

Oakwood, Ohio

May 3, 2023

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 .....ABSENT
- 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
- Ms. Lori L. Stacel, Clerk of Council

The following visitors were present:

- Christa Smith, 320 Old River Trail
- Tawny Haywood, 785 E. Schantz Avenue
- Erin Pryor, 27 Dellwood Avenue
- Marissa Ford, 124 Acacia Drive
- Mike Ford, 124 Acacia Drive
- Nicole Crawford, 240 Peach Orchard Avenue
- Melinda Razvi, 15 E. Dixon Avenue
- Raya Whalen, 143 Wisteria Drive
- Kristy Fairfax, 405 Hathaway Road
- Saleen Razvi, 15 E. Dixon Avenue

There were no Zoom visitors in attendance.

Mr. Aidt called the meeting to order at 4:30 p.m. He shared that Mrs. Gowdy was unable to attend the meeting and asked to be excused. It was moved by Mrs. Jackson and seconded by Mr. Lauterbach that her absence be excused; the motion was approved by viva voce vote.

Mr. Aidt asked if there were any questions or concerns with the minutes from the March 1, 2023 meeting. There being none, it was moved by Mr. Lauterbach and seconded by Mr. Byington 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 explained that the only agenda item is Application #23-2, to consider proposed text amendments addressing permitted and special uses in the business zoning districts, as well as a few clarification amendments of the Zoning Code submitted by the city of Oakwood.

Mr. Jacques presented the following staff report:

The proposed text amendments are an update to the list of permitted uses within both the Community Business (CB) and Neighborhood Business (NB) zoning districts, as well as minor

updates to clarify certain provisions. The updates are provided in the form of three separate ordinances: one to update permitted uses in the CB district; one to make similar updates in the NB district; and one to make a few miscellaneous clarifications.

Mr. Jacques noted that the draft ordinance for Sections 701.2 and 701.3 was updated to include a definition for “personal services” to avoid vagueness/ambiguity. The updated ordinance was placed on the dais prior to the meeting.

The Oakwood Zoning Code has an exclusive list of permitted uses in the NB and CB business districts. If a particular use is not listed, and a special use or conditional use is not available, the proposed use is denied.

There are a variety of “personal services” that currently do not qualify as a permitted use. Mr. Jacques shared several instances where city staff has had to deny a potential business because their proposed use is not listed, even though the proposed business would be a good fit in the community.

The Planning Commission is required to hold a public hearing on proposed amendments, and then make a recommendation to City Council as to whether the amendment should be approved or denied. Since this is a text amendment, the Planning Commission’s recommendation to Council must include written findings of fact.

Mr. Jacques reviewed the following amended or added permitted uses that are consistent with state law:

- “Salon/spa” has been added to the “Beauty parlor” permitted use. Some of these have been approved in Oakwood under the “Beauty parlor” use, but the code language was clarified to recognize a broader array of services.
- “Fitness/health/wellness service” has been added as a permitted use. This category is intended to include establishments such as gyms, fitness studios, group exercise classes, personal training and coaching, etc.
- “Personal services” has been added as a permitted use. This category is intended to include businesses that provide a non-medical personal service as a primary use, and may include accessory retail sales of products related to the services.
- A provision that makes a Special Use permit available for “Retail or service uses of scale and intensity similar to uses (already) permitted.” This is a catch-all designed to create an administrative review process for proposed uses that may not be listed, but might otherwise be a good fit for Oakwood.
- Consistent with amendments a – d, the off-street parking requirements in Title 11 have been updated to include the new uses.

He then reviewed the following miscellaneous clarifications:

- Miscellaneous clarification: Current language in Sections 402.1 and 402.2 permits “air conditioning condensers and heat pumps” as accessory structures and uses, and designates in which yards they may be placed. This has been updated to include generators and similar mechanical equipment.
- Miscellaneous clarification: Current language in Section 402.2 allows window wells to encroach two feet “into the yard.” This has historically been interpreted to mean “into the *required* yard,” meaning that the provision is intended to allow a window well to exist within the setback area as long as the main structure is not in the setback area. This language has been clarified accordingly.

- Miscellaneous clarification: Current state law caps the fine for a minor misdemeanor zoning violation at \$150. Oakwood's Zoning Code currently caps the fine at \$100. The Code would be updated from \$100 to \$150 to remain consistent with the provisions of state law.

Mr. Lauterbach asked which areas are considered the business district.

Mr. Jacques explained that the Community Business (CB) zoning district is comprised of the businesses along Far Hills Avenue. The Neighborhood Business (NB) zoning district are comprised of the smaller businesses across from 30 Park Avenue, Tudor Day Spa and the Routsong Retail Center, the Post Office property, and a couple of offices near the corner of Schantz and Far Hills Avenues.

Mrs. Jackson asked if it is typical practice to list specific permitted uses.

Mr. Jacques shared that some communities have broader categories, but Oakwood has always had specific uses to maintain community character and a higher level of local control.

Mrs. Jackson asked if the provision that makes a Special Use permit available for "Retail or service uses of scale and intensity similar to uses (already) permitted" gives the applicant the right to the use.

Mr. Jacques explained that it would not be automatic; it would go before the Planning Commission for discussion. If the Planning Commission considers a proposed use and concludes that it is not a good fit for Oakwood then it is not permitted.

The Planning Commission did not have any further questions for Mr. Jacques. Mr. Aidt opened the public hearing.

Marissa Ford, 124 Acacia Drive, shared that she would like to bring a small Pilates business to benefit the health and wellness of the Oakwood community. The majority of her customers are Oakwood residents. As the Code is today, her business is not currently permitted. She asked the Planning Commission to consider updating the special uses to benefit the community.

Raya Whalen, 143 Wisteria Drive, shared that she is a big fan of Mrs. Ford's Pilates studio. The business currently has a strong Oakwood clientele and she hopes the Planning Commission will support these changes which will be great for the city.

Kristy Fairfax, 405 Hathaway Road, shared that she would love to see the business options further develop in Oakwood.

Mr. Aidt noted his appreciation to the visitors for sharing their comments and feedback.

Christa Smith, 320 Old River Trail, shared that she is a huge fan of the Pilates studio. She has seen existing businesses in Oakwood offer similar services and it would be nice to change the laws to allow other businesses to provide these services as well. The Oakwood community would greatly benefit.

Christina Lambert, 296 Hathaway Road, shared that she is avid about having more fitness options in the Oakwood community. The Pilates studio is very low key and would not be disruptive.

With no other visitors to offer public testimony, the public hearing was closed and the Planning Commission began their deliberations.

Mr. Byington asked if he should cast a vote this evening and when the proposed changes are presented to City Council.

Mr. Jacques answered yes.

Mr. Byington encouraged visitors to share their comments with City Council at the June meeting.

The Planning Commission discussed wording for the written findings of fact to be presented to City Council.

It was then moved by Mrs. Jackson and seconded by Mr. Lauterbach that application #23-2, for proposed text amendments addressing permitted and special uses in the business zoning districts, as well as a few clarification amendments of the Zoning Code submitted by the city of Oakwood be recommended for approval to Oakwood City Council. The Planning Commission has considered the evidence and has reviewed the proposal for consistency with the purposes of the Zoning Code, the 2004 Comprehensive Plan, and the interests of the city of Oakwood as a whole, and finds that the same is consistent therewith for the following reason(s):

- 1. Supports Comprehensive Plan objectives;
- 2. Comprehensive Plan directs city to be welcoming and inviting;
- 3. High citizen turnout at Planning Commission hearing demonstrates strong need for changes to benefit the community;
- 4. Continues to encourage appropriate land use in community; and
- 5. Keeps penalties consistent with state law.

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

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

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

Mr. Jacques provided a brief status update on the ongoing traffic signal study. Mr. Klopsch joined the meeting at that time and also commented on the study.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 5:15 p.m.

  
 CHAIR

ATTEST:

  
 CLERK