

OXFORD PLANNING COMMISSION
Meeting Minutes

Tuesday, January 12, 2016
7:30 p.m.

Call to Order

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

Those members excused: Richard Daniels.

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

Staff members excused: Amy Blankenship.

The Planning Commission meeting was called to order at 7:30 p.m. after adjourning from a Work Session that began at 6:30 p.m.

Election of Officers

Mr. Benson made motion to adjourn to Executive Session to discuss the election of officers. Discussion took place on whether to discuss privately or among the public. All agreed to discuss in front of the public.

Mr. Benson made motion to withdraw his adjourning to Executive Session.

The election of officers took place.

Mr. Benson made motion to nominate Dave Prytherch as Chair of the Planning Commission. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Bell nominated himself as Vice Chair of the Planning Commission. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Benson made motion to nominate Kate Rousmaniere as Executive Secretary. Mr. Dana seconded the motion. All were in favor.

Mr. Dana nominated Robert Benson as HAPC Representative. Mr. Prytherch seconded the motion. All were in favor.

Mr. Dana nominated Rich Daniels as CIC representative. Mr. Bell seconded the motion. All were in favor.

Mr. Bell nominated himself as Environmental Commission representative. All were in favor.

Mr. Prytherch closed the nominations.

Mr. Bell made motion to accept all nominations. Mr. Dana seconded the motion. All were in favor.

Approval of Minutes of the December 8, 2015 Planning Commission Meeting

Mr. Dana made motion to approve the minutes as written. Mr. Benson seconded the motion. All were in favor.

Public Comments Related to Items Not on the Agenda

No comments were received.

Reports from Commissions, Boards, Committees & Staff

Mr. Bell stated that the Environmental Commission had met and were reviewing the PUD section of the zoning code in terms of making recommendations to the Planning Commission on how there can be beefier language relating to environmental stewardship and met with OKI and anticipate in a month or two to work on a document of language and lists of things to consider as the Planning Commission looks at sections of the code itself.

Mr. Prytherch provided an update on the Amtrak progress stating the City, University and All Aboard Ohio met to discuss how to move forward. Mr. Prytherch stated that the City and University have asked Amtrak for a stop and they eagerly responded yes. Mr. Prytherch stated that the next step would be to figure out where it should go and to begin discussion with CSX. Mr. Prytherch noted that if Oxford doesn't have a stop the City of Hamilton will be happy to have one.

Items Related to Platting

There were none.

Items Related to Zoning

PC-2016-01 FINAL PLANNED DEVELOPMENT, The Fields at Southpointe, Southpointe Crossings Development, 37.08 acres, Damian VanMatre, Trinitas Development LLC, Applicant, Agent

Mr. Dana made motion to enter into Public Hearing PC-2016-01. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Perry provided a PowerPoint presentation.

Mr. Perry provided a map of the proposed residential planned development.

Mr. Perry provided background information of the project as it has progressed to this point. Mr. Perry reviewed the final plan process and stated that the Final Plan was identical with the Preliminary Plan as presented in October of 2015. Mr. Perry displayed the Approved Preliminary Plan design and the proposed Final Plan.

Mr. Perry described the location of the single family lots, private streets, and parking lots. Mr. Perry stated that currently there was no ROW that ran parallel to the site and that they would all be private streets and privately maintained. Mr. Perry displayed the grading of the site. Mr. Perry displayed the grading on the north side of the development in the townhouse area. Mr. Perry noted that the streets have been named and that they were all tree species names.

Mr. Perry displayed a drawing of the grade change in the townhouse open space area and noted that they will need to fill in the area to level it off. Mr. Perry displayed the landscape plan and stated that the shrubs would be taken out of the Right-of-Way as they were no longer necessary to exist in the design.

Mr. Perry provided elevation drawings and spoke of the clubhouse serving as a central location for gathering, picking up of mail, and bus access. Mr. Perry referred to a memo sent to Bayer Becker listing staff comments to their submittal. Bayer Becker responded to those comments in a detailed letter. Mr. Perry distributed this document at the meeting. Mr. Perry noted staff felt that the questions were adequately answered. Mr. Perry shared that there would be a sidewalk extension from the site to US 27. Mr. Perry stated that the applicant would elaborate.

Mr. McCarthy inquired if they would be platted lots. Mr. Perry stated yes. Mr. McCarthy inquired if that meant that the streets they face would become city streets. Mr. Perry responded that traditionally they would, but that there would be private easements connecting to Southpointe Parkway and act as frontage. Mr. McCarthy inquired about street maintenance being done until perpetuity and shared that the last major development in that area went bankrupt, and what happens and how are we guaranteed streets would be taken care of, and since they are platted lots this would allow them to be sold off individually. Mr. McCarthy inquired if there would be a Homeowners Association attached. Mr. McHugh explained what would happen if this development would go bankrupt. Mr. McCarthy inquired about the development becoming a pass through since the neighboring future development is unknown. Mr. McCarthy asked for an explanation of the temporary cul-de-sac. Mr. Perry stated the cul-de-sac would give Trinitas the right to go onto Four Leaf property as their staging area if needed.

Mr. Perry noted that Ms. Reed satisfied all of staff's comments in her letter.

Mr. Perry stated that the applicant went to the trouble of finding a standard to predict traffic patterns and that they did identify walking, biking and their safety. Discussion took place regarding the lack of street lights and how it could be an improvement for safety.

Bike racks were discussed but no details yet. Mr. McCarthy inquired about street light heights. Mr. Perry stated that the applicant had agreed to lower them to 16 feet.

Items awaiting revisions/additional information were discussed:

1. Performance and Maintenance Bonding Agreement
2. Revisions/additional information satisfactory to City Engineer
3. Revision to Southpointe Parkway cul-de-sac easement
4. Additional signage details
5. Additional parking lot or building mounted lighting
6. Drawing showing lot lines with access easements to 22 single family lots
7. Corrections to labeling as noted
8. Corrections to building orientation and windows on facades
9. Screening for mechanical units along back of townhouses
10. Corrections for trash and recycling plan
11. Any plans for storm shelter provisions
12. Evidence of acceptable tree variety distribution
13. Evidence of acceptance of plan from Fire Chief

Mr. Perry discussed the drainage channel and it not being the original waterway on the site and that the applicant would fill this in and would be waived from the code.

Mr. Prytherch inquired about the slope to stream edge and what the Planning Commission should decide. Mr. Perry referred to the environmental section of the code, "to prevent erosion and protect the original land" and read it aloud:

"Environmental. A 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:

(1) Natural vegetation shall be maintained.

(2) No structures shall be built or improvements made, except as follows:

A. Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.

B. Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.

C. Any improvements approved in a final plan.

D. Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director or Chief of Police."

Mr. Chen reminded the Planning Commission that the stream had already been altered so this wasn't the natural stream. Mr. McCarthy inquired if this was an appropriate variance to grant. Mr. Chen responded yes.

Mr. McCarthy inquired if staff felt all the questions were answered. Mr. Perry stated yes. Mr. McCarthy inquired if staff recommended approval. Mr. Perry responded yes.

Mr. Victor Popescu, City Engineer, was present at the meeting and spoke. Mr. Popescu stated that the letter from Bayer Becker spoke for itself; however, he did point one thing out that the ordinance that was passed referred to a letter written in September and that since then there have been changes and an updated review produced another memo. Ms. Reed stated that the main thing changed from parallel lines for fire and domestic to one and that the streets were private but there is an easement for public utilities.

Mr. Perry clarified in the staff report his statement regarding the chart on page 11 of the agenda, the number of bedrooms should have said bed and not bedrooms. 643 would be the occupancy.

Mr. Dana referred to the Bayer Becker letter received at the meeting and BCRTA's involvement. Mr. Perry stated that the development was proposing a year round service.

Ms. Reed spoke.

Ms. Reed stated that they have addressed all of staff's comments. Ms. Reed referred to multi-modal transportation/non-motorized transportation and that they would provide an 8 foot wide multi use path along the north and it tying into the sidewalk to 27 south, and the inclusion of a 5-foot sidewalk due to space availability. Mr. Prytherch inquired how a bicyclist would handle. Ms. Reed described their travel.

Ms. Reed shared signalized crossings for pedestrians.

It was noted that the BCRTA was very limited on their hours and that private shuttle transportation would provide longer availability.

Mr. VanMatre explained why the BCRTA couldn't provide longer service hours and that shuttle drop-offs haven't been determined yet. Mr. VanMatre also stated that shuttle routes wouldn't be publicly published and that routes would fluctuate and tenants would know of the fluctuating service.

Discussion about busing followed.

Mr. McCarthy inquired if the site design included underground wiring. Ms. Reed stated yes and that utilities would be public and placed in the easements. Mr. Vencel shared access information to the property and that if parts were sold off; there would be an agreement they would have to follow. Mr. Vencel stated that provisions for private streets have been agreed upon. Mr. McCarthy inquired about bankruptcy and perpetuity. Mr. Vencel stated it would be no different than if personal properties sharing a driveway, the City doesn't hold the responsibility in taking care of.

No public comments were received.

Mr. Dana made motion to close Public Hearing. Mr. Benson seconded the motion. All were in favor.

Mr. Benson made motion to approve PC-2016-01. Mr. Dana seconded the motion.

The Planning Commission reviewed page 17 of the agenda which was the original Ordinance 3329 approving the Preliminary Plan. Mr. Prytherch read aloud all of the conditions listed in Ordinance 3329. All agreed that the Final Plan was the same as the Preliminary Plan.

- a. Street names preferably traditional tree names. Completed
- b. A secondary means of emergency ingress/egress. Ms. Rousmaniere stated that one was considered but didn't require it and that it wasn't feasible.
- c. BCRTA providing transportation. Mr. Prytherch stated that they heard the applicant's explanation; however, not sure it satisfied the condition, but users would be provided year round service. Mr. McCarthy inquired how they could guarantee transportation would be provided for in the future. We can't ask for transit to be provided in perpetuity.
- d. Design end units to include windows on all sides of buildings facing streets. Was addressed.
- e. Pedestrian connectivity. Mr. Prytherch reviewed parking versus vehicle overhang and sidewalk locations. Ms. Reed stated they have maintained a minimum unobstructed 5 foot sidewalk clearance Ms. Reed stated the space would accommodate most typical vehicles. Therefore satisfied.
- f. Multi-family parking maximums. Mr. Perry stated this was addressed.
- g. Traffic impact study. Ms. Reed stated that to the best of their ability it has been met. Ms. Reed referred to page 75 of the agenda and noted that there was no common standard but that they did the best they could with what they had. Staff agreed.
- h. Maintaining of private streets. Mr. McCarthy referred to local and through traffic and his concern for the private streets and cutting through. Mr. McCarthy stated he was concerned about when future development comes in would the private streets become public streets and as through streets to the other development.
- i. Safe off site connectivity. Technically speaking it is not met along US 27. Mr. Vencel stated that if there was more ROW we could do more and that they could only do so much. Discussion followed regarding the on-street bicycle lane. All agreed that a 5 foot sidewalk was not sufficient for bike and pedestrian travel. Mr. Vencel stated they could put 8 feet to the property line and then go 5 foot along the ROW. Mr. McCarthy stated there had to be a transition from sidewalk to the on street bike lane. Mr. McCarthy inquired if this could be a condition. Mr. Bell commented that the condition as presented was not met, but as well as it could; the design right now doesn't meet the condition fully. Mr. Vencel suggested that the condition of approval be that the petitioner will work with staff to provide the best access possible.
- j. Installation of a variety of tree species. Completed
- k. Addressing of all Engineer comments. Completed
- l. Construction takes place in conjunction with the other development. Completed. The entire development shall be built in one phase.
- m. Stub streets shall be vacated. Completed

Discussion about the stream took place. Ms. Reed stated it was a drainage dried bed and the slope has also been extended for safety reasons since the walking path travels through. Mr. Bell inquired about a plan for possible erosion on the new slope. Ms. Reed stated they planned to put grass down and work with the City Engineer and put something in there to secure the slope. Ms. Reed stated that the slope was maintainable (mowing) and is considered a drainage way.

A condition of the waiver is that the Planning Commission would waive the encroachment of the reinforcement and natural area Mr. Vencel stated they would work with the City Engineer with the goal of fortifying and restoring and maintaining the drainage way to the best of their ability.

Mr. Prytherch reviewed conditions Staff determined. 1. The establishment of a Performance and Maintenance Bonding Agreement satisfactory to the City engineer and approved by the City Council. 2. The outstanding items in Category 2 above (listed in the minutes above as well) awaiting additional information or revisions, be satisfactorily addressed by the particular City Department. Continued discussion is that this condition can be documented and met at City Council and that the applicant will satisfy the condition at the meeting and will be documented at City Council to accept the 8 foot extension to the property line and make sidewalk as wide as feasible in the ROW.

Mr. Prytherch noted that it was unfortunate that they couldn't save all of the trees.

Review of the Decision Standards took place.

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed. YES
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. NA
- (3) The uses and site plan will satisfy the general intent of this Zoning Code. YES
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan. YES/NO 2
- (5) The size and shape of the site are sufficient for the proposed planned development. YES
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. NO
- (7) 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. NOT
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. YES
- (9) 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
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. YES
- (11) 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. SOME WHAT/YES
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. YES
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. YES

Additional decisions:

- 14) Is the Final PUD conforming to the Preliminary Plan. YES
- 15) Are their stipulations met. YES "The 100 foot natural buffer area shall be waived."

Mr. Prytherch thanked everyone for their time.

AYE: Mr. Benson, Mr. Bell, Mr. McCarthy, Ms. Rousmaniere, Mr. Dana, Mr. Prytherch (6)

NAY: None (0)

ABS: None (0)

Old Business

Mr. Prytherch summarized the earlier Planning Commission work session discussion and moving forward with various subcommittees.

The Planning Commission also discussed the February 2, 2016 work session with City Council.

Adjournment

Mr. Benson made motion to adjourn the meeting. Mr. Dana seconded the motion. The meeting was adjourned at 9:17 p.m.