

OXFORD PLANNING COMMISSION

Meeting Minutes

Tuesday, March 11, 2008

7:30 p.m.

CALL TO ORDER

The March 11, 2008 meeting of the City of Oxford Planning Commission was called to order at 7:30 p.m. by Bill Brewer, Chairman. Also present: Susan Kay, Vice-Chair, HAPC Representative; Alysia Fischer, Council Representative; Richard Keebler, Council Representative; Marvin Hurston, Secretary; David Prytherch, CIC Representative; Paul Brady; Stephen McHugh, Law Director; and Jung-Han Chen, Community Development Director.

EXECUTIVE SESSION

There was none.

APPROVAL OF MINUTES

Chairman Brewer noted Ms. Kay had a list of grammatical errors available for all Commission members pertaining to the January 8, 2008 minutes.

Ms. Kay moved that the minutes of the January 8, 2008 Planning Commission meeting be approved. Mr. Hurston seconded.

Ms. Kay referred to page three of the minutes under the paragraph attributed to Mr. Scott Webb. Ms. Kay requested the sentence in question be changed to read, "Mr. Webb stated 1143.10(c)(1) based on 1143.10(c)(3), 1143.10(c)(1)(B), minimum lot area per dwelling unit is basically meaningless as it is superseded by the minimum size per dwelling unit."

Mr. Prytherch referred to page three of minutes, the paragraph beginning with "Ms. Dale stated Council passed the language by emergency ordinance." Mr. Prytherch requested the word "rescind" be changed to "remand" in the second sentence of the paragraph.

Mr. Prytherch referred to page seven of the minutes, second full paragraph, and requested the word "subconscious" be changed to "conscious."

Chairman Brewer called for changes or additions. Seeing none, the minutes of the January 8, 2008 meeting were approved.

PUBLIC COMMENTS RELATED TO ITEMS NOT ON THE AGENDA

Chairman Brewer invited public comments, and there were none.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Chairman Brewer announced Paul Brady would be serving on the Uptown Revitalization Study

Group. Chairman Brewer noted the group would be reviewing the Property Maintenance Code as well as the floor area ratios in the Mile Square area.

Chairman Brewer noted Dick Keebler would be serving on the Study Group as well.

Chairman Brewer stated there was an Environmental Commission meeting. Chairman Brewer noted Mr. Hurston was ill and unable to attend.

ANNOUNCEMENTS

There were none.

COMMUNICATIONS

There were none.

REPORTS FROM COMMISSIONS, BOARDS, COMMITTEES & STAFF

There were none.

ITEMS RELATED TO PLATTING

There were none.

ITEMS RELATED TO ZONING

PC 03-2008 ZONING CODE AMENDMENT Chapter 1143 Section 1143.03(d) Mile Square Design Standards; Section 1143.05(d) Mile Square Design Standards; Section 1143.07(d) Mile Square Design Standards, **City of Oxford, Applicant**

Ms. Kay moved to enter into public hearing PC-03-2008. Mr. Hurston seconded the motion. The motion passed 7-0-0.

Mr. Chen explained there were some issues brought forth recently regarding the Mile Square Design Regulations, including those concerning balconies and decks; vestibules; and vinyl siding replacement.

Mr. Chen stated when looking at the character of the Mile Square as well as the geographical location, decks and balconies normally do not exist in the residential area. Mr. Chen noted staff is reviewing whether decks and balconies should be permitted on upper floors.

Mr. Chen noted vestibules are normally found in commercial buildings, and should be properly addressed in the commercial design regulations.

Mr. Chen stated while he understands the Planning Commission would like to maintain that

Oxford Planning Commission Meeting Minutes

March 11, 2008

Page 3

vinyl siding has to meet a certain standard, it is very difficult to encourage property owners to meet such standards when a permit is not required for installation. Mr. Chen requested the Planning Commission examine other ways of conveying the intent and desire of the Planning Commission to homeowners concerning the quality and grade of vinyl siding.

Mr. Chen noted he did not address decks and balconies in the Uptown District within the staff report as that would be addressed as a projection into the right-of-way. Mr. Chen requested guidance from the Planning Commission regarding this matter.

Chairman Brewer invited public comments.

Mr. Scott Webb, Architect, asked why the streetscape issue would be addressed in this particular section of the code since most of the commercial buildings and storefronts are primarily nonconforming uses within the Mile Square except in the Uptown District.

Chairman Brewer noted this was previously sent to City Council and approved. Chairman Brewer noted the changes for consideration are located on pages 18, 24, and 29.

Mr. Webb stated as a member of the Chamber of Commerce, Committee for Government Relations, he felt it would be relatively unfriendly to ask someone to verify the grade of the siding they are installing when they are incurring the expense of improving their property. Mr. Webb suggested that might be unfavorable government relations. Mr. Webb suggested vinyl siding has practically become a substitute for paint in the Mile Square.

Chairman Brewer noted the issue of vinyl siding is not presently before the Planning Commission. Chairman Brewer stated the suggestion has been made that vinyl siding could possibly be included. Chairman Brewer explained the only changes for discussion are decks and balconies. Chairman Brewer stated he appreciated the comments concerning vinyl siding.

Mr. McHugh referred to page 22 of the agenda, which referenced the vinyl siding standard.

Mr. Webb explained the listed standard is a performance standard.

Chairman Brewer suggested perhaps tabling PC-03-2008 until all the issues could be addressed at one time instead of doing them one by one.

Chairman Brewer invited further public comments, and there were none.

Ms. Kay moved to reconvene PC-03-2008. Ms. Fischer seconded. The motion passed 7-0-0.

Chairman Brewer addressed the issue of vinyl siding.

Mr. Brady stated when the design guidelines were originally drafted, there were discussions regarding the aesthetic qualities of the vinyl siding, and the grade requirement was created. Mr. Brady noted vinyl siding is not a structural issue; therefore, no permitting process is

required. Mr. Brady suggested a notification process outlining the desires of the Planning Commission regarding vinyl siding.

Mr. Prytherch noted if a homeowner were to undertake major structural renovations or build a new home, then the issue of siding could be addressed.

Chairman Brewer noted the purpose of the design guidelines was for new construction and renovations, not maintenance.

Chairman Brewer noted he felt no changes were necessary in what was presented to the Commission.

Mr. Brady stated the grade of the siding would not be included on construction drawings.

Ms. Fischer noted major remodeling projects or new buildings would require building inspections and guideline requirements would apply.

Chairman Brewer clarified the issue to be considered concerned decks and balconies on upper stories.

Ms. Kay moved to approve PC-03-2008. Mr. Hurston seconded.

Ms. Fischer stated she did not feel this was dealing with historic character, but activities people were fearful might occur on decks and balconies. Ms. Fischer referred to sleeping porches. Ms. Fischer noted she could not support the attempt to design around activities.

Mr. Brady stated the party deck was the impetus for the inclusion of this language.

Chairman Brewer invited comments from Mr. Webb.

Mr. Webb asked how decks and balconies were to be defined. Mr. Webb referred to a project he is currently involved with at South Main and Central. Mr. Webb stated the only way to access the second story is from the outside, which requires steps and a landing. Mr. Webb noted he has designed many homes with small balconies off bedrooms.

Mr. Prytherch stated that while the City needs to be concerned about safety regarding decks, the Mile Square Design Guidelines might not be the best place to insert the language.

Mr. Brady stated he felt there might be a public safety issue in the Uptown area regarding decks and balconies.

Mr. McHugh noted, following discussion, the Applicant would withdraw PC-03-2008.

PC-05-2008 ZONING MAP AMENDMENT, Southpointe Crossings, 3.26 acres on the northeast corner of US 27 South and Southpointe Parkway, from R3 (Multi-Family Residential)

to GB (General Business) District, **City of Oxford, Applicant**

Ms. Kay moved to enter into public hearing PC-05-2008. Ms. Fischer seconded. The motion passed 7-0-0.

Mr. Chen stated this parcel is located on the northeast corner of Southpointe Boulevard and US 27. Mr. Chen noted when this case went before the Planning Commission for a zoning change request, this corner was excluded from consideration. Mr. Chen stated when the case went before the County Planning Commission, the corner was given a commercial designation. Mr. Chen explained the goal is to honor the zoning designation that had been given by the County when the property came into the City.

Chairman Brewer invited public comments, and there were none.

Ms. Kay moved to reconvene PC-05-2008. Mr. Hurston seconded. The motion passed 7-0-0.

Ms. Fischer asked if the property was missed at the Planning Commission or City Council level or both.

Mr. Chen stated the designation was missed at both levels.

Mr. Prytherch noted that while this issue came before the Planning Commission in May of '07, the development agreement was not available for review by the Planning Commission at that point.

Ms. Fischer stated when the case came before the City Council, it was presented without a map or exhibits, which were noted within the package. Ms. Fischer noted City Council voted on the issue without those items for review. Ms. Fischer explained it passed with a vote of 4-2-1, with only two of the people voting in favor still serving on City Council.

Chairman Brewer asked if it had previously been outlined that part of this site would be zoned General Business.

Mr. Prytherch noted according to his research, City Council had discussed some commercial zoning in June of '06.

Mr. Brady noted that particular parcel had been commercial for over 40 years.

Mr. Keebler noted he supported having a small commercial parcel in that area to support the projected development in the area. Mr. Keebler encouraged innovative design.

Mr. Brady stated approving a GB designation does grant a build by right.

Mr. Scott Webb, Architect, explained planned developments within the City utilize overlay zoning, while in the County, they are considered a zone. Mr. Webb further explained the history

concerning Southpointe. Mr. Webb noted there can be no other access to US 27, and there is a dedicated and deeded 50-foot setback that wraps around the entire corner. Mr. Webb noted the new General Business regulations do require berms for lots of certain size. Mr. Webb explained if the establishment either serves alcohol or has a drive-through, it's a conditional use and must come back before the Planning Commission. Mr. Webb discouraged the Planning Commission from creating certain procedures solely for this particular parcel.

Mr. Keebler assured Mr. Webb that was not his intention.

Chairman Brewer referred to the code and outlined the permitted uses versus conditional uses.

Ms. Kay moved to approve PC-05-2008. Mr. Hurston seconded. The motion passed with the following roll call:

AYE: Mr. Brady, Mr. Prytherch, Ms. Fischer, Mr. Keebler, Ms. Kay, Mr. Hurston, Mr. Brewer (7)

NAY: None (0)

ABS: None (0)

PC-06-2008 ZONING TEXT AMENDMENT Chapter 1141, Section 1141.03 Supplemental Regulations, additional regulations regarding projections in the right-of-way in the (UP) Uptown District, **City of Oxford, Applicant**

Ms. Kay moved to adjourn to public hearing PC-06-2008. Mr. Hurston seconded. The motion passed 7-0-0.

Mr. Chen noted this issue has been before City Council and has been referred to the Planning Commission. Mr. Chen referred to page 46 of the agenda, and noted the definition of public way. Mr. Chen noted potential conflicts regarding both the zoning and building codes. Mr. Chen explained the proposed breakdown of below street grade, first floor and above the first floor. Mr. Chen stated below street grade, a 12-inch projection is allowed into the right-of-way including such things as footers or foundation. Mr. Chen noted on the first floor, projections are allowed for architectural features extending four inches. Mr. Chen stated the proposed suggested height for canopies and awnings would be a minimum of seven feet. Mr. Chen stated doors and windows would be prohibited to open outward into a public right-of-way. Mr. Chen noted on upper floors, no decks or balconies would be allowed to project into the right-of-way. Mr. Chen stated bay windows and architectural features would be allowed to project no more than two feet. Mr. Chen noted awnings and canopies could project as much as can be structurally supported without posts. Mr. Chen referred to flower boxes and suggested that language be stricken.

Chairman Brewer referred to page 50, noting it should read, "Awnings, canopies, marquees with less than 15 feet clearance above the sidewalk can be extended as far as possible without a supporting structure attached to the sidewalk."

Ms. Kay suggested, "Awnings, canopies, marquees with less than 15 feet clearance above the sidewalk can be extended as far as is structurally sound without a supporting structure attached to the sidewalk."

Chairman Brewer noted staff has requested the removal of the section regarding flower boxes.

Mr. Prytherch referred to page 50, Section (i), and suggested correct spelling of "public."

Chairman Brewer invited public comments.

Mr. Scott Webb, Architect, stated the reason for including this language in the zoning code is if it's more restrictive than what other codes would allow. Mr. Webb noted the Ohio Building Code allows for a 12-inch projection into the right-of-way at street level, and the present suggestion is four inches. Mr. Webb asked what public good would be served by this change. Mr. Webb referred to several buildings that presently have bay windows that extend more than two feet. Mr. Webb stated upon discussions with staff, he was informed when writing zoning code, if it's not specifically allowed it is prohibited. Mr. Webb noted the exclusion of vaults normally accessed by utilities and named several. Mr. Webb stated he did not feel any proposed changes were significantly better than the code that was already in place by default.

Ms. Kay moved to reconvene PC-06-2008. Mr. Hurston seconded. The motion passed 7-0-0.

Ms. Kay moved to approve PC-06-2008. Mr. Hurston seconded.

Mr. Keebler noted his agreement with Mr. Webb. Mr. Keebler suggested the City should only include items in the zoning code that they don't want permitted as stated in Chapter 32 of the Ohio Basic Building Code. Mr. Keebler suggested there are specific issues that need to be addressed such as signs or possibly no balconies on the front should that be approved. Mr. Keebler expressed concern with the lack of definition between sidewalk and streets regarding right-of-way especially regarding fire apparatus. Mr. Keebler noted it might be prudent to table the issue for further revision.

Chairman Brewer asked if the building code currently allowed balconies to extend into the public right-of-way.

Ms. Fischer noted the extension allowed is a maximum of four feet depending on the height of the building.

Chairman Brewer summarized Mr. Keebler comments. Chairman Brewer noted Mr. Keebler suggested alleyways are different from streetscapes.

Ms. Fischer explained this was first brought to City Council based on an issue of fairness.

Mr. Webb stated his concern arose out of the fact that the code was not changed, but a new

person was interpreting the code. Mr. Webb expressed concern regarding arbitrary enforcement of the code.

Mr. Chen reviewed the guidelines for interpreting the zoning code. Mr. Chen explained the definition states a public way is unobstructed from the ground to the sky. Mr. Chen stated he felt City Council would like to see the Uptown developed in an attractive manner. Mr. Chen stated based on the code as written, projections are not permitted based upon current definitions.

Mr. Brady stated the City has adopted the Ohio Building Code. Mr. Brady noted the zoning code would be used for more restrictive purposes.

Mr. Keebler suggested the three exceptions to Chapter 32 of the Ohio Building Code should be signs, balconies on the street side and any projections into alleyways.

Mr. Prytherch noted the definition for public way is rather sparse.

Mr. Chen stated the wording could be changed as suggested without creating additional problems.

Mr. Brady moved to table PC-06-2008. Ms. Kay seconded. The motion passed 7-0-0.

Items Related to the Oxford Comprehensive Plan

Chairman Brewer noted things are moving along well, and highlighted a meeting held last night.

Other Business

Chairman Brewer suggested a work session regarding subdivision regulations on April 3, 2008 at 6:00 p.m. at the courthouse.

Mr. Prytherch extended his thanks to Chairman Brewer and everyone on the steering committee as well as the public who attended the meeting last night regarding the comprehensive plan.

ADJOURNMENT

Ms. Kay moved adjournment. Ms. Fischer seconded. The meeting was adjourned at 8:53 o'clock p.m.