

Oakwood, Ohio

July 3, 2019

The Planning Commission of the city of Oakwood met in regular session at 4:30 p.m. in the council chambers of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419.

The Chair, Mr. Andy Aidt, presided and the Clerk, Ms. Lori Stacel, recorded.

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

MR. ANDREW AIDT	PRESENT
MRS. HARRISON GOWDY	PRESENT
MRS. E. HEALY JACKSON.....	PRESENT
MR. GREG LAUTERBACH	PRESENT
MR. STEVE BYINGTON.....	PRESENT

Officers of the city present were the following:

Mr. Robert F. Jacques, City Attorney
 Mrs. Jennifer S. Wilder, Personnel and Properties Director
 Mr. Ethan M. Kroger, Code Enforcement Officer

The following visitors were present:

Jim Obert, Hills Properties on behalf of Element Oakwood, LLC
 Paul & Donna Bohannon, 204 Pointe Oakwood Way, Oakwood, OH 45409

Mr. Aidt called the meeting to order at 4:30 p.m. He asked if there were any questions or concerns with the minutes from the June 5, 2019 meeting. There being none, it was moved by Mrs. Gowdy and seconded by Mrs. Jackson that the minutes of the Planning Commission meeting held June 5, 2019 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. Aidt opened the public hearing for Application #19-4, to review an application submitted by Element Oakwood, LLC to install two wall mounted signs on 300 and 310 Old River Trail, a monument sign in front of 300 Old River Trail, and a neighborhood monument sign at the intersection of Ascent Circle and Old River Trail.

Under advisement from Counsel, Mr. Byington recused himself as he resides near Element Oakwood, LLC. Mr. Aidt accepted his recusal.

Mr. Kroger presented the staff report. He referenced a PowerPoint presentation and provided the following information.

An application was filed by Mr. Jim Obert on behalf of Element Oakwood, LLC to install two wall mounted signs on 300 and 310 Old River Trail, a monument sign in front of 300 Old River Trail, and a neighborhood monument sign at the intersection of Ascent Circle and Old River Trail.

The Multi-Use Special Planning District is not subject to the sign regulations outlined in the Oakwood Zoning Code like other districts. With Element Oakwood, LLC being located in the Multi-Use Special Planning District, sign proposals are evaluated against the Special Use standards in Section 1004.6.

In 2017, the Planning Commission approved the construction of two condominium buildings with a combined total of 84 units. Signage was not a topic of discussion when the condominiums were proposed.

The Sugar Camp/Pointe Oakwood Master Plan allowed staff to review and approve signage at the three entrances to the development, a process which took place in 2007. The Master Plan did not provide signage in the interior of the development, however, because specific uses and tenants were not known at that time. It was understood that future signage needs would be addressed via amendments to the Master Plan as they became necessary.

Application #19-4 is seeking approval for the following:

- A wall sign placed on the east building oriented towards downtown Dayton. The sign will read "Element" and is roughly 22' x 4';
- A wall sign placed above the leasing/sales center entrance which will read "Element" and is roughly 4.7" x 11.5";
- A monument sign located to the right of the entrance/driveway. The sign will read "Element Oakwood" accompanied with a logo, and is roughly 5' x 4-7"; and
- Replacing the existing monument sign positioned in the island located at the intersection of Ascent Circle and Old River Trail. The monument sign is approximately 6' x 8-4".

Mr. Kroger then reviewed proposed lighting, building materials, site plans, and renderings of the proposed sign locations. The Element Oakwood, LLC building will be lit by sconce-type lighting that will be placed on the exterior of the building and will not shine directly on the signage. The monument sign, located to the right of the driveway entrance, will be lit using ground-mounted/landscape lighting, and the same is proposed at the requested monument sign located at the intersection of Ascent Circle and Old River Trail. The applicant is planning to use materials which will complement the building features and architecture of the development.

Mr. Kroger closed his presentation by sharing that preliminary staff findings are set forth in the written Staff Report provided to the Planning Commission. As a planned development, approval of the application falls under the Special Use standards set forth in Section 1004.6. The Planning Commission is responsible for making a recommendation to City Council who then has final authority to act on the application. City staff feels that the proposed signs are reasonable in size and scale for the Element Oakwood condominium development, and would complement the existing architecture. The proposed monument sign located at the intersection of Ascent Circle and Old River Trail may be considered an off-premises identification sign and would not be permitted in any other Zoning District.

Mr. Lauterbach asked if the existing monument sign at the intersection of Ascent Circle and Old River Trail will be removed.

Mr. Kroger answered yes.

Mr. Aidt asked when the existing sign was installed.

Mr. Jacques recalled that the sign was approved around 2011 or 2012. He explained that the sign was installed to attract attention to the new Pointe Oakwood development since there was not much building activity at the time.

Mr. Aidt asked if the Zoning Code prohibits marketing signs.

Mr. Jacques shared that there is a provision in the Zoning Code for construction or coming soon signs, but those provisions are not binding in this zoning district.

Mrs. Gowdy asked if the existing monument sign was approved with the assumption that it was going to be a temporary sign.

Mr. Jacques shared that it was his understanding that the sign was going to be temporary, but there was no specified removal date in the conditions for approval.

Mrs. Jackson opined that the existing monument sign reads as a sales sign.

Mr. Jacques confirmed that the sign was intended to assist with marketing of the Pointe Oakwood development.

Mr. Aidt thanked Mr. Kroger for his presentation and welcomed the applicant.

Mr. Jim Obert with Hills Properties addressed the Planning Commission on behalf of Element Oakwood, LLC and thanked them for their time. He shared his appreciation to city staff for their assistance with this application. He then provided information about the sign requests. The proposed signs and locations were developed with the desire to preserve the character of the neighborhood and the condominium development. With the understanding that there are very few identification signs throughout Oakwood, the proposed identification sign at the entrance of Ascent Circle is much smaller in scale and is an improvement to the existing sign. The proposed sign is intended to help guide visitors through the development to Element Oakwood. The proposed wall signs are nominal in size compared to the size of the buildings. The proposed sign above the clubhouse will be 11" high. The proposed wall sign placed on the east building will be oriented towards Dayton so there is no sign visibility from Oakwood.

Mrs. Gowdy inquired about sign regulations in other zoning districts.

Mr. Jacques clarified that unlike all other zoning districts, the Oakwood Zoning Code does not specify size restrictions for monument signs in the Multi-Use Special Planning District.

Mr. Jacques shared that the previous sign code is not significantly different than the new sign code that was recently updated. Everything in the Multi-Use Special Planning District is subject to review by both the Planning Commission and City Council.

Mr. Lauterbach inquired about the building materials being used to construct the signs.

Mr. Obert shared that the building materials have not been finalized. There has been discussion about utilizing some type of three dimensional durable metal for the wall signs. The monument signs will more than likely be brick-based.

Mrs. Jackson asked why 22 feet is needed for the wall sign on the east building.

Mr. Obert explained that the wall sign will be used to identify the building. It is very common for buildings to have some type of identification, and it needs to be visible.

Mr. Paul Bohannon, 204 Pointe Oakwood Way, asked how close the monument sign to the right of the entrance/driveway will be to the neighboring property.

Mr. Obert shared that there is approximately 25 – 30 feet from the end of the property line to the neighbor's home. He added that there will also be landscaping to help buffer nearby properties.

Mrs. Donna Bannon, 204 Pointe Oakwood Trail, asked what size this monument sign will be.

Mr. Kroger displayed a sign rendering with the measurements. He confirmed that it is roughly 5' x 4'.

Mr. Bohannon asked if there is a night rendering demonstrating the lighting of this sign.

Mr. Obert said no, but pointed out that the rendering of the site plan captures the light direction and locations. He shared that the intent is to illuminate the building with indirect lighting on the wall signs. The monument signs would not be internally lit.

Mr. Aidt confirmed that there will not be additional lighting other than what is shown on the rendering.

Mr. Obert stated that this is correct.

Mr. Bohannon asked why the street lights do not extend all the way along Old River Trail.

Mr. Kroger commented that city staff will look into the street lighting further.

Mr. Aidt encouraged Mr. and Mrs. Bohannon to contact city staff with any questions or concerns throughout this project if needed.

Mrs. Gowdy asked for clarification on what type of lighting will be used on the signs.

Mr. Kroger explained that the monument signs will be lit using ground-mounted/landscape lighting.

Mr. Obert confirmed that none of the signs will be internally illuminated.

Mrs. Jackson referred to the previous application for a monument sign at Sugar Camp. She asked if it makes a difference when the sign location is in an area of business versus residential.

Mr. Jacques explained that both locations are in the Multi-Use Special Planning District. While this district has different regulations than other districts, the requests are still subject to the Special Use standards.

Mrs. Jackson asked if a homeowner would be able to put up a sign.

Mr. Jacques explained that a homeowner's sign request would not be considered compatible with the neighborhood under the Special Use standards. Eventually there may be standard zoning regulations here, but currently the Special Use standards control.

There being no further public testimony offered, the public hearing was closed and the Planning Commission began their deliberations.

Mr. Aidt shared that he has concern about the monument sign positioned at the intersection of Ascent Circle and Old River Trail. He inquired about the approval of the Hatcher Plat columns.

Mr. Jacques shared that the Hatcher Plat columns were paid for with private funds. When the columns were installed, the previous sign code did not clearly state whether or not the columns were considered a sign, so the City only needed to approve the use of the City's right-of-way.

Mrs. Gowdy asked if the columns are in the City right-of-way.

Mr. Jacques said he believes the columns are in the City right-of-way which is owned and maintained by the City.

Mr. Aidt opined that the monument sign at the intersection of Ascent Circle and Old River Trail is an off-premise sign, benefitting just one property.

Mrs. Gowdy commented that although the existing sign was a temporary advertisement sign, the proposed sign will be permanent. She then asked about the Lane Stadium and Old River Sports Complex sign near the Pointe Oakwood entrance.

Mr. Jacques explained that River Park Drive was designated as the primary access road for Lane Stadium, but UD required another entrance as a condition of the contract allowing us to use River Park Drive.

Mr. Lauterbach shared that he is okay with the two proposed wall signs and the monument sign at the entrance/driveway, but he has concerns with sign at Ascent Circle and Old River Trail. He opined that the signage is not necessary.

Mr. Aidt asked if directional marketing signs can be used elsewhere in the city.

Mr. Jacques explained that temporary marketing signs may be used as long as they are not off of the premises.

Mrs. Jackson said that the street signs should be enough to guide people to the building, not another identification or directional sign.

It was then moved by Mrs. Gowdy and seconded by Mr. Aidt that the preliminary staff findings be adopted, and Application #19-4 be recommended for approval as to the first three (3) signs, and recommended for denial as to the monument sign at the intersection of Old River Trail and Ascent Circle.

SPECIAL USE STANDARDS

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

PRELIMINARY STAFF FINDINGS:

- The amended Master Plan continues to be consistent with the Comprehensive Plan.

- 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 proposed wall signs located on 300 and 310 Old River Trail will be installed in proportion with the size of the buildings and will not be visible from the surrounding neighborhood.
- The proposed new entrance signage located to the right of the driveway/entrance will be landscaped and of a size that complements the attractive physical setting. The sign should not adversely impact the existing residential neighborhood.
- City Staff considers the proposed monument sign to be positioned in the island located at the intersection of Ascent Circle and Old River Trail as an "off-premises" identification sign. Off-premises signage is not allowed in any other zoning district in the City. While not expressly prohibited in the MUSPD, staff believes that this sign would change the character of the area in which it would be located.
- All of the proposed new signage will complement the architecture of the development and the proposed signage will not be internally illuminated, but rather lit with landscape/ground mounted lighting.

- 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:

- There is nothing to suggest that public health, safety, morals, comfort, convenience or general welfare will be at risk.

- 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 nothing to suggest that the proposed signage will be injurious to the reasonable use and enjoyment of other properties in the immediate vicinity.

- 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:

- There is nothing to suggest that use of adjacent and nearby properties will be adversely affected due to the secluded setting of the condominium building and its proximity to the north corporate limit of Oakwood.

- 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 Comprehensive Plan suggests that architecture and landscaping treatments should be compatible with the surrounding existing development. As already mentioned, the proposed new signage will complement the architecture of the development.
- The proposed signage is designed to an appropriate scale for this development.

- 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:

- Does not apply to the nature of this application.

- 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:

- Does not apply to the nature of this application.

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:

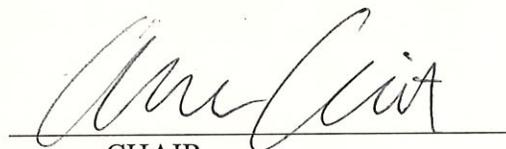
- The proposed signs complement the architecture of the development and should have no adverse effects on the neighboring residential development. However, City staff believes the proposed monument sign to be positioned in the island located at the intersection of Ascent Circle and Old River Trail is viewed as an off-premises identification sign. Off-premises signage is not allowed in another other zoning district in the city. Staff believes this sign would change the character of the area in which it would be located.
- There are no applicable regulations to signage in the Multi-Use Special Planning District, other than the Special Use standards set forth in Section 1004.6.

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

MR. ANDREW AIDT YEA
 MRS. HARRISON GOWDY YEA
 MRS. E. HEALY JACKSON..... YEA
 MR. GREG LAUTERBACH YEA
 MR. STEVE BYINGTON..... RECUSED

There being four (4) YEA votes, thereon, said motion carried.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 5:06 p.m.


 CHAIR

ATTEST:


 CLERK

