

MEMORANDUM

TO: PLANNING COMMISSION MEMBERS  
FROM: ETHAN KROGER  
SUBJECT: MARCH 6, 2024 MEETING  
DATE: FEBRUARY 29, 2024

**APPLICATION #24-1**

**ADDRESS: N/A (Zoning Code Text Amendment)**

**APPLICANT: CITY OF OAKWOOD**

The first application to be heard on March 6 is an application for a Zoning Code text amendment filed by the City of Oakwood.

**NATURE OF REQUEST:**

City staff is proposing to amend the text of the Zoning Code in two regards, both of which involve sign regulations under Title 12. First, there is an existing exemption under Section 1201.03(B), *Exempt Signs*, whereby “Governmental Flags” are not subject to regulation. As currently written, the exemption could be interpreted as a content-based regulation with potential constitutional ramifications. The Law Director has recommended clarifying language that will make the regulation content-neutral.

Second, Section 1201.06(B) requires that in the case of a multi-faced sign, all sides must be counted when calculating a sign’s surface area. This has proved to be a challenging and overly-restrictive rule when dealing with temporary lawn signs, such as commonly-used political signs. At the suggestion of City Council, staff has proposed language that would allow temporary lawn signs to be treated as single-sided for purposes of calculating sign surface area.

A copy of the city’s application, including the proposed text amendment, is attached to this Memorandum.

**DECISION STANDARD:**

Under Section 1003.6(B) of the Zoning Code, the Planning Commission reviews text amendments “for consistency with the purposes of (the Zoning) Ordinance, the Comprehensive Plan, and the interests of the City of Oakwood as a whole.” Procedurally, the Planning Commission is not the deciding body; its role is to adopt findings of fact and recommend approval or denial of the proposed amendment to City Council.

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The second application to be heard on March 6 is an application filed by David Pierce, Esq. and Sarah Sparks, Esq. from Coolidge Wall Co., L.P.A. on behalf of Insomnia Cookies requesting extended hours of operation located at 6 Oakwood Avenue, Unit C.

APPLICATION #24-2

ADDRESS: 6 Oakwood Avenue, Unit C

APPLICANT: David Pierce, Esq. and Sarah Sparks, Esq. from Coolidge Wall Co., L.P.A. on behalf of Insomnia Cookies

**NATURE OF REQUEST:**

Insomnia Cookies seeks a new special use permit for additional late-night hours so that the retail store may remain open until 12:00 a.m., seven days a week.

The permitted operating hours in the Neighborhood Business District are 7:00 a.m.- 9:00 p.m., however a special use permit is available for applicants seeking extended operation hours.

Insomnia Cookies currently operates under a special use permit issued in August of 2023. The permit allows retail operations until 10:00 p.m. Sunday-Thursday and until 11:00 p.m. on Friday and Saturdays; and delivery operations may continue until 2 a.m., seven days a week.

**BACKGROUND**

Insomnia Cookies is a specialty bakery providing a cookies and ice cream. It offers in-store and delivery services to individuals and businesses.

Insomnia Cookies received an Occupancy Certificate in June of 2022 to operate as a bakery at 6 Oakwood Avenue, which is located in the Neighborhood Business District (NBD). The permitted operating hours in the NBD are 7:00 a.m.- 9:00 p.m., but an applicant may apply for a special use permit for extended hours.

On March 7, 2022, Insomnia Cookies submitted a special use permit application to the Planning Commission, requesting extended hours of operation from 11:00 a.m.- 2:00 a.m. The Planning Commission denied the application as requested, but granted one additional hour of operation on Friday and Saturday nights only. Insomnia Cookies appealed the denial to Oakwood City Council.

In August of 2022, Council conducted a public hearing and adopted Resolution No.1897, approving Insomnia Cookies' application with modifications to the extended hours. The application was issued on a trial basis, subject to reevaluation after one year. Resolution No. 1897 approved the following hours:

- Retail operations may be open until 10:00 p.m. Sunday through Thursday and until 11:00 p.m. on Fridays and Saturdays; and
- Delivery operations may be extended until 2:00 a.m., seven days a week.

Upon reevaluation in August of 2023, Council adopted Resolution No. 1912, which made the special use permit for extended hours permanent. In issuing its approval, Council noted that there had been zero complaints from the surrounding neighborhood during Insomnia Cookies' first year of operation.

## **PRELIMINARY STAFF FINDINGS**

### **SPECIAL USE STANDARDS**

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

#### **PRELIMINARY STAFF FINDINGS:**

- One of the basic principles of the Comprehensive Plan is that business areas should not adversely impact adjacent neighborhoods. To date, the City has received no complaints or concerns from residents/business owners on Insomnia Cookies' hours of operation. Therefore, it is 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:**

- Although the NBD applies to this area, it is immediately adjacent to the City of Dayton NBD that are not subject to the same restrictions. There are two businesses in the immediate area that operate outside of the Neighborhood Business District hours of operation: Sunoco located in Dayton but immediately across the Oakwood Ave/Irving Ave intersection is open 24/7, and The Pine Club which is open on Friday and Saturday until 12:00 a.m.
- Staff believes that the extended hours of operation will not adversely affect the character of the surrounding neighborhood.

- 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:**

- Having a business located in close proximity to surrounding residential properties could impact public health, safety, and/or general welfare with surrounding homes in the immediate area. However, as previously stated, the city has received no complaints or concerns from residents/businesses owners on Insomnia Cookies' hours of operation and believes that the extended hours of operation will not be detrimental to the surrounding neighborhood.

- 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 previously mentioned, Insomnia Cookies has been in operation for nearly two years and there have been no complaints relating to the late-night hours of operation.

- 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 no indication that Insomnia Cookies' application for extended retail hours will adversely affect use or the development of other 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:

- There are no proposed architectural changes to impact surrounding properties.

- 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:

- The applicant has met the requirements of this standard.

- 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 city is comfortable that no material changes are proposed to existing traffic patterns.

- 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:

- Insomnia Cookies has conformed to all other applicable regulations of the NBD.

Enclosures

Planning Commission Applications  
March 6 PC Meeting Agenda  
Draft December 6, 2023 PC Minutes

**CITY OF OAKWOOD  
BOARD OF ZONING APPEALS/PLANNING COMMISSION APPLICATION**

Please submit one paper copy or a digital set of building plans, drawn to scale, and an Ohio Registered Civil Engineer or Surveyor's plat of survey with the application. Any proposed structures must be included on said survey, if applicable. All costs incurred by the city in processing the application will be charged to the applicant. A copy of the deed and easement may also be required.

1. Project Address \_\_\_\_\_

2. Applicant City of Oakwood Telephone 937-298-0600

3. Owner City of Oakwood Telephone \_\_\_\_\_

Address 30 Park Avenue Oakwood Ohio 45419

Email Kroger@oakwoodohio.gov

4. Applicant is (check one) Owner () Agent () or other Planning and Zoning Manager / Building Commissioner

If rented or leased property, name of owner and/or Lessor \_\_\_\_\_  
(Submit letter of authorization from owner)


5. Legal description of subject property (check one):

() Single Family () Multiple Family () Business

6. Request: The applicant requests the following proposed use and/or improvement:

Proposed text Amendments to the Sign regulations of the Zoning Code.

I hereby certify that all of the above statements and all accompanying information and drawings are correct and true.

 1/31/24  
(Signature of Applicant) / (Date)

**FOR STAFF USE ONLY**

() Planning Commission

() Board of Zoning Appeals

Application #: 24-1

Date Filed: 1/31/24

Date of Public Hearing: March 6 2024

Reason for Hearing: Proposed text Amendments to the sign regulations of the Zoning Code.

Recommendation of the Planning Commission or Board of Zoning Appeals:

2024 JAN 31 PM 3:34

CITY OF OAKWOOD

Special Use or Variance (Granted/Denied): \_\_\_\_\_

Permit(s): \_\_\_\_\_

## PROPOSED TEXT AMENDMENT

Existing Section 1201.03(B), *Exempt Signs*, of the Oakwood Zoning Ordinance, specifically subsection 1201.03(B)(7) thereof, is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike-through~~ font:

- B. Exempt Signs. The following signs are hereby designated as “exempt signs” and, as such, are subject only to the regulations contained in this Section 1201.03(B).

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7. ~~Governmental flags~~ **Flags**, subject to Section 901.4 (Standards for the Placement of Flagpoles). **The combined total surface area of all flags, counting one (1) side only, shall be no greater than (60) square feet, with no single flag exceeding thirty (30) square feet in area nor six (6) feet in length at its longest dimension.**

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Existing Section 1201.06(B), *Calculating Sign Area*, of the Oakwood Zoning Ordinance, is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike-through~~ font:

- B. Calculating Sign Area. Sign area is defined as the area within any perimeter enclosing the limits of lettering, emblems, or other figures on a sign, together with any material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed. Structural members bearing no sign copy shall not be included in its surface area. In the case of a multifaced sign, **other than a temporary sign installed as a lawn sign**, all sides shall be included in the calculation of surface area. **In the case of a temporary sign installed as a lawn sign, only one face shall be included in such calculation regardless of whether the sign is printed on one or both sides.**

**CITY OF OAKWOOD  
BOARD OF ZONING APPEALS/PLANNING COMMISSION APPLICATION**

Please submit one paper copy or a digital set of building plans, drawn to scale, and an Ohio Registered Civil Engineer or Surveyor's plat of survey with the application. Any proposed structures must be included on said survey, if applicable. All costs incurred by the city in processing the application will be charged to the applicant. A copy of the deed and easement may also be required.

1. Project Address 6 Oakwood Ave. Unit C., Dayton, OH 45409
2. Applicant David Pierce, Esq. and Sarah Sparks, Esq. from Coolidge Wall Co., L.P.A. Telephone 937-223-8177
3. Owner Insomnia Cookies, LLC Telephone \_\_\_\_\_  
Address One South Broad St. Suite 120, Philadelphia, PA 19107  
Email pierce@coollaw.com; sparks@coollaw.com
4. Applicant is (check one) Owner  Agent  or other \_\_\_\_\_  
If rented or leased property, name of owner and/or Lessor Routsong Realty, LTD.  
(Submit letter of authorization from owner)
5. Legal description of subject property (check one):  
 Single Family     Multiple Family     Business
6. Request: The applicant requests the following proposed use and/or improvement:  
Pursuant to Resolution 1912, Insomnia Cookies retail store may be open until 10 PM Sunday - Thursday and until 11 PM on Fridays and Saturdays; and  
delivery operations may continue until 2 AM, seven days a week. Insomnia Cookies seeks a new special use permit  
for additional late night hours so that the retail store may remain open until 12 AM, seven days a week.  
A statement of how the application meets each of the criteria described in Section 1004.6, is attached.

I hereby certify that all of the above statements and all accompanying information and drawings are correct and true.

Sarah J. Sparks    2.2.2024  
(Signature of Applicant) / (Date)

**FOR STAFF USE ONLY**

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<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Board of Zoning Appeals
Application #: _____	Date Filed: _____
Date of Public Hearing: _____	
Reason for Hearing: _____	
_____	
Recommendation of the Planning Commission or Board of Zoning Appeals:	
_____	
_____	
Special Use or Variance (Granted/Denied): _____	
Permit(s): _____	

PLANNING COMMISSION OF THE CITY OF OAKWOOD, OHIO

**INSOMNIA COOKIES**  
6 Oakwood Ave, Unit C  
Dayton, Ohio 45409

:  
: **STATEMENT OF SPECIAL USE**  
: **CRITERIA 1004.6 FOR SPECIAL USE**  
: **PERMIT APPLICATION**  
:  
:

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**I. INTRODUCTION AND BACKGROUND**

Insomnia Cookies is a specialty bakery providing sweet baked goods and ice cream in-store and via delivery to individuals and businesses. Inherent in the name and vital to Insomnia Cookies' business model is the late-night hours of operation that caters to not only college students, but the community at large.

Insomnia Cookies operates a bakery at 6 Oakwood Avenue, Unit C, Dayton, Ohio 45409 (the "Bakery"). Since opening in June 2022, the Bakery has become a popular destination among community residents and college students. The Bakery is in the Neighborhood Business District ("NBD"), and on March 7, 2022, Insomnia Cookies submitted an application to the City of Oakwood Planning Commission ("Planning Commission") requesting extended hours of operation from 11:00 a.m. – 2:00 a.m. (the "First Application"). Planning Commission denied the First Application as requested but granted an additional hour of operation for Friday and Saturday nights. Insomnia Cookies appealed the denial to the City of Oakwood Council ("Council").

In August 2022, Council adopted Resolution 1897 approving Insomnia Cookies' First Application with modifications to the extended hours. Council approved the following extended hours on a trial basis subject to reevaluation by Council:

- Retail operations may be open until 10:00 p.m. Sunday through Thursday and until 11:00 p.m. on Fridays and Saturdays; and
- Delivery operations may be extended until 2:00 a.m., seven days a week.



Upon reevaluation in August 2023, Council adopted Resolution 1912, which made the special use permit for extended hours permanent. A copy of Resolution 1912 is attached hereto as Exhibit A. With how well the Bakery has integrated into the community, Insomnia Cookies now seeks a new special use permit for extended retail hours so that the Bakery retail operations may be open until 12:00 a.m., seven days a week.<sup>1</sup>

## **II. SPECIAL USE STANDARDS**

In accordance with the City of Oakwood Zoning Ordinance Section 1008.2(11), Insomnia Cookies submits this statement in support of its application for a new special use permit, detailing how Insomnia Cookies' use meets the Standards for Special Uses described in Section 1004.6. Section 1004.6 lists nine standards for granting a special use permit (the "Special Use Standards"):

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

According to the Comprehensive Plan, commercial areas "should remain small and compact, and their present scale and character should be essentially maintained." (Comprehensive Plan at page 29). Insomnia Cookies intends to maintain the small size and character of the existing building so that it is consistent with the Comprehensive Plan in accordance with Special Use Standard A. Additional retail hours until 12:00 a.m. will not impact the scale and character of the Bakery's location.

**B. The proposed building or use will not adversely affect or change the character of the area in which it is located.**

The Bakery is located within the NBD. The NBD is in a busy commercial area on the edge of the University of Dayton. The purpose and intent of the NBD is to serve immediate neighborhoods and the community with a wide range of retail goods and services. (See City of

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<sup>1</sup> Insomnia Cookies is not requesting changes to delivery hours.

Oakwood Zoning Ordinance 701.1). Insomnia Cookies is a unique business that serves the entire community from college students at the university to families living in the surrounding neighborhoods.

While the NBD has restricted hours of operations, other businesses in the surrounding area have late-night hours. Like Insomnia Cookies, many of the businesses in the surrounding area cater to University of Dayton college students, which is why these businesses are open late at night. The Bakery is already designed such that it blends with the surrounding businesses. Additional retail hours until 12:00 a.m. will not change the character of the neighborhood nor hinder the development of other business in the NBD, especially considering how the Bakery has already integrated into the community and there have been no complaints about the late-night hours. Therefore, Special Use Standard B is satisfied.

**C. 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.**

Insomnia Cookies has more than 260 stores nationwide and several in locations similar to Oakwood where late-night hours do not negatively affect the overall safety of the surrounding neighborhoods. For example, Insomnia Cookies' location in Bala Cynwyd, Pennsylvania is comparable to the Oakwood location. The Bala Cynwyd store is located close to St. Joseph's University but is in a residential neighborhood, and there are apartments directly above the bakery and single-family homes directly behind the bakery. The store closes at 12:00 a.m. on Sunday, at 1:00 a.m. Monday – Wednesday, and at 3:00 a.m. Thursday – Saturday. This location has not received any complaints from the adjoining tenants or surrounding neighbors.

Similarly, the Oakwood Bakery is located just outside of a residential neighborhood close to the University of Dayton. The NBD is in a busy area, especially during the school year. Insomnia Cookies has been open for over a year now, and there have been no complaints relating to the

Bakery's extended hours. *See* Resolution 1912. In fact, the community has welcomed the extended hours. There has been no evidence to establish that late-night hours would be detrimental to or endanger the public health, safety, morals, comfort, convenience, or general welfare of the surrounding neighborhood. Therefore, Insomnia Cookies' new request for extended retail hours until 12:00 a.m. satisfies Special Use Standard C.

**D. 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.**

As previously stated, the Bakery has been operating for over a year and has been a welcome addition to the surrounding neighborhood. There have been no complaints relating to the late-night hours. *See* Resolution 1912. Insomnia Cookies knows of no evidence to suggest that the late-night hours would be injurious to the reasonable use and enjoyment of other property in the immediate vicinity or would substantially diminish and impair property values within the neighborhood. Accordingly, Special Use Standard D is satisfied.

**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.**

The Bakery is designed such that it blends with the surrounding businesses. Insomnia Cookies' new application for extended retail hours will not change the character of the neighborhood nor hinder the development of other businesses in the NBD. Therefore, Special Use Standard E is satisfied.

**F. 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.**

In response to the First Application, Oakwood staff stated that the architecture posed no problem. This remains true. Insomnia Cookies' new application for extended retail hours until 12:00 a.m. will not affect the Bakery's exterior architecture. Therefore, Special Use Standard F is satisfied.

**G. 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.**

Also in response to the First Application, Oakwood staff stated that all necessary facilities such as utilities, access roads, off-street parking and loading facilities, and drainage have been or are being provided by Insomnia Cookies. Again, this remains true. The Bakery has been operating since June 2022 and has not received any complaints relating to the adequacy of utilities, parking, or other necessary facilities. Extending retail hours until 12:00 a.m. will not affect utilities, access roads, parking, loading facilities, drainage, and other necessary facilities. Therefore, Special Use Standard G is satisfied.

**H. 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.**

Insomnia Cookies does not propose any changes, material or otherwise, to existing traffic patterns. Therefore, Special Use Standard H is satisfied.

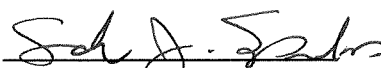
**I. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by Council pursuant to the recommendations of the Planning Commission.**

Insomnia Cookies' proposed late-night hours will conform to the NBD as required by Special Use Standard I.

III. CONCLUSION

In light of the foregoing, Insomnia Cookies requests that Planning Commission grant its new Special Use Permit Application as submitted.

Respectfully submitted,

by 

David P. Pierce (0061972)  
Sarah J. Sparks (0101446)  
33 W. First Street, Suite 600  
Dayton, OH 45402  
Phone: 937-223-8177  
Fax: 937-223-6705  
pierce@coollaw.com  
sparks@coollaw.com

*Attorneys for Insomnia Cookies*

## A RESOLUTION

BY: VICE MAYOR BYINGTON NO. 1912

AMENDING THE SPECIAL USE PERMIT FOR EXTENDED OPERATING HOURS PREVIOUSLY GRANTED TO INSOMNIA COOKIES, 6 OAKWOOD AVENUE, UNIT C, PURSUANT TO APPLICATION 22-3, CONVERTING THE SAME FROM "TRIAL BASIS" STATUS TO PERMANENT.

WHEREAS, Insomnia Cookies opened in May 2022 as a permitted business use (bakery) located at 6 Oakwood Avenue, Unit C, which is within the zoning district known as the Neighborhood Business District (NBD); and

WHEREAS, pursuant to the Oakwood Zoning Code, permitted operating hours within the NBD are 7:00 a.m. to 9:00 p.m., unless otherwise authorized by Special Use permit; and

WHEREAS, in August 2022, Council adopted Resolution No. 1897, approving a Special Use permit for Insomnia Cookies whereby:

- Retail operations may be open until 10:00 p.m. on Sunday through Thursday evenings, and until 11:00 p.m. on Fridays and Saturdays; and
- Delivery operations may be extended until 2:00 a.m., seven days a week; and

WHEREAS, due to concerns about potential foot traffic and noise, which Council considered speculative but not unfounded, Resolution No. 1897 stipulated that the Special Use permit was granted on a trial basis, subject to reevaluation by Council at its August 2023 regular meeting; and

WHEREAS, city staff has reported to Council that in the intervening year of operation, no complaints have been received with regard to extended hours at Insomnia Cookies;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Council has reevaluated the Special Use permit for extended operating hours at Insomnia Cookies, 6 Oakwood Avenue, Unit C, and hereby finds and determines that no complaints have been received regarding the same and that a continued trial period is no longer warranted.

SECTION II.

Resolution No. 1897 shall be and hereby is amended to terminate the "trial basis" condition and to make the hours granted therein permanent, as if approved without conditions.

SECTION III.

The Planning and Zoning Department is hereby directed to issue an updated Special Use permit to the applicant consistent with this resolution.

SECTION IV.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, if required, in compliance with all legal requirements including Ohio Revised Code, Sec. 121.22.

SECTION V.

This Resolution shall be and remain in effect upon its passage.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this 7<sup>th</sup> day of August, 2023.

  
 \_\_\_\_\_  
 Mayor William D. Duncan

ATTEST:

Yoni Chae  
Clerk of Council

TO THE CLERK:

No publication is required.

Robert F. Jacques  
City Attorney Robert F. Jacques

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**OAKWOOD PLANNING COMMISSION  
MARCH 6, 2024  
AGENDA**

- I. CALL TO ORDER
- II. ROLL CALL
- III. ORGANIZATIONAL MEETING
- IV. MINUTES OF DECEMBER 6, 2023 MEETING
- V. PUBLIC HEARINGS
  - APPLICATION #24-1, TO CONSIDER PROPOSED ZONING CODE TEXT AMENDMENTS TO THE SIGN REGULATIONS OF THE OAKWOOD ZONING CODE.
  - APPLICATION #24-2, TO REVIEW A SPECIAL USE REQUEST FOR EXTENDED EVENING HOURS AT 6 OAKWOOD AVENUE UNIT C.
- VI. ADJOURN

NEXT PUBLIC MEETING SCHEDULED FOR APRIL 3, 2024



Oakwood, Ohio  
December 6, 2023

The Planning Commission of the city of Oakwood met in a 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.....ABSENT  
MR. STEVE BYINGTON.....ABSENT

Officers of the city present were the following:

Mr. Robert F. Jacques, City Attorney  
Mr. Ethan M. Kroger, Planning & Zoning Manager  
Ms. Lori Stacel, Clerk of Council

The following visitors were present:

Anne Hilton, 900 Harman Avenue

Mr. Aidt called the meeting to order at 4:30 p.m. He shared that Mr. Byington and Mr. Lauterbach were unable to attend the meeting and asked to be excused. It was moved by Mr. Aidt and seconded by Mrs. Gowdy that both absences 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 July 5, 2023 meeting. There being none, it was moved by Mrs. Gowdy and seconded by Mr. Aidt 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 two applications are being presented requesting lot consolidations. He then asked Planning & Zoning Manager Ethan Kroger to provide the staff report.

Mr. Kroger shared that a public hearing is not required for these agenda items; therefore, no legal notice was required in advance. The Planning Commission's approval is requested as an administrative formality as a requirement under the Subdivision Code. He explained that a lot consolidation increases the amount of usable buildable space and greenspace, so future building/zoning permit approval may also not require a public hearing if the project meets all greenspace and setback requirements.

Application #23-4, Mr. Kroger explained that this application is to review a subdivision (lot consolidation) of 349 E. Schantz Avenue. The property owner desires to renovate a deck that currently extends across property lines. The lot consolidation eliminates the internal property lines and increases the amount of usable space for future projects.

The Planning Commission did not have any questions or concerns.

Therefore, it was moved by Mrs. Gowdy and seconded by Mrs. Jackson that Application #23-4, a lot consolidation of 349 E. Schantz Avenue be approved.

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

There being three (3) YEA votes, thereon, said motion carried.

Application #23-5, Mr. Kroger explained that this application is to review a subdivision (lot consolidation) of 810 E. Schantz Avenue. The property owner is simply interested in consolidating lots to receive one tax bill instead of three.

The Planning Commission did not have any questions or concerns.

Therefore, it was moved by Mrs. Gowdy and seconded by Mrs. Jackson that Application #23-5, a lot consolidation of 810 E. Schantz Avenue be approved.

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

There being three (3) YEA votes, thereon, said motion carried.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 4:39 p.m.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK