

OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, February 14, 2012
7:30 p.m.

Call to Order

Mr. Prytherch called the Planning Commission meeting to order at 7:30 p.m. after the 6:30 p.m. Work Session.

Those members present: David Prytherch, Richard Keebler, Ted Wong, Marvin Hurston, and Kate Rousmaniere.

Those members excused: Richard Daniels, and Robert Benson.

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

Staff members excused: None.

Approval of Minutes of the January 10, 2012 Planning Commission Meeting

Mr. Hurston made a motion to approve the January 10, 2012 meeting minutes as written. Mr. Keebler seconded the motion. All were in favor.

Public Comments Related to Items Not on the Agenda

Ms. Anna Dragovich introduced herself to the Planning Commission. Ms. Dragovich is an IES Graduate student and will be working with the Commission on the bike/pedestrian plan, which is part of her Master's project. Mr. Prytherch added that she would be researching best practices and collecting data.

Reports from Commissions, Boards, Committees & Staff

Mr. Wong reported that the Environmental Commission met February 1, 2012. Mr. Wong added that the Commission was well on their way to collecting data for storm water management and interviewing stakeholders.

Mr. Prytherch thanked the Housing Advisory Committee for attending tonight's work session and expressed desire to work more closely with all of the different boards and commissions in the future.

Communications

Mr. Prytherch referenced an email received from the public.

Items Related to Platting

There was none.

Items Related to Zoning

PC-01-2012 [Zoning Map Amendment, 600 McGuffey Avenue, from R3 Multi-Family Residential District to GB General Business District, Scott Webb, Applicant, Agent](#)

Mr. Keebler moved to enter into Public Hearing PC-01-2012, Zoning Map Amendment. Mr. Hurston seconded the motion. All were in favor.

Mr. Chen provided a staff report. Mr. Chen explained that the Applicant wished to change the zoning of the property from an R3 (Multi-Family Residential) District, to a GB (General Business) District. Mr. Chen added that the site was one acre in size. Mr. Chen referred to the Development and Character Maps in the Comprehensive Plan which do not suggest that the site be considered commercial.

Mr. Chen reviewed the decision criteria the Commission would base their decision upon. Mr. Chen noted that the neighborhood had not gone through any significant changes since 1990. Mr. Chen added that the site was currently a dentist's office. Mr. Chen described the surrounding properties which was a mix of condominiums, banking institutions, and a recreational facility and described the area as a "transitional" zone.

The Applicant, Scott Webb was present. Mr. Webb referred to the 1987 original approved site plan which showed a two-part development. Mr. Webb described the dental office surroundings and character of the neighborhood. Mr. Webb stated that Dr. Rhodenbaugh's office right now was essentially a non-conforming use. Mr. Webb added that the site was clearly somewhat a commercial zone. Mr. Webb stated that Dr. Rhodenbaugh wants in-fill over expansion and get a little more use out of his property. The current zoning designation does not allow him to complete the second phase. Mr. Webb stated that the intent was for the site to remain a commercial use. Mr. Webb referred to the decision standards and felt this zoning map application would be a correction of the zoning map. Mr. Webb stated that there was a legitimate need for more professional offices in the area.

Ms. Kathleen Zien, 6060 Joseph Dr., referred to having not seen any sort of a map showing the second phase or the location of that phase, and felt the Commission was reviewing the case with not enough information. Mr. Webb referred to having provided a drawing "site grading drainage plan" which showed the second phase.

Mr. Hurston made motion to close Public Hearing PC-01-2012. Mr. Keebler seconded the motion. All were in favor.

Mr. Keebler referred to there being a gaping hole in the zoning code. Mr. Keebler added that this area was a buffer for the neighboring GB District; it worked well with multi-family, and stated that he was not sure why previous groups removed these issues from the zoning definition. Mr. Keebler felt that the GB District designation would open up a Pandora's Box, as permitted uses would now occur on this lot. Mr. Keebler asked what other opportunities there were to fix this. Mr. Keebler stated that he could not support the map amendment because all the permitted uses and differences that occur in a GB District (some good and some bad) would occur in this area and the area needs to remain a buffer. Mr. Keebler inquired Mr. Chen for his input.

Mr. Chen stated there were three choices: go the PUD approach and waive the square footage; create a separate commercial district, or go before the Board of Zoning Appeals to ask for an extension of a nonconforming use.

Mr. Keebler stated that he didn't think that the GB District was the right way to solve it. Mr. Prytherch agreed with Mr. Keebler.

All agreed to talk about in the future even though it wouldn't help this applicant, but would other applicants in the future.

Mr. Hurston inquired how long the approved site plan had been approved. Mr. Chen responded 20 years. Mr. Hurston responded that it would look like the owner would have done something a long time ago. Mr. McHugh added that the Preliminary had been approved but never a Final for the second phase.

Mr. Wong referred to the Comprehensive Plan which called for little pockets of commercial.

The Commission continued their discussion on problems with the zoning code.

Mr. Prytherch called the question.

The Map Amendment Decision Standards were reviewed:

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 to the Comprehensive Plan. **No**
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. Prytherch stated that the Planning Commission recognized this to be an issue, would place as a priority for the Planning Commission and noted that the City Council shared their concern.

Marvin Hurston moved to approve PC-01-2012 Zoning Map Amendment, 600 McGuffey Avenue, from R3 Multi-Family Residential District to GB General Business District. Richard Keebler seconded. The motion failed with the following roll call:

AYE: None (0)

NAY: David Prytherch, Richard Keebler, Ted Wong, Marvin Hurston, Kate Rousmaniere (5)

ABS: None (0)

PC-02-2012 Combined Preliminary/Final Plan, 6727 Contreras Road, Knolls of Oxford, major change to an approved Planned Development, to allow for the installation of a 250KW ground based solar array, National Energy Controls, Applicant, Agent

Mr. Hurston moved to enter into Public Hearing PC-02-2012. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Chen provided a staff report. Mr. Chen stated that because of the size and appearance of the requested change regarding the approved PUD, the Applicant was instructed to apply for a combined Preliminary/Final Plan to install a 250 KW ground based solar array at The Knolls of Oxford. As noted, the array measures 186'x264' and is approximately 49,104 square feet. The site location is approximately 90-95 feet from Fairfield Road. Mr. Chen noted that the array would be connected to an existing distribution system of the main building to the Complex via underground conduit.

Mr. Chen stated that in regards to the Comprehensive Plan this type of alternative energy source is not discussed.

Mr. Mike Ferrell, Vice President, National Energy Control, was present. Mr. Ferrell acknowledged the city's concern regarding the array in terms of lack of landscaping and the visual aspects of its overall size. Mr. Ferrell shared that he had taken our landscaping concerns to landscaping professionals and would provide drawings at the next meeting. Mr. Ferrell felt that a berm would probably be submitted. Mr. Ferrell responded to the concern of glare that the array may cause, and stated that the FAA solar guidelines state that the pvc solar panels had minimal reflectivity (less reflective than dirt). Mr. Ferrell stated that he would coordinate with the Airport's environmental specialist as well.

Mr. Wong inquired about the glare off the array. Mr. Ferrell stated that the line of sight for drivers, neighbors, and aircraft would not be a problem.

Mr. Ferrell stated there would not be any excavation. Mr. Ferrell stated he had not requested an opinion from Miami University.

Ms. Rousmaniere inquired if there would be any reason to build a fence to deter vandalism. Mr. Ferrell stated that the aesthetics and maintenance of a fence was not well received by the property owner. Mr. Ferrell felt that a berm provided a good visual break.

Mr. Wong inquired about dispersing the solar array system around the complex, possibly serpentine, and among smaller trees.

Mr. Prytherch opened discussion to the public.

Terry Dudley, 6744 Contreras Road, who owns a farm near The Knolls inquired why the solar array couldn't be integrated onto the roofs. Mr. Dudley urged the Planning Commission to not vote on and referred to research he had done and that there were other alternatives to making it look nice.

Kathleen Zien, 6060 Joseph Drive, referred to the adjacent property owner notifications and felt Miami University should have been notified. In reference to the airport, Ms. Zien felt the Applicant didn't bring everything and should be tabled.

Jack Grove, 7006 Fairfield Road, stated he did not know about this application because he was over the 200 feet adjacent property owner notification. Mr. Grove stated this was a major change/deviation from the original Use. Mr. Grove stated what concerned him was that the plan was discussed before tonight's Planning Commission meeting. Mr. Grove felt that the faux Indian mound would be unbecoming. Mr. Grove inquired if it could be moved to the north side of the property or on rooftops. Mr. Grove felt the design would be a detriment to its surroundings.

Mr. Keebler felt that based on the missing information that a decision now was totally inappropriate. Mr. Keebler expressed the importance of how the array will look and the landscaping. Mr. Keebler stated he didn't understand the placement and felt it would look bad from any direction. Mr. Keebler stated he understood placing the array near the main building; however, felt that within The Knolls' boundary would be a better location. Mr. Keebler stated he wanted to work on this to promote better types of energy. Mr. Keebler felt it looked too industrial.

Ms. Rousmaniere inquired about tabling the case. Mr. McHugh stated if tabled, it could come back at a future meeting. Ms. Rousmanier inquired if there was a reason it couldn't go on rooftops; was there a reason for that location and not other locations. Ms. Rousmanier inquired if solar panels made noise. Mr. Rousmanier expressed concern for the FAA and airplanes and wanted evidence from the FAA about any issues they may have.

Mr. Hurston requested the applicant get Miami's input.

Mr. Wong added that it is what it is; the perception may be unattractive (scale, size of it) but was a statement/symbol of a community looking forward. Mr. Wong felt there was a lot of things you could do with the solar panels -break them up, include with different landscaping features, etc.

Mr. Prytherch, as well as the rest of the Planning Commission, wants to be open to this; just want something more visually appealing.

Mr. Keebler suggested that when the Applicant comes back to include Mr. Tim McGowan as the Planning Commission needs The Knolls' input.

David Prytherch moved to table PC-02-2012 Combined Preliminary/Final Plan, 6727 Contreras Road, Knolls of Oxford, major change to an approved Planned Development, to allow for the installation of a 250KW ground based solar array. Richard Keebler seconded. The motion passed with the following roll call:

AYE: David Prytherch, Richard Keebler, Ted Wong, Marvin Hurston, Kate Rousmaniere (5)

NAY: None (0)

ABS: None (0)

New Business

There was none.

Other Business

There was none.

Items Under Consideration for Future Discussion - Short Term: *

*Nonconforming Section Related to Redevelopment Improvements

*Neighborhood Conservation Rental Restriction Overlay District

*GB Commercial District Site Development, Supplementary Regulations and Different Types of Commercial Districts

*MU Alternate Transportation Master Plan and Its Implementation in Relation to City's Thoroughfare Plan

*Delineation of Flood Plain Overlay District

Adjournment

Mr. Keebler made motion to adjourn the February 14, 2012 meeting. Mr. Hurston seconded the motion. The meeting was adjourned at 8:30 p.m.