

OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, December 8, 2015

7:30 p.m.

Call to Order

Those members present: David Prytherch, Robert Benson, Robert Bell, Kate Rousmaniere, Steve Dana, Richard Daniels, and Peter McCarthy.

Those members excused: None.

Staff members present: Jung-Han Chen, Sam Perry, and Stephen McHugh.

Staff members excused: Amy Blankenship.

Mr. Benson and Mr. Daniels arrived a few minutes late to the meeting due to prior commitments.

Mr. Prytherch congratulated Ms. Rousmaniere for being elected Mayor of Oxford. Mr. Prytherch sent thanks to Mr. Keebler for his many years of service to the City Council and Planning Commission.

Mr. Prytherch welcomed Mr. Dana to the Planning Commission.

Approval of Minutes of the October 13, 2015 Planning Commission Meeting

Mr. Prytherch had a minor correction to the wording of a sentence within the minutes. Mr. Benson noted that he was present at the October 13, 2015 meeting.

Ms. Rousmaniere made motion to approve the minutes as corrected. Mr. McCarthy seconded the motion. Mr. Benson, Mr. Prytherch, Ms. Rousmaniere, Mr. McCarthy approved the minutes as written. Mr. Bell and Mr. Daniels abstained as they were not present at the October 13, 2015 meeting.

Public Comments Related to Items Not on the Agenda

Mr. Alan Kyger shared information regarding the Amtrak stop in Oxford and that discussions were moving forward. The next step is to look at potential sites and move forward in the process.

Ms. Rousmaniere inquired about the next steps. Mr. Kyger stated that the committee was meeting again on December 11 to discuss cost of construction and where funding would come from. Amtrak is already on board with having a stop here. Amtrak has to get permission from CSX. Mr. Kyger noted this would be a slow process.

Mr. Bell inquired if it would take years not months. Mr. Kyger stated yes and that the quickest one they have heard of was five years. Mr. Prytherch noted that the decision for the location would have land use implications. Mr. Kyger also shared that the committee working on this project represented citizens of Oxford, Miami University and City employees.

Reports from Commissions, Boards, Committees & Staff

Mr. Bell reported on the Environmental Commission and their discussion regarding the University's Bio-Digester System and their research in sensitive development areas, planned developments and major site development plans and the environmental impact from the zoning code.

Items Related to Platting

There was none.

Items Related to Zoning

PC-2015-28 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, City of Oxford, Applicant

Mr. Dana made motion to enter into Public Hearing PC-2015-28. Mr. Benson seconded the motion. All were in favor.

Mr. Chen provided a review stating that this overlay district request was the twelfth and last one of the year. Mr. Chen described the overlay petition process.

Mr. Chen reported that the petition was filed October 6, 2015 to the Clerk of City Council and that a resolution was adopted by Council on October 20, 2015. Mr. Chen reported that the overlay included 45 parcels total, and that 96% of signatures were received supporting it.

Mr. Chen noted that the application met all of the requirements.

Mr. Chau Pham, 63 Hidden Creek Drive stated he was confused about the terminology for an overlay district. Mr. Pham also shared that in the last two to three years he has felt discrimination in his neighborhood as he has received complaints about his property.

Mr. Toby Acheson, 1221 Tollgate Drive, stated that he didn't have any objections to this overlay district but felt that this would be a good time to review overall the city's zoning map. Mr. Acheson stated that he was in favor of the concept of an overlay but felt was a good idea done poorly. Mr. Acheson noted that he never thought that living in a higher end neighborhood would include rental properties. Mr. Acheson stated that he has read what constitutes a family and what an overlay provides and didn't think it would hold up in a legal challenge. Mr. Acheson stated that he felt family and household definitions need rewritten and redefined and that the city should protect interests of those living in those districts instead of the community doing the legwork. Mr. Acheson distributed findings from the City of Kent, Ohio, zoning code and their room and board house chapter, including the definition for an household.

Mr. Bell made motion to close public hearing. Mr. Benson seconded the motion. All were in favor.

Mr. Dana made motion to approve PC-2015-28. Ms. Rousmaniere seconded the motion.

Ms. Rousmaniere clarified two main issues with an overlay; one, that no more than two

unrelated persons may live in a house, and that if a rental permit exists it is grandfathered; however, if a new rental permit is applied for, unrelated persons are lessened to two. Ms. Rousmaniere concluded that the spirit of the ordinance is to maintain family in certain neighborhoods.

Decision Standards were reviewed:

The proposed Overlay District meets the boundary criteria. Yes

The proposed Overlay District will preserve and enhance the neighborhood character. Yes

The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood. Yes

The proposed Overlay District will promote and implement the intent of the Comprehensive Plan. Yes 6, No 1 (Mr. McCarthy)

The proposed Overlay District will satisfy a legitimate need. Yes

There is an error on the Official Zoning Map or in the delineations between districts thereon. No

The proposed amendment will make the map conform more closely with the Comprehensive Plan. Yes 6, No 1 (Mr. McCarthy)

There has been a substantial change in area conditions that necessitates the amendment. No

There is a legitimate need for additional land area in the zoning district that will be expanded. No

Mr. McCarthy made motion to enter back into Public Hearing. Ms. Rousmaniere seconded the motion.

Mr. Douglas Mickle, 10 Deer Trail Circle, inquired about a scenario if someone owns and lives in a house and choose to rent it out, what the conditions would be for an overlay district. The Planning Commission explained those to him and the reduction to 2 unrelated persons.

Mr. Benson made motion to close public hearing. Mr. Dana seconded the motion. All were in favor.

AYE: Mr. Daniels, Ms. Rousmaniere, Mr. Bell, Mr. Dana, Mr. McCarthy, Mr. Benson, Mr. Prytherch (7)

NAY: None (0)

ABS: None (0)

[PC-2015-27 CONDITIONAL USE 5958 Fairfield Road to allow for alcohol service at a nano brewery, Dean Scales, Applicant/Agent](#)

Mr. Dana made motion to enter into public hearing PC-2015-27. Mr. Bell seconded the motion. All were in favor.

Mr. Perry provided a staff report. Mr. Perry described what business currently existed in the building. Mr. Perry stated that the applicant wished to start up a small scale brewery and tasting room on the site. Mr. Perry stated that the Planning Commission needed to determine if this was a good location and the potential impact and to attach conditions if needed. Mr. Perry noted that staff had received one comment from an adjacent property owner. Mr. Perry referred to Conditional Use Chapter 1147 which outlined potential concerns. Mr. Perry stated this request would fall under bars and taverns. Mr. Perry noted that Chapters 1123 and 1133 list general intents that talk about preventing nuisances and incompatibilities. Mr. Perry highlighted what stood out from his review: that, the distance

from the structure and the lot line was less than 50 feet and would need addressed; that, the brewing function described was electric powered so there wouldn't be a lot of noise with it; concerned of potential traffic and did inquire the City Engineer who expressed no concern since this would be a small business; that, the applicant had determined 10-20 trips during peak times (after 5pm). Mr. Perry referred to deliveries and that he wasn't sure what that would consist of. Mr. Perry noted that another concern was afterhours by the adjacent property owner. Mr. Perry felt that Mr. Scales could address this. Mr. Perry stated that he studied the hours of operation and that local restaurants closed on average 10:30 p.m. Mr. Perry noted that it was the goal of the city to promote small business. Mr. Perry stated that he did have some recommended conditions since it would be located so near residential properties. Mr. Perry reviewed his conditions with the Planning Commission: close daily at 10:30 p.m.; limit to 15 unique vehicle trips per peak hour; install a 6 foot privacy fence; the applicant will meet annually with the three closest residential lot owners to assure no negative impacts are occurring; that, the conditional use shall be void should the current applicant not be the owner and manager of the establishment.

Mr. McCarthy inquired how the city would control/manage/police the 15 vehicle trips per peak hour as this would be a tough condition to monitor and how would staff recommend it be implemented. Mr. Perry stated that should it become a problem the applicant would have to come back before the Planning Commission for review.

Ms. Rousmaniere inquired about the zoning of the property and the bordering properties. Mr. Perry responded the property was in the GB (General Business District) and the neighboring borders were in the R1B (Single-Family Medium Density Residential) District.

Ms. Emily Savage and Mr. Dean Scales, Applicant, thanked the Commission for their time. Mr. Scales explained that they felt their brewery would be a really good fit as they want to open small and raise their family in the area. Mr. Scales stated they wanted Oxford to consider them a favorable element to the City. Mr. Scales stated they would transform the property into a structure with a lot of curb appeal. Mr. Scales stated that they had no intention of serving outdoors and that they were not wanting first time drinkers.

Mr. Prytherch asked Mr. Scales to describe the daily rhythm of the business. Mr. Scales stated it would be a smaller scale version of a micro-brewery; brewing in the morning, and pedestrian flow to be in and out - 1 or 2 beers, samples or a growler to go. Mr. Scales stated that they would not be serving food since customers can take their growler home or bring food in with them.

Mr. Dana inquired where the evidence of 10-15 trips came from. Mr. Scales stated that in talking with other small breweries that seemed to be the normal amount of trips. Mr. Bell inquired about the owner of the structure, and asked Mr. Scales if he would be the owner of the business. Mr. Scales responded that Mr. Thacker, owner of the property wanted to sell the property but that they were not financially there yet. Mr. Bell inquired if the atmosphere would be one of a winery tasting room. Mr. Scales stated yes that it would have that feel.

Mr. Prytherch inquired about how they would feel about having a 10:30 p.m. closing time since they were asking for a 1:00 a.m. closing time seven days a week and if those hours were a make it or break it deal. Mr. Scales noted that a bar, late night setting was not the type of environment they wanted since they have a daughter; however, 10:30 p.m. could hurt them if limiting this time on weekends, holidays and events. Mr. Scales described places that were open much later in the area. Mr. Scales stressed that if they can prove responsible business owners, put up a fence, improve the area that they would prefer later

hours. Mr. Scales referred to the bus service availability during business hours. Mr. Scales asked that they allow hours to be later on weekends and holidays.

Ms. Rousmaniere inquired if the applicant was okay with the privacy fence. Mr. Scales stated yes. Mr. Bell inquired about outdoor lighting. Mr. Scales stated they were shooting for more lights but dim.

Mr. Dana inquired about applicant conversations with neighboring properties. Mr. Scales stated that he distributed a flyer and that a neighbor did approach him about not wanting to see drinking games, etc. Mr. Scales responded that they didn't want that either and that they only wanted responsible drinkers. Mr. Scales noted that the neighbor also expressed concern about odors. Mr. Scales stated he assured her there would be no odors. Mr. Scales then responded to the letter in the agenda from the closest neighbor and their concerns because they had not expressed them earlier. Mr. Scales stated he has tried getting in contact with the husband but had been unsuccessful.

Mr. Daniels inquired about the tap room capacity. Mr. Scales responded 15-20 people. Mr. Scales distributed a drawing of the planned interior renovations.

Mr. Daniels inquired about how many parking spaces on site. Ms. Scales stated seven; however, the insurance company located across the street would allow for overflow parking. Mr. Daniels referred to the parking lot adjacent to Kroger where a medical office is now tenant (the former Radio Shack) and that lot also being a possibility for parking. Mr. Daniels inquired about the applicant's budget, and Mr. Scales responded that he anticipated startup costs of \$300,000 and exterior renovations \$15-20,000.00 Mr. Daniels inquired about production. Mr. Scales stated maximum was 21 barrels (33 gal per barrel) and that the planned maximum would be 8 barrels per week.

Mr. Benson asked the applicant to clear sidewalks of snow.

Mr. Kyle Murr, 5966 Fairfield Road, adjacent property to the west, was present. Mr. Murr stated that initially he was on board because he actually was caught off guard but since thinking about it and the potential of how it could affect his home value he was present to discuss his concerns. His concern was what his children would hear; how is it going to increase/decrease the value of his property. Mr. Murr noted that he had large dogs and was concerned about their barking. He was concerned about parking, and not sure other businesses would allow taking up of their parking spots and he didn't want to see lines of cars down the road in front of his house. Mr. Murr agreed with a closing time of 10:30 p.m. Mr. Murr stated he didn't want to have to hear anything at midnight and didn't want to have to call the police. Mr. Murr inquired about the patio location. Mr. Murr asked how business owners could be held accountable and who would hold them accountable. Mr. Murr stated that there definitely needed to be a fence but not all the way up to the road because it could be a problem backing out of his driveway.

Ms. Candace Crist, Fox Run Circle stated she loved the concept but did have concerns with traffic at the intersection where the property is located. Ms. Crist stated she had concerns with the location.

Mr. Dana made motion to close public hearing. Ms. Rousmaniere seconded the motion. All were in favor.

Ms. Rousmaniere inquired about outdoor seating. Mr. Scales stated the plan was to set up minimal seating, but alcohol would not be permitted outdoors. Mr. Scales also stated that

he didn't anticipate allowing parking on the street as the bike path and bus stop were located right there. Mr. Scales referred to the fence and that he would work with staff on its location.

Mr. Bell expressed concern about the outdoor area because of the rest of the street having a much larger setback and the need for the Planning Commission to be specific in the conditions placed. Mr. Bell agreed there was a need to talk about the hours of operation.

Mr. Prytherch noted that should the conditional use become a nuisance that there is a provision in place.

Mr. Benson inquired about smoking outdoors and assurance that alcohol was not permitted outside.

Mr. Dana stated that he wanted it spelled out who was accountable. Discussion followed. Mr. McHugh assured the Planning Commission that they would have to come back to the Planning Commission and would have to have good substantive evidence of problems taking place. Mr. Chen noted that City Council may revoke the conditional use if it failed to meet conditions.

The Planning Commission reviewed staff conditions/recommendations:

Ms. Rousmaniere stated she felt it unfair to restrict one GB District and not the others, so she would vote no on that. Mr. Prytherch agreed with closing time at 10:30 p.m. on weekdays but 1:00 a.m. on weekends and holidays. Discussion followed.

Mr. Bell responded that the street is a public street and people can park and walk. Mr. Bell was okay with the weekend and weekday hours but thought more of a 10:00 p.m. and midnight weekends/holidays. Mr. Prytherch inquired about the need to amend hours. Mr. Chen stated that they could come back as a major or minor amendment. All agreed to closing on weekdays at 10:30 p.m. and midnight weekends and holidays.

Shall limit to 15 vehicle trips per peak hour. All agreed they were not sure they could monitor it. Mr. Scales stated that in 7-10 years he would like to have a beer farm outside of town.

Mr. Prytherch inquired about an additional condition that they enter into discussions with adjacent properties to share in off street parking, with an attempt of a formal agreement. Mr. Scales agreed. Mr. Scales assured everyone they would also make sure their parking lots were kept clean.

The Planning Commission discussed a condition that the conditional use shall be void if the current applicant leaves or sells the business. All agreed they would have to come back before the Planning Commission. The Planning Commission discussed the installation of a fence and the fence height. Everyone agreed that the applicant and adjacent property owner needed to be in agreement with the decision.

The Planning Commission discussed communication between the applicant and three closest residential lot owners and if they should meet annually or more often. Mr. Dana suggested more frequent, preferably bi-annually. The Planning Commission agreed that everyone would communicate every six months. Ms. Rousmaniere inquired if this was a normal condition. Mr. Perry stated no and explained how he and Mr. Kyger met and discussed good neighbor agreements.

Additional conditions were discussed: Outdoor seating. Discussion followed. Concerns regarding noise, trash and location of outdoor seating were shared. A condition was decided upon that, an outdoor patio not be placed on the north or west side of the property or Fairfield Road.

Signage and lighting was discussed and staff assured the Planning Commission that the applicant would have to follow zoning code regulations.

Mr. Daniels suggested looking at a fence for auditory (Bruce Perry's home) sound proofing, which offers sound and visual privacy.

Another condition agreed upon was no outside sound system.

Discussion followed regarding property value impact for the neighboring property.

Mr. Bell made motion to re-enter into public hearing. Mr. Dana seconded the motion. All were in favor.

Mr. Murr spoke again about the fence and property value concerns. Discussion followed.

Ms. Rousmaniere stated she liked the fence. Mr. Daniels suggested tabling and that staff sit down with the applicant and neighbor and come back to the Planning Commission with their findings regarding the fence design, location, height, length.

Mr. Daniels made motion to table PC-2015-27. Mr. Dana seconded the motion.

AYE: Benson, Daniel, Dana (3)

NAY: Bell, Rousmaniere, Prytherch, McCarthy (4)

ABS: None (0)

The motion to table failed.

Mr. Dana made motion to close Public Hearing. Ms. Rousmaniere seconded the motion.

The Planning Commission reviewed the Decision Standards:

The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.

Yes

The use and site will satisfy the general intent of this Zoning Code. Yes

The use and site will be compatible with the general intent of the Comprehensive Plan. Yes

The size and shape of the site are sufficient for the proposed use. Yes

The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. Yes

The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions. Will not
The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use. NA

The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately. Yes

Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. Will not

The site will be designed, constructed, and maintained in a character harmonious in

appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district. Yes
The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets. Yes
Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. NA
All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location. Yes

Conditions were placed:

That, the close of business will be 10:30 p.m. weekdays and midnight weekends and holidays;

That, travel will be limited to 15 vehicle trips per peak hour;

That, the design of a fence along the western lot line be mutually agreed upon by the applicant and adjacent property owner; however compliant with the regulations of the Oxford Zoning Code;

That, every six months the applicant shall provide updated operator contact information to the three closest residential lot owners of record in order to facilitate efficient correction of any noise, trash, odor or other negative impacts;

That, the conditional use shall be void if current owner discontinues being the owner and manager of the establishment;

That, the applicant shall enter into discussion and attempt a formal agreement with adjacent properties to share their parking lots and assure their cleanliness during use;

That, any future outdoor patio to be constructed shall only be located on the Lynn Avenue side of the property, as presented in applicant's plans;

That, there will be no outside sound system;

That, exterior lighting will follow light spillage and down lighting regulations of the Oxford Zoning Code.

Ms. Rousmaniere made motion to approve PC-2015-27 with conditions. Mr. McCarthy seconded the motion.

AYE: Mr. Daniels, Mr. Bell, Ms. Rousmaniere, Mr. McCarthy, Mr. Benson, Mr. Dana, Mr. Prytherch (7)

NAY: None (0)

ABS: None (0)

Old Business

The Planning Commission reviewed the Planning Commission Future Discussion list. The Planning Commission discussed having a work session in January. Mr. Prytherch asked the Commission to provide a list of goals.

Mr. Prytherch discussed outstanding issues; south side comprehensive plan discussion, housing diversity ordinance

Mr. Benson suggested review of the comprehensive plan and zoning affected by the overlays; zoning ordinance don't know how to interpret and feels there is a need for a cleaner zoning code and a subcommittee to study noting that City Council has asked staff to look into inconsistencies, ambiguities, airbnb

Mr. Bell agreed about airbnb discussion, areas of concern identified in the comprehensive

plan, possibly a gateway overlay district; zoning code subdivision section. Mr. Bell felt that we have minimum requirements in the code but that there needs to be some way to enforce appropriateness with the use.

Mr. Dana agreed with Mr. Benson and Mr. Bell.

Mr. Prytherch agreed to needing revisions to the comprehensive plan. Mr. McCarthy felt there to be a need to adjust the comprehensive plan and where we want to put the student population; work on designing wording in the comprehensive plan regarding overlays and need to determine what we want to do with the south side; need to create an R3 District no larger than a triplex and R1 District low density.

Mr. Daniels stated he didn't think we should have any overlays.

Mr. Prytherch referred to the Locust Street corridor design.

Adjournment

Mr. Bell made motion to adjourn the meeting. Mr. Benson seconded the motion. The meeting adjourned at 10:15 p.m.