

Oakwood, Ohio

June 3, 2020

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 AIDTPRESENT
- MRS. HARRISON GOWDYPRESENT
- MRS. E. HEALY JACKSONPRESENT
- MR. GREG LAUTERBACHPRESENT
- 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:

- Mrs. Janna Piechota, Top of the Hill Preschool
- Pastor Stefan Rickman, Lutheran Church of Our Savior
- Mrs. Mary Simons, Top of the Hill Preschool
- Mrs. Linda Lewis, Top of the Hill Preschool
- Mrs. Renee Koschnick, Little Acorn Academy

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 February 2, 2020 meeting. There being none, it was moved by Mrs. Gowdy and seconded by Mrs. Jackson that the minutes 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 provided an overview of the meeting agenda and reviewed the meeting procedure with all in attendance. He then invited city staff to provide their report.

Mr. Jacques shared that the Little Acorn Academy located in St. Paul Episcopal Church at 33 West Dixon Avenue is requesting to extend the Special Use permit that was approved by the Planning Commission on December 4, 2019. The Special Use permit was for construction of a playground on the vacant lot adjacent to the church. Under the Oakwood Zoning Code, a Special Use permit expires six months after it is granted if no construction has begun, but the Planning Commission has the authority to grant an extension without requiring a public hearing. Mrs. Koschnick, who presented on the Academy’s behalf in December, is requesting additional time due to the COVID-19 pandemic, which has caused challenging delays in construction meetings and fundraising. The Academy is requesting a six month extension of the permit, which would extend the expiration date to December 4, 2020.

Mrs. Gowdy asked if there is a limit to the number of extensions that can be requested by the applicant.

Mr. Jacques explained that extensions are granted at the Planning Commission’s discretion. The Special Use permits expire after six months only if no construction has begun.

It was then moved by Mr. Aidt and seconded by Mrs. Gowdy that the previously approved Application #19-5 for a Special Use permit to construct a playground on the vacant lot adjacent to Lutheran Church of Our Savior be extended.

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	YEA

There being five (5) YEA votes, thereon, said motion carried.

Mr. Aidt opened the public hearing for Application #20-2, to review a special use application filed by Janna Piechota of the Top of the Hill Preschool of Oakwood located at the Lutheran Church of Our Savior.

Mr. Kroger presented the staff report. He referenced a PowerPoint presentation displaying property images of 155 E. Thruston Boulevard and provided the following information.

An application was filed by Janna Piechota of the Top of the Hill Preschool to amend a previously approved Special Use permit to increase the maximum number of students that may attend the Top of the Hill Preschool from 40 to 54 students.

The Lutheran Church of Our Savior is located in the R-3 Single Family Residence Zoning District. In the R-3 District, special use permits are required for preschools that are operated as an accessory use to a religious or educational institution, the site of which has been designed and developed specifically for a permanent religious or institutional purpose.

In 2014, Top of the Hill Preschool was granted a Special Use permit for the operation of a preschool program subject to three conditions. The conditions required that no more than 40 students can be on the site at any one time; the Operator must file a year-end report to include enrollment levels, percentage of Oakwood residents enrolled, any proposed changes for the next school year, and any complaints or concerns from the neighbors; and all vehicular drop offs and pickups will take place at or near the entrance of the Patterson House.

The Preschool is seeking to amend the condition regarding the number of students allowed onsite at any one time from 40 to 54 students. The State of Ohio approved the Preschool to enroll 54 students, and they are seeking similar approval at the local government level. The Applicant has stated that the existing structure can accommodate up to 67 students.

Mr. Kroger closed his report by sharing that as requested, the Preschool submitted a year-end report after their first year of operation. He confirmed that this application does not propose changes to the original traffic plan for vehicular drop offs and pickups, nor does the application request physical changes to the building.

Mr. Byington asked what measures the State of Ohio used to approve 54 students.

Mrs. Janna Piechota, Top of the Hill Preschool Director, explained that the State of Ohio's approval was based on the total square footage of the classroom. She noted that three inspections were done before the application was approved in 2014, including an inspection by the Oakwood Public Safety Department. The Church has additional space available that could be allocated to the Preschool if needed.

Mr. Byington asked why the Planning Commission limited the number of students to 40 when the application was initially approved.

Mr. Kroger recalled that the Planning Commission limited the number of students because of concerns with the vehicular traffic flow.

Mr. Byington asked city staff if there have been any traffic complaints.

Mr. Jacques stated that the City has not received any complaints regarding traffic. He added that the initial number of students was arbitrary to see how things would work and then adjustments could be made if needed.

Mr. Aidt recalled that there was a discussion at the initial Planning Commission meeting regarding the amount of space that was available for the preschool.

Mrs. Jackson asked if the Preschool plans to max out the number students to what the facility can accommodate.

Mrs. Piechota shared that the Preschool plans to keep the number of children at 54 students even though the facility can accommodate 67.

Mr. Byington asked how many students are currently enrolled.

Mrs. Piechota stated that there were 40 students this past year. She added that 10% of the students were from the city of Dayton.

Mr. Byington asked if there is an admission waiting list for the preschool.

Mrs. Piechota shared that there is a current wait list. One of the classrooms currently has 30 children on the wait list.

Mr. Byington asked if the Preschool plans to increase the number of students to 54 right away.

Mrs. Piechota commented that the plan is to gradually work up to 54 students.

There being no further public testimony offered, the public hearing was closed.

The Planning Commission did not have any further questions for city staff or the applicant.

It was then moved by Mrs. Gowdy and seconded by Mr. Lauterbach that the preliminary staff findings be adopted, and Application #20-2 to amend a previously approved Special Use permit to increase the maximum number of students that may attend the Top of the Hill Preschool from 40 to 54 be approved.

SPECIAL USE STANDARDS

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

PRELIMINARY STAFF FINDINGS:

- The existing preschool program primarily serves Oakwood residents and is consistent with the community's commitment to education excellence. No aspect of this proposal is inconsistent 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 introduction of additional traffic on residential streets must be considered as it relates to noise and pedestrian safety. However, the site has ample off-street driveway space and parking that is seldom used during the school week. There is certainly space to accommodate an additional 14 cars, and the applicant has indicated there will not be a change to the existing drop-off and pickup procedures which occur at the north side of the Patterson House.

- 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 in the application 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:

- As the preschool is an existing use, there is nothing new to suggest that the proposed change in the number of students use will be injurious to the reasonable use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the neighborhood. The Preschool has historically operated in a neighbor-friendly manner and there is no new information to suggest that would not remain the case with a small expansion of the student body.

- 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 Preschool is an existing special use, and there are no changes proposed to the structure or site, therefore there are no changes to the building's effect on the adjacent and nearby properties.

- 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:

- Preschools are not an unprecedented special use at larger religious institutions in Oakwood and the surrounding communities. There are no interior or exterior structure or site changes proposed as part of this special use amendment request.

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 costs associated with this special use request are borne solely by the applicant.

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:

- The site has ample off-street driveway space and parking that is seldom used during the school week. There is certainly space to accommodate an additional 14 cars, and the applicant has indicated there will not be a change to the existing drop-off and pickup procedures which occur at the north side of the Patterson House. It appears the proposal will have no negative impact on the safe movement of vehicles and pedestrians. All vehicular traffic will continue to enter the site at the west entrance and exit along the east property line to the east (see enclosed aerial image).

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 request to amend the previously approved special use request meets all other applicable regulations of the zoning district.

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 YEA

There being five (5) YEA votes, thereon, said motion carried.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 4:45 p.m.


 CHAIR

ATTEST:


 CLERK