

CITY OF OAKWOOD
STATE OF OHIO
MARCH 20, 2017

The Council of the city of Oakwood, State of Ohio, met in a special session at 5:00 p.m., in the council chambers of the city of Oakwood. Council then met in a work session at 5:30 p.m. in the conference room of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio, 45419.

The Mayor, Mr. William Duncan, presided, and the Clerk of Council, Ms. Lori Stacel, recorded. Mayor Duncan opened the meeting by asking all present to participate in the Pledge of Allegiance.

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

MR. WILLIAM D. DUNCAN.....PRESENT
MR. STEVEN BYINGTON.....PRESENT
MR. ROBERT P. STEPHENS.....PRESENT
MRS. ANNE S. HILTON.....PRESENT
MR. CHRISTOPHER B. EPLEY.....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
Mrs. Cindy Stafford, Finance Director
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Tom Thompson, 239 Forrer Boulevard
Bret & Marge Flinn, 205 Pointe Oakwood Way
Healy Jackson, 118 Lonsdale Avenue
Craig Rohan, 135 Ascent Circle
George Kuntz, 490 Rubicon Road
Barbara and Howard Boose, 519 Shafor Boulevard
Sarah Waechter, 231 Northview Road
Paul and Donna Bohannon, 204 Pointe Oakwood Way
Terence Lau, 165 Pointe Oakwood Way
Stephan Susta, 20 W. Schantz Avenue

STATUS REPORT – NONE

VISITORS – NONE

LEGISLATION

A RESOLUTION
BY MAYOR DUNCAN NO 1834
TO AUTHORIZE THE SETTLEMENT OF PENDING
LITIGATION CONCERNING THE POINTE OAKWOOD
DEVELOPMENT.

A copy of the resolution, having been placed on the desks of each member of Council prior to introduction, was read by title.

Mr. Byington and Mrs. Hilton recused themselves as they have potential conflicts of interest. They stepped down from the Council dais and left Council Chambers.

Mayor Duncan explained that the redevelopment of what was once the NCR Sugar Camp property and the development of the land east of Sugar Camp has been a city objective for many years. It was addressed in the 1997 Subarea plan, and then again in the 2004 City Comprehensive Plan, which included specific NCR Sugar Camp Subarea Plan Site Development Alternatives and Guidelines. A consistent theme in those planning documents is that Oakwood should encourage the development of alternative forms of housing to complement the existing stock of homes, which are predominantly single family residences. The fastest growing segment of the housing market is for attached homes, condominiums, and other alternatives to free-standing single family homes.

The original Master Plan for the Sugar Camp and Pointe Oakwood developments was approved on April 23, 2007. In about a month, Oakwood marks the 10 year anniversary of that date. In that decade, like any major development, there have been obstacles to overcome. These have included the property's unique topography and changing market conditions, including a major economic recession.

As a result, the Pointe Oakwood Master Plan has been amended numerous times. The original Master Plan included single-family homes, attached residence units and duplexes, a professional building, and four mid-rise (4-story) condominium buildings. Since then, the following plan amendments have been approved:

- In May 2008, the professional building was eliminated and replaced with attached townhomes; attached residence units near the Far Hills – Schantz corner were replaced with single-family homes; and the four mid-rise condominiums were replaced with two higher-rise (7-story) condominium buildings at the west end of Old River Trail.
- In December 2009, the number of duplex units was reduced.
- In February 2011, duplexes planned for Old River Trail were replaced with single family residences, and the configuration of lots along Far Hills Avenue was changed to accommodate homes with larger floor plans.
- In March 2012, the attached townhomes were eliminated and approval was granted for an assisted living facility at the northeast corner. The assisted living approval has since expired.
- In July 2012, the high-rise (7-story) condominiums on Old River Trail were eliminated; and four 2- and 3-story condominium buildings were planned at the corner of Far Hills and Schantz Avenues.
- In July 2014, the condos planned for the Far Hills-Schantz corner were modified, going from four to three buildings and increasing the number of units from 20 to 23.

In February 2016, City Council held a public hearing on two additional proposals. One proposal was called “The Pointe,” which was a modification of the condos on the Far Hills-Schantz corner that would increase the number of units from 23 to 32. The other proposal was called “The Trails,” which was an 84-unit condo development with a pool and clubhouse, proposed to be built along Old River Trail. Both proposals were subject to public hearings before the Oakwood Planning Commission, and the Commission had unanimously recommended that Oakwood City Council approve both The Pointe and The Trails.

At the Oakwood City Council public hearing last February, over 65 Oakwood residents spoke against the proposals. It was one of the longest, if not the longest, Council meeting we have ever had. Council was not persuaded by arguments against “renters,” but there were some legitimate concerns about possible increases to traffic and density in the development. Some of Council felt that traffic and density would not be an issue; some of Council felt this was, in fact, a significant issue. Ultimately, Council voted to approve The Pointe and to deny The Trails.

The decisions by Council led to a pair of appeals in the Montgomery County Common Pleas Court. One was filed by a group of 14 Oakwood residents, all of whom live in or adjacent to Pointe Oakwood, who appealed the decision to approve The Pointe. The other was filed by OIG and Hills Properties, who appealed the decision to deny The Trails.

One of those cases has been decided in the city’s favor, and has been appealed to the Second District Court of Appeals. The other case is still pending at the Common Pleas Court. While the City has been litigating these cases for almost a year now, it has also been keenly aware that no further development has proceeded at Pointe Oakwood. For the city, for the developers, and most importantly for the residents who live there, there has been a cloud of uncertainty over what the rest of the development would look like and when it would be built.

While the cases have progressed in court, the City has been working with those 14 neighbors and the developer to negotiate a Settlement Agreement that resolves the issues in dispute...and believe such an agreement has been reached.

The Settlement Agreement being considered tonight is an effort to reach a global resolution of the issues in both appeal cases. Although Council has reviewed the agreement, Mayor Duncan summarized the significant items in the Agreement for the citizens of Oakwood tonight:

- OIG and Hills Properties will abandon the proposal to build The Pointe, which was the 32 condominium units at the corner of Far Hills and West Schantz Avenues. Instead, that land will be re-platted for the development of two single family homes along West Schantz, two single family homes along Far Hills, and a dedicated public greenspace at the corner. The re-platting will take place within 120 days, at which time the greenspace will be deeded to the city with restrictive covenants to prevent any future non-public use or development.
- OIG and Hills Properties will build 84 condominium units known as The Trails along Old River Trail.

- There is an area of approximately five acres of land in the southwest corner of Pointe Oakwood that was originally planned for residential use. Under the Agreement, OIG, with the concurrence of the residents of Pointe Oakwood, will pursue a Master Plan amendment to change the use from residential to commercial. This amendment will require a new application, public hearings, and approval by the Planning Commission and City Council. OIG plans to construct a three story office building to complement the existing Sugar Camp commercial campus. Vehicular access and parking for the office building would be from Sugar Camp Circle and not from Pointe Oakwood Way, thus eliminating the possibility that the five acres would generate additional traffic through the neighborhood.
- The Court will retain jurisdiction to enforce the Settlement Agreement, meaning there will be no further amendments to the Master Plan other than the office building proposal that OIG has agreed to pursue, and only if that amendment is approved.

The original Master Plan approved a density of 125 dwelling units in the development. That number has gone as high as 147 with some of the amendments that have been approved, and would have increased to 163 if both The Pointe and The Trails were approved. With this agreement, the final density will be 135 units.

It is important to note this agreement has the unanimous support of the 14 neighbors as well as the owner and the developer. They have all signed the Settlement Agreement, and if Council approves it tonight, the parties will file same with the Montgomery County Common Pleas Court. Although the City is optimistic of court approval, the Agreement will not take effect unless and until it is approved by the Court.

The City has known for many years that Oakwood needs additional housing options, and condos have been a part of every version of the Master Plan since the beginning of this development. Council believes this agreement resolves the traffic and density issues to everyone's satisfaction, and Pointe Oakwood will be a point of pride for Oakwood for years to come.

Mayor Duncan thanked Oakwood residents; not just the 14 neighbors who participated in negotiating this agreement, but also the many others who take pride in their community and came to speak about this issue last February. He also thanked OIG and Hills Properties for their continuing interest in building something of lasting value in Oakwood. This agreement required reasonable cooperation from all parties and Council saluted all of them for their efforts in negotiating an agreement that benefits the entire community.

Thereupon, it was moved by Mayor Duncan and seconded by Mr. Stephens that the resolution be passed.

Mayor Duncan shared that a copy of the settlement agreement is attached to the copies of legislation provided at the meeting.

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

MR. WILLIAM D. DUNCAN.....YEA
 MR. ROBERT P. STEPHENS.....YEA
 MR. CHRISTOPHER EPLEY.....YEA

There being three (3) yea votes and no (0) nay votes thereon, said resolution was declared duly passed and it was so ordered.

Vice Mayor Byington and Mrs. Hilton rejoined Council on the dais.

STAFF REPORT – NONE

CITY MANAGER'S COMMENTS – NONE

COUNCIL COMMENTS – NONE

The public meeting concluded at 5:14 p.m.

ATTEST:

[Signature]
 CLERK OF COUNCIL

[Signature]
 MAYOR