: If the special use request to widen a portion of the driveway is approved, it should not be detrimental to or endanger the public health, safety, morals, comfort, and convenience or general 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 a landscaped mound along the full length of the driveway to separate and screen the Mullen and Joly properties. If a portion of the driveway is widened, it should not have an impact on the Mullen property.  
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 proposed use will not impact development on any adjacent or 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: This standard is not applicable to this application.  
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: All drainage related improvements have been provided at the applicant's cost.  
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: This standard is not applicable in 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 special use originally granted for the curvilinear portion of the driveway, the driveway conforms to all other city codes and regulations.  
PLANNING COMMISSION FINDINGS: Sustained.

Whereas the Planning Commission has heard and considered the evidence presented by the applicant and has heard and reviewed the staff's preliminary findings, the Commission concurs with staff findings; and based on the foregoing, the Planning Commission finds that the special use standards set forth in Oakwood Ordinance Section 1004.6 are each met; and therefore, it was moved by Mr. Schulman and seconded by Mr. Aidt that application #06-13, the special use request from James Joly to amend the original special use approval so as to permit a portion of the driveway to be wider than 12 feet at 1011 Little Woods Road, and known as lot #3959, 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.

Mr. Shulman questioned other lots on Little Woods Road. Mr. Weiskircher indicated Lot #1 was sold to Architect Mike Reutschle and Lots #2 and #4 are still available.

Mr. Weiskircher reported that council denied the Disbrow application (Mr. Duncan recused himself) due to concerns with precedence, ambience, etc. He noted that both Mr. McGinnis and Mayor Cook concluded that even though the application met the criteria, there were other issues and considerations which went into council's decision making process. Mr. McGinnis explained this request was met with mixed reviews and he believes consensus from the community is needed to rezone. Mr. Kendall suggested the commission review the zoning ordinance in anticipation of similar requests, perhaps increase the lot size requirement, etc. Mr. Shulman concurred with council's statements that one doesn't buy a view in the community. Mr. Kendall suggested the subdivision rules also be studied. Mr. Byington believes public opinion is such that no variance would be acceptable, they are happy with the way it exists. Mr. Kendall noted the Schuster subdivision request was based on only a few criteria. Mr. Aidt recommended they start with the Comprehensive Plan, review estate development/needs and then the subdivision regulations. Discussion ensued in regard to reviewing the regulations after small meeting agendas, concern with subdividing the lot in question and removing a lot of trees, proposed lot cost, etc. The commission agreed they should work on a general set of standards and obtain public input as well as input from a consultant, possibly Phil Hanegraaf. Mr. Weiskircher indicated he would pass along their recommendation to the city manager.

Mr. Weiskircher updated the commission on Sugar Camp and explained council approved the special use for religious use at building C only and requested that building B be included as part of the overall master plan. Mr. Byington questioned the current use for B. Mr. Weiskircher responded corporate training. He then referenced a preliminary master plan which includes buildings A and D being used by a group of physicians. Mr. McGinnis reported the applicant agreed that Building C would be included within the master plan. Mr. Weiskircher referenced the Sugar Camp area and pointed out the 7 ½ acres currently owned by Versant and the area they plan to purchase from OIG for residential style housing. He indicated discussions are still underway in regard to Lot #3 and potential development given environmental issues. On that site, they propose a professional building abutting Far Hills, opposite Springhouse, and that would also access into the Old River soccer fields. Mr. Weiskircher pointed out the proposed clubhouse area, parking, residential units including 30 duplexes and 22 patio-type homes ranging in price from \$375,000 to \$750,000 for 2,000 to 3,500 square feet. He also pointed out the public street, residential access from Far Hills; business access from Schantz and the preservation of the tree canopy along Schantz. He noted not only do they plan to preserve vegetation, but also plan additional landscaping.

Mr. Shulman questioned whether a low to mid rise housing is still planned. Mr. Weiskircher indicated that is not in the preliminary plan, which is subject to change, however, Mr. Rinzeler believes very strongly there is a market for such housing. Mr. Byington hopes the environmental issues on Lot #3 can be addressed prior to the hearing. Mr. Weiskircher concurred and indicated boring samples have already been taken on the other lots and he reiterated there are no environmental issues on parcel 1. Discussion ensued in regard to Versant development, a Ridgeleigh type facility need, etc. Mr. Byington questioned timing on the Versant and OIG sale. Mr. Weiskircher indicated the deal is tentative, however, noted both owners are working closely with staff. Mr. Aidt asked if they plan walking paths to connect to the soccer

fields. Mr. Weiskircher noted that there has been general discussion about the desirability of bike paths and public walks. He indicated the developer has a lot of nice ideas and there is talk of another professional building. Mr. Shulman asked about the timetable for total completion. Mr. Weiskircher indicated probably four years.

Mr. Weiskircher noted that because of a National League of Cities meeting in early December, it would be best to change the meeting from December 6 to December 13. The commission concurred.

Mr. Byington questioned the intent of the 22 Orchard property purchase. Mr. Weiskircher explained that given the new retail center, this could be used a municipal parking lot thus encouraging further business development in the area.

The Planning Commission adjourned. The public meeting concluded at 5:30 p.m.

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CHAIR

ATTEST:

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CLERK