

Oakwood, Ohio
October 18, 2017

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., Oakwood, Ohio, 45419, at 4:30 p.m.

The Chair, Mr. Jeffrey Shulman, presided and the acting clerk, Sherri Laidler, recorded.

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

MR. JEFFREY B. SHULMANPRESENT
MR. ANDREW AIDTPRESENT
MRS. HARRISON GOWDYPRESENT
MRS. E. HEALY JACKSON.....ABSENT
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. Ethan M. Kroger, Code Enforcement Officer

The following visitors were present:

Mr. Matt Arnovitz, 1440 Passport Lane, Dayton, OH 45414
Mr. Nicholas Raines, 115 W. Monument Ave., Dayton, OH 45402
Mr. Jeff Samuelson, 3420 Aston Place, Blue Ash, OH 45241
Mr. Michael Maltinsky, 7530 Elbrook Ave., Cincinnati, OH 45237
Mr. Lynn Wyrick, 5806 Pandora Ave., Cincinnati, OH 45213
Sarena Kelley, 420 Kramer Road, Oakwood, OH 45419
Mrs. Linda Weprin, 600 Garden Road, Oakwood, OH 45419
Mr. Arvin Miller, 1966 Pacer Tr., Beavercreek, OH 45434
Mr. Stefan Susta, 20 W. Schantz Ave., Oakwood, OH 45409
Mr. Irvin Harlamert, 330 Southview Rd., Oakwood, OH 45419

It was moved by Mr. Shulman and seconded by Mr. Aidt that the absence of Mrs. Jackson be excused.

Mr. Shulman asked if there were any questions or concerns with the minutes from the January 4, 2017 meeting. There being none it was moved by Mr. Aidt and seconded by Mr. Byington that the minutes of the Planning Commission meeting held January 4, 2017, 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 all in attendance.

Mr. Shulman opened the public hearing for Application #17-2.

Mr. Byington recused himself as he resides near the proposed development. Mr. Shulman accepted his recusal. At that time Mr. Byington left the dais and was seated in the audience.

Mr. Weiskircher stepped forward to present the staff report, and explained that this application has two parts. The first part involves a request to amend the current Sugar Camp/Pointe Oakwood Master Plan and designate this parcel for commercial rather than residential use. The second part of the application involves site plan review and requires special use approval

consistent with the requirements for a new development within a Multi-Use Special Planning District.

Mr. Weiskircher referenced a PowerPoint presentation and detailed the history of this parcel including the 2007 original Sugar Camp/Pointe Oakwood Master Plan, 2008 and 2012 Amendments, and the existing Master Plan. Mr. Weiskircher stated that the first part of the proposal before the Planning Commission today is exactly what was specified in the language of the 2017 Settlement Agreement between Hills Properties, Oakwood Investment Group and a group of immediate neighbors. He read the following excerpt:

“Subject to approval through the city of Oakwood’s established process and procedures, OIG will pursue the development of the five-acre tract in the southern part of Pointe Oakwood – an area not involved in either the Trails development or the Pointe Development – to construct an office building no more than three stories high, with access from Sugar Camp Circle”.

Mr. Weiskircher went on to discuss the history of the site, sharing historic photos followed by recent photos depicting current conditions at the site. He explained that the applicant intends to retain all healthy, mature trees on the site; dead trees will be removed and new vegetation added. He explained that the layout of the site necessitated the addition of a special turn around area for large safety vehicles. He noted that there will be pillars at the entrance of the access road to the proposed new building and explained plans for street lighting. He went on to state that there will only be 30 parking spaces at this site while 80 spaces would be the typical requirement. He explained that there will only be 20 employees at Russell Wealth Management with a maximum of 10 clients on site on any given day. Mr. Weiskircher stated that there was a possibility of gatherings of larger groups at the business, however, these events would take place after office regular business hours and parking would be available at other Sugar Camp businesses which would be closed during those times.

Mr. Weiskircher stated that the proposed new building is approximately half the size of Building D and would be the second smallest on the Sugar Camp campus and presented slides depicting all elevations of the proposed building. He stated that the planned building materials consist of buff-colored limestone with metal roof components. He went on to explain that Siebenthaler’s developed the landscaping plan and Oakwood’s Director of Leisure Services and Horticulture, Carol Collins, was involved in developing the plan. Mr. Weiskircher said it was important to the applicant and the city that they be good neighbors, particularly to the residents of Pointe Oakwood and those residing along W. Schantz Avenue. Special attention was given to the screening along W. Schantz Avenue and the east hillside. Landscaping will be significantly enhanced over what is currently in place with year-round color.

After detailing the proposed plan Mr. Weiskircher stated that rather than getting into the Special Use Standards at this time he would take questions from the Planning Commission, and then come back to read the Special Use Standards before the Planning Commission votes on their recommendation.

Mr. Aidt inquired about the status of the previously approved assisted living facility in Sugar Camp. Mr. Weiskircher shared that he received a phone call just this week from an interested party (not the current owner) who would like to take a look at the property for the purposes of possible construction of an assisted living facility. Mr. Shulman asked who the current owner is and Mr. Weiskircher answered that Randall Residences owns the property. Mr. Robert Jacques, City Attorney, interjected that although approval had been granted for construction of an assisted living facility, that approval has lapsed with the passage of time.

Mr. Shulman thanked Mr. Weiskircher for his presentation then asked who would like to speak on behalf of the applicant.

Mr. Jeff Samuelson with JZ Construction addressed the Planning Commission on behalf of the developer and thanked them for their time. He stated that JZ Construction was thrilled to be working in Oakwood and excellent architects had been brought in for this project from Cincinnati, as well as Siebenthaler's, and their intent was to pay homage to the history of Oakwood.

Mr. Lynn Wyrick, an architect with Glaserworks, approached and said he wanted to reiterate the fact that all involved were indeed thrilled to be working on this project in Oakwood. He stated that when they got started with this project they had three goals: 1.) Function (including the needs of Russell Wealth Management as well as compliance with building codes and ordinances); 2.) Maintaining the character of the site; and, 3.) Mediation between the scale of Sugar Camp buildings on the west and the newer homes in Pointe Oakwood on the east.

Mr. Wyrick referenced a PowerPoint presentation with renderings of current conditions. He stated that the intent with regard to landscaping is to preserve mature trees, remove dead trees and keep larger scale plantings away from the entrance to the site. He stated that typical plans don't look natural and they tried to do better than that with year-round color and effective screening. The intent was to create a natural looking screening with various layers of trees rather than a wall of trees. Mr. Wyrick added that there are existing retaining walls which they intend to keep and soften with vegetation and vines. In terms of grading, he stated that W. Schantz Avenue is a few feet lower than their site and he presented a slide of a site plan in which they intend to mediate the scale and elevations.

In terms of materials, Mr. Wyrick stated that there will be "lots of glass". In developing this building they wanted to acknowledge existing buildings and homes with their gables and trim and do something similar with the new building. They sought to preserve the park-like feel. Mr. Wyrick displayed samples of the limestone and metal materials planned for the building. He mentioned that the plan was to bridge contemporary and traditional styles as well as residential and commercial uses. He stated that much time was spent on developing a building to complement the scale and design of existing homes near the site and showed several slides depicting various views of the design. Regarding the electrical site plan, he stated the illumination at the property lines meets Oakwood requirements and will not disturb the neighbors.

Mr. Wyrick then asked if members of the Planning Commission had questions. Mrs. Gowdy stated that she really likes the design, but questioned the necessity for the lighted logo on the east elevation facing Far Hills Avenue. She said it distracts from the lovely elevation. Mr. Wyrick stated that although it will be visible from Far Hills Avenue it will not be visible from the homes in Pointe Oakwood.

Mr. Aidt agreed with Mrs. Gowdy's statement regarding the illuminated logo. He shared his concern that residents in Pointe Oakwood would be able to see it through their windows. He said it would bother him if he resided there. Mrs. Gowdy stated that she did not believe that illuminated sign was necessary on the east side of the building.

Mr. Shulman asked Mr. Wyrick when construction would begin if the application was approved.

Mr. Wyrick stated that it would begin as early as late November.

Mr. Aidt then asked what type of lights would be used on the illuminated logo. Mr. Wyrick stated that he did not have detailed information on the light fixtures, but it would be shadow lighting. It would be more yellow incandescent rather than bright white.

Mr. Aidt also asked if there would be a pedestrian entrance. Mr. Wyrick answered that it was his understanding that a pedestrian entrance was not requested and that walkways would be constructed in conjunction with the parking lot.

Mr. Aidt asked what was planned for the lawn area. Mr. Wyrick answered that the plan was to clean it up and keep it as green space that would offer a nice view. Mr. Aidt stated that he believed there were gas lines there and it was not buildable.

Mr. Shulman then thanked Mr. Wyrick and asked if anyone else wanted to speak on behalf of the applicant. Mr. Matthew Arnovitz approached and stated that he is a commercial realtor. He said this project started 18 months ago and although many sites were considered, this site in Oakwood fit the character the applicants were seeking. He also stated that it isn't very often that corporate headquarters are constructed.

Mr. Shulman asked if anyone else desired to speak on behalf of the applicant. There being none, he then asked if anyone wished to speak in opposition of the application.

Mr. Irvin Harlamert approached the Planning Commission and stated that he serves as the spokesman for 38 neighbors who oppose construction of the building proposed in this application. He then stated that although not all of the comments from his neighbors regarding the proposed building were negative, there were two negative comments that he thought the Planning Commission should be made aware of: 1.) The appearance of the building is not consistent or in keeping with the surrounding residential neighborhood; and, 2.) The 30 space parking lot is right in our face.

Mr. Harlamert then stated that the Subarea Plan mentions that for new construction, architecture and landscaping should be compatible with the existing, and that the Planning Commission should consider these aspects in terms of this building and location. He then went on to add that he was not here to only make negative comments, but also something positive. He stated that rather than just saying no to this application he would like to extend cooperation to help the applicant, the city and neighbors. He stated that the overwhelming majority of neighbors in this area are not in favor of this application but he would like to offer something positive; an alternative to the proposed application. He then produced a typed memo titled "Alternative Plan" and offered to answer any questions regarding this informal memo which he stated he developed. Mr. Harlamert went on to ask if the Planning Commission considers potential tax revenue when considering applications after which he commented that his proposal would bring in more tax revenue than the application presented today. In conclusion Mr. Harlamert conceded that his proposal would take some time to implement then asked if there were questions.

Mr. Shulman stated that in reference to tax revenue, that is not one of the standards that the Planning Commission considers. Mr. Shulman then indicated that he understands that Mr. Harlamert resides in Hatcher Hills, which is some distance away from the development, and inquired as to why Mr. Harlamert objects to this application. Mr. Harlamert replied that no matter where he resided in Oakwood he would still oppose this application.

Mrs. Gowdy interjected that this is the best proposal the Planning Commission has reviewed for this site. She went on to say that there is no reason to be upset by this proposal and asked, "If something will be built here isn't this the best option?" Mr. Harlamert answered that given a little time there might be a better option. Mr. Shulman then asked Mr. Harlamert if he realized

that Oakwood Investment Group purchased this property 10 years ago and stated that now Mr. Harlamert is asking for yet more time.

Mr. Robert Jacques, City Attorney, advised the Planning Commission to focus on the application at hand, rather than alternative proposals, to which Mr. Shulman agreed.

Mr. Stefan Susta then approached the Planning Commission stating that he desired to speak in favor of the applicant. Mr. Susta indicated that he lives directly across the street from the site and added that the Planning Commission might remember his opposition to previous proposals. He then referenced the Settlement Agreement and stated that with respect to his neighbors, he has received positive feedback from some neighbors. He added that it was his opinion that some neighbors who signed Mr. Harlamert's petition did so without adequate information on the details of the plan and may likely approve of the plan had they had seen all of the details. He also stated that Russell Wealth Management has addressed many concerns and, "I really like what I am seeing".

Mrs. Serena Kelley stepped forward and shared that she has attended all of the meetings associated with this parcel of land and would like to speak on behalf of community members who oppose the application. Mrs. Kelley noted that she is afraid there is a negative connotation of the residents of "Hatcher Hills". She stated she is glad Russell Wealth Management chose Oakwood. She added that she appreciates the time, effort and details that went into the landscape plan. She also stated that she has a couple of concerns regarding the architectural style of the current buildings in Sugar Camp. She indicated that she understands the approach with respect to traditional architecture but doesn't agree with the architectural style. In conclusion, Mrs. Kelley stated that she is not excited about the building itself, but on behalf of the neighbors, she is glad they are coming to Oakwood.

There being no further public testimony offered, the public hearing was closed and the Planning Commission asked Mr. Weiskircher to address the Special use Standards.

Mr. Weiskircher stated that it was important to spend a few minutes on staff thoughts regarding the Special Use Standards. Mr. Weiskircher then read through his prepared staff comments on the 9 Special Use Standards.

Mr. Shulman thanked Mr. Weiskircher and the Planning Commission began its deliberations.

Mrs. Gowdy stated that she was going to be a stickler regarding the illuminated logo on the east elevation. She added that Oakwood has always been understated regarding signage, noting that Oakwood High School only recently erected a sign along Far Hills Avenue. She concluded her remarks by adding that there were plenty of other signs for the business and this is the only issue she has with the application; other than that, this is a win-win.

Mr. Aidt stated that he shares Mrs. Gowdy's concerns regarding the illuminated sign on the east elevation. He then asked Mr. Weiskircher about the white rectangle on the on the west side of the existing Sugar Camp Master Plan illustration. He inquired as to whether an office building was planned for that location. Mr. Weiskircher confirmed that the site next to the west entrance to Sugar Camp had been approved for office use, but nothing is currently proposed for that location.

Mr. Aidt concluded his comments by stating that he likes the proposal; the height of the building is good and it will blend in well with the area. He stated that he stood on the site earlier in the day and noted that the views from the site are extraordinary.

Mr. Matthew Arnovitz, Commercial Realtor, asked to address the Planning Commission regarding the illuminated sign on the east elevation. He stated that the proposed illuminated sign would not have a negative or “beacon” effect, but the developer would accept a condition that it not be lighted.

Mr. Shulman then stated that there had been sufficient time to address both requests. Mr. Jacques reminded the Planning Commission that both parts of this application require Special Use approval.

Therefore, it was moved by Mr. Aidt and seconded by Mrs. Gowdy that the preliminary staff findings shall be adopted, with the exception that the illuminated sign on the east elevation not be lighted, and on that basis, application #17-2, to amend the Sugar Camp/Pointe Oakwood Master Plan with respect to a 4.3 acre parcel located east of Sugar Camp Circle and north of W. Schantz Avenue be redesignated for office use and the Special use be granted for the purpose of constructing a 22,000 square foot, 3-story office building, be recommended for approval by City Council.

SPECIAL USE STANDARDS

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

PRELIMINARY STAFF FINDINGS:

- The proposed use is consistent with the recommendations in the 2004 Comprehensive Plan that corporate offices, and general tenant office space would be an appropriate use for the Sugar Camp acreage. Moreover, the proposal also meets the stated site development guidelines that the property be developed as a “campus-type” environment with a well-landscaped and attractive physical setting that does not adversely impact the existing residential neighborhood.

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 use of the proposed building for office purposes is consistent with the business uses of the 12+ acre Sugar Camp site that have existed since 155,000+ square feet of office/training space was constructed in the late 1960’s. Even prior to that, NCR used the property for business purposes dating back to temporary tents originally used in the early 1900’s and then replaced in the 1930’s when more than 50 cabins were built on the site.

Ingress and egress to the building will be from the existing signalized intersection at W. Schantz and Kramer Road, and there is no reason to believe that traffic from the proposed building will impact the adjoining neighborhood streets.

In addition, although the proposed building does not mirror the nearly 48 year old architecture of the existing buildings, the designers are using complimenting building materials with a compatible 21st century architectural theme designed to link the eclectic architecture themes and building scales in the immediate area.

- 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 since the proposed use of the land is consistent with the business uses that have existed on the site for well over 100 years. As far as safety is concerned, a great deal of time has already been spent by the site engineers on issues pertaining to fire safety and how the building will be accessed by safety vehicles and personnel. There were a number of iterations and modifications to the original site plan in response to issues raised by both Kettering and Oakwood fire officials and those issues have been satisfactorily addressed. The T-Hammerhead at the southwest corner of the site was specifically constructed to provide a turnaround area for engines and ladder trucks.

- 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:

- With less than 20 employees expected to work in the building, and given the nature of the services being provided to the public, on most days, there will in all likelihood be less than 10 visitors to the building – far fewer than most of the physician office spaces already existing within Sugar Camp.

In developing the tree and landscape plan for the site, special attention was given to enhancing the landscaping along W. Schantz Avenue, screening the parking lot, and establishing a vegetation buffer along the hillside on the east side of the site between the building and the Pointe Oakwood residential area. Of equal importance is the fact that most of the existing large canopy trees on the site will be maintained.

- 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:

- This could potentially be the last commercial building constructed on the Sugar Camp campus and its proposed use is consistent with the existing office space on the site. The size and height of the proposed building along with the exterior building materials complement the existing buildings at Sugar Camp.

- 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 existing buildings are more than 48 years old and the applicant is proposing a building which, while being sensitive to the other buildings in the immediate area, is also distinctive in its appearance, reflecting 21st century architecture. The primary exterior building material is a buff-colored limestone that compliments the stone on the existing Sugar Camp buildings.

The applicant has also gone to great lengths to preserve as many of the mature trees as possible. Along W. Schantz Avenue where vegetation screening already exists, dead trees and underbrush will be removed and enhanced with more aesthetically pleasing plant material. Likewise, a substantial tree and vegetation screen will be planted along the hillside on the east side of the site.

- 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:

- Consistent with the Settlement Agreement signed earlier this year the building will be accessed from Sugar Camp Circle. Parking, drainage, utilities and the roadway serving the building directly are being provided at the applicant's expense. The applicant has also minimized the size of the parking lot to reflect the use of the building and expected parking demand. The building owners also have a cross-lease with OIG to use existing Sugar Camp parking spaces on those rare instances when demand may exceed capacity.

- 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:

- Ingress and egress to the site will be from the existing signalized W. Schantz and Kramer Road intersection. Direct access to the building will be from a roadway that will connect to Sugar Camp Circle. The existing access gate opposite Maysfield Road will be removed. With the limited vehicular traffic associated with this use, no traffic analysis was needed. Moreover, with access to this site from W. Schantz, it eliminates non-residential traffic concerns previously expressed by Pointe Oakwood residents.

- 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:

- Throughout the planning process, the developer and owner of the building have been sensitive to compatibility issues involving Sugar Camp and the surrounding residential neighborhood. The footprint of the building and parking lot were minimized, and special efforts are being undertaken to preserve the existing large trees and to further enhance the vegetation screening on the site with additional plantings.

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

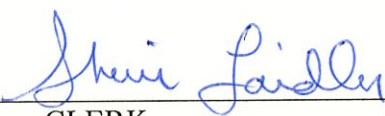
MR. JEFFREY B. SHULMAN YEA
MR. ANDREW AIDT YEA
MRS. HARRISON GOWDY YEA

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

There being no further business, the Planning Commission adjourned. The public meeting concluded at 6:20 p.m.


CHAIR

ATTEST:


CLERK