OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, May 9, 2017
7:30 p.m.

Call to Order

Those members present: David Prytherch, Richard Daniels, Robert Bell, Steve Dana, Pete McCarthy, Scott Johnston, and Edna Southard.
Those members excused: None.
Staff members present: Jung-Han Chen, Sam Perry, and Steve McHugh.
Staff members excused: None.

Approval of Minutes of the March 14, 2017 Planning Commission Meeting

The minutes were reviewed by the Planning Commission. Mr. Dana asked that a minor change be made to a comment he made regarding pervious pavers.

Ms. Southard made motion to approve the minutes with a minor change. Mr. Dana seconded the motion. The minutes were approved.

Public Comments Related to Items Not on the Agenda

There were none.

Reports from Commissions, Boards, Committees & Staff

Mr. Dana reported on City Council discussion on the issue of the Butler County Prosecuting Attorney plans in early July to no longer prosecute in Area 1 Courts. Mr. Dana continued that the City Manager is reviewing the matter. Mr. Dana referred to the City of Oxford website article regarding this.

Mr. Bell stated that he was unable to attend the Environmental Commission meeting but stated that they were working with staff on rewriting language on sensitive areas for development and the tree ordinance.

Mr. McCarthy stated that the HAPC did not meet in May but they were continuing to work on the Historic District inventory list.

Mr. Perry reported that the Oxford Area Trail Phase 1 under construction currently was half way complete. Mr. Perry stated they were setting the pedestrian bridge next week and continuing work on the retaining wall located under the bridge. Phase 1 should be done mid-June.

Mr. Prytherch reported that Amtrak has agreed to locate a station in Oxford. Mr. Prytherch referred to his students having enjoyed the privilege in working with everyone.

New Business

A motion to reorder the agenda was suggested by Mr. McHugh. All were in favor.

Concept Review, 800 Maple Street, Oxford Bible Fellowship
Mr. Garrett Nates, Pastor at Oxford Bible Fellowship spoke. Mr. Nates provided a history of the church. Mr. Nates shared their desire to add value to the City of Oxford and the University and shared how they were involved in the community. Mr. Nates expressed their love of the Oxford community and their desire to stay in Oxford. Mr. Nates stated that their current facilities were not adequate in providing enough space for what they want to achieve. Mr. Nates reviewed a PowerPoint which displayed the new facility. Mr. Nates stated that they were over capacity in many of their rooms. The new building is 18,000 square feet and would house a worship auditorium, children ministries, youth and administrative offices. Mr. Nates stated that there was no desire to tear down the current facility but to renovate it.

Mr. Chen explained that this would be a Conditional Use within the MU District and the requirements included lot coverages, parking, requirements and storm water due to adding additional square footage on the lot. Mr. Chen stated that the setbacks should be okay.

Mr. McCarthy inquired about building elevations and expressed not wanting the new building to look like a box. Mr. McCarthy recalled that two years ago the same thing came before Planning (2014). Mr. Nates stated that the church put the expansion on hold during pastoral changes; however, there are significant differences between the two: the buildings will not be tied together, the original plan had two floors, and this one does not. Mr. Bell inquired if this structure was larger. Mr. Nates stated the 2014 structure was 20,000 square feet on two floors; this has a larger footprint (150x120). Mr. Bell stated that when this application comes for a hearing that he would be looking at the impact on parking, closeness to the street, and inquired if there were any sort of agreement with Miami in using their new lot. Mr. Nates stated yes, that they had a semi-informal agreement where they can use their parking as well; but yes they do have availability on Sundays. Mr. Bell inquired if the agreement could be put in writing. Mr. Nates stated that they would ask. Mr. Prytherch reviewed items to think about when applying for a Conditional Use: think about storm water, pervious pavers, low impact design techniques, lot coverage, and pedestrian movement. Mr. Prytherch felt the church represented a gateway to Miami and Oxford, so it was in their best interest to present a nice facade. Mr. Johnston agreed that they were located on the edge of a residential area, and within a Miami block and that compatibility to the area was important. Mr. McCarthy described the new building as a simple design, no architectural detail. Mr. Bell stated that he was worried about an overbearing presence in the area among residential homes and that a landscape design would soften. Mr. Prytherch asked they look at pedestrian circulation and architecture. Ms. Southard inquired about any environmental options? Mr. Nates stated they were exploring it (high efficiency, greenspace) and yes they have thought about ideas. Mr. Bell referred to the aerial rendering, showing placement of the structure right on the setback of Chestnut and noted that the Maple Street houses were set back a little farther. Mr. Bell felt it would help if the front Chestnut facade would be in alignment with the residential houses. Mr. Daniels suggested getting rid of one of the curb cuts on Chestnut Street, eliminating entirely the one closest to the building.

Mr. Prytherch thanked Mr. Nates for providing Planning Commission input.

PC-2017-09, MINOR AMENDMENT TO AN APPROVED CONDITIONAL USE, 601 S. Locust Street, McDonalds, Etta Reed, Bayer-Becker, Applicant/Agent

Mr. Daniels made motion to enter into Public Hearing PC-2017-09. Mr. Dana seconded the motion. All were in favor.

Mr. Chen provided a review stating that the applicant was requesting approval to widen a portion of the existing drive-thru lane by 10 feet to accommodate two side-by-side lanes. Mr. Chen described how the work would be performed and that current landscaping would be retained.

Ms. Etta Reed spoke on behalf of the owner. Ms. Reed stated that the request was for the widening of the drive through at McDonalds. Ms. Reed described the current drive through. Ms. Reed described the traffic backup and traffic flow problems on the site and at Foxfire. Ms. Reed stated they would keep all existing landscaping and decrease a portion of the grassy area near fence. Mr. Bell inquired about one tree that would probably be lost. The owner, Pat Pawling, who was present, stated he would replace the tree. Mr. McCarthy inquired why the widening was going toward the fence and not the existing island area. Ms. Reed responded they didn't want to lose parking and that keeping the landscaping was important to the owner; if widening took place near the parking lot we would eliminate the ability to have landscaping. Mr. McCarthy inquired why not lose parking. Mr. Pawling spoke. Mr. Pawling explained the traffic backup issues, and traffic flow at the speakers. Mr. McCarthy inquired why we should not have more buffering from the residential area. Mr. Pawling explained he purchased the property across the street for employee parking instead of in the lot. Mr. Prytherch inquired if two lanes would speed up service. Yes. Mr. Pawling explained that a lot of time people will stop to wait on the speaker, and thinks the addition would be a lot more efficient. Mr. Pawling stated his concern was cars backed up on Foxfire. Mr. Prytherch inquired if the owner felt if customers decided it would be quicker to walk in rather than go through the drive through. Mr. Pawling responded yes for sure. Mr. Johnston inquired about parking in the former Walmart site, and if it was still occurring. Mr. Pawling responded that customers used to fill that lot, especially in the morning, but don't use as much as used to.

Mr. Prytherch opened up discussion to members of the public to address. No members of the public spoke.

Mr. Dana closed the public hearing. Ms. Southard seconded the motion. All were in favor.

Mr. Daniels made motion to approve PC-2017-09. Mr. Bell seconded the motion. All were in favor.

Mr. Prytherch discussed whether this was considered a minor amendment or not. Mr. Chen and Mr. Prytherch didn't feel that they could make a judgement call for administrative approval. Mr. Prytherch noted that this also brings up double barreled drivethroughs and the precedence it could set. Mr. Bell stated that he didn't see a problem and that he has experienced the problems described. Mr. Bell stated that he felt the applicant found a reasonable solution. Mr. Daniels agreed and noted that you couldn't find a better looking or better service restaurant. Mr. McCarthy agreed, but felt this would be precedent setting. Ms. Southard described how the neighborhood was changing and the traffic on Foxfire. Ms. Southard inquired since they would be removing a tree, if they could plant one elsewhere.

Mr. Johnston referred to the front ditch having turned into a really nice landscaped space; however, had a problem with the newer neighboring development cement ditch. Mr. Daniels stated that he liked precedent setting decisions. Mr. Dana agreed with Mr. Daniels and values this particular enterprise. Mr. Dana referred to the significant improvements coming to Locust Street. Mr. Dana stated that he would like to see some sort of pedestrian improvement at Locust Street driveway.

Ms. Southard made motion that landscaping be mitigated to the loss of tree placed somewhere else on the lot. All Planning Commission members were in approval except for Scott Johnston.

Mr. Prytherch made motion that the apron be provided with crosswalk striping at Locust Street. All Commission members were in favor except for Richard Daniels.

AYE: Mr. Johnston, Mr. Daniels, Mr. Dana, Ms. Southard, Mr. Bell, Mr. McCarthy, Mr. Prytherch (7)
NAY: None (0)
ABS: None (0)
PC-2017-09 approved with two conditions.

PC-2017-06, FINAL PLANNED DEVELOPMENT, Red Brick Estates, 23.28 acres, R-1A District, Bryan Price, Red Brick LLC Applicant

Mr. Dana made motion to enter into Public Hearing PC-2017-06. Mr. Bell seconded the motion. All were in favor.

Mr. Perry provided an overview stating this was a proposed Final Planned Development and that this was a follow-up to the Preliminary Plan. Mr. Perry described it as a 23-acre site, at the rear of Heritage Subdivision. Mr. Perry described its location and existing land. Mr. Perry provided an aerial photo of the location of the development. Mr. Perry stated that the majority was open land and some wooded lots. Mr. Perry provided a side by side comparison of the site between the preliminary and proposed final plans. Mr. Perry described the "Grace Lane" stub. Mr. Perry reviewed the Preliminary Plan Ordinance #3359. Mr. Perry stated that the proposal did meet connectivity requirements.

Mr. Bell inquired about the corner of Grace Lane and Olde Farm, and if the overall number of lots were the same. Mr. Perry responded yes. Mr. Perry noted that the dimensional requirements were waved with planned developments and that the required 25' buffer would be maintained. Mr. Perry did refer to one section though where grading was shown; therefore, recommending if the buffer is disturbed that plantings are a requirement. Mr. Perry noted that these will be custom built homes; no model homes. Mr. Perry described the arts and craft style homes. Mr. Prytherch inquired about satisfying the code without elevation drawings. Mr. Johnston inquired about the developer's intent for having garages to which Mr. Perry responded yes, with entrances in from the side or on fronts. The topic of wetlands was discussed. Mr. Perry referred to the supposed buffer of a certain size that needs placed around wetlands; however, there is one that lacks this buffer, so this would need further discussion and include input from the Law Director. Mr. Perry referred to the 5 outlots and asked that it specifically listed that homes are not placed on these, and formalized drawings. Mr. Perry referred to having received HOA documents which will address responsibility. Mr. Perry also referred to sidewalk connections. The ROW was moved to the west.

Mr. McCarthy inquired about the stub going west, across from Grace Lane and if that property was deeded to the city, and under no circumstance have future problems. Mr. McHugh responded yes. Mr. McCarthy inquired if future development occurs, who would be responsible for the paving. Mr. Chen responded that per the City Manager, the stub street would be paved now. Mr. Bell inquired about lot size and setbacks would be waived from the underlying code as the only one you didn't delineate from was the individual lot coverage. Discussion took place on clarification of code that applies to this development. Currently there is no detailed landscape requirement. The Developer will mow open areas and preserve (undisturbed) buffered areas. Buffered areas have been delineated and buffered areas will be preserved. The HOA will be responsible for trash around these areas. Mr. Bell inquired about buffered areas near property lines of existing homeowners.

Mr. Prytherch inquired if the application was complete. Mr. Perry responded yes.

Ms. Etta Reed from Bayer Becker presented. Ms. Reed stated yes that all garages were attached, with some having side entrances. Ms. Reed stated that each home would be customized to the buyers wish. Ms. Reed reviewed the Final Planned Development. Ms. Reed stated that Grace Lane stub would bring them in compliance with City Council conditions. Open space at 23.1%. Ms. Reed continued that a lot on Grace Lane had been moved to previous open space Lot B on Olde Farm, and a lot added on the southwest corner of Olde Farm and Savannah Drive. ROW stub opposite Grace Lane. Ms. Reed stated they didn't have to pave. Ms. Reed addressed drainage concerns. Ms. Reed reviewed storm sewer, ditches, keeping the existing drainage way. Ms. Reed described how they would do this. Ms. Reed stated they would have two detention basins, and explained that the rate of water being released is controlled by capacity of existing storm sewer; both basins would be built oversized (than they need to be). Ms. Reed explained the basins would be dry basins. Ms. Reed described the flow routes and that water would not be going through people's yards. Ms. Reed described the satisfactory wetland buffering and conservation easement that they would be providing. Mrs. Reed explained that if a buffer is located within individual lots that the homeowner would maintain that; if not, the HOA will maintain. Ms. Reed described lot coverages, and phases' schedules. Ms. Reed referred to Section 1145.12(f)2 lot coverage. Ms. Reed stated there would be two phases. Phase one to be constructed this summer; Phase 2 will be dependent upon the market and the City acquiring Grace Lane. The Final Plan would be recorded for the entire development upon approval.

Mr. McCarthy inquired about only one access entrance point for Phase 1. Ms. Reed responded that was not a requirement or in the zoning code for more than one. Mr. Chen responded that there is secondary egress requirement under the subdivision code, not a PUD. Mr. Johnston stated that he felt that what was being presented was different than what was presented at the Preliminary; at the Preliminary discussion the southern end was to begin Phase 1. Ms. Reed agreed; however, once describing the sewer design, it was changed. Mr. Johnston stated that he lived near this development and inquired about the water runoff and potential water levels, and inquired if fencing would be provided for safety of children at the basins. Ms. Reed responded they were dry basins. Ms. Brooke Lindholm, of Bayer Becker, spoke and referred to the completed storm water calculations and explained them. Mr. Perry stated that engineering staff didn't express concern regarding storm water information during their interoffice review; lack of comments means there were no concerns. Mr. Victor Popescu, City Engineer, was present at this meeting and spoke. He stated for the record, that in review of storm water calculations he had no concerns.

Motion by Commission to recess 5 minutes.

<u>Mr. Johnston made motion to reconvene the meeting. Mr. McCarthy seconded the motion. The meeting was back in session.</u>

Mr. McHugh spoke. Mr. McHugh discussed an issue brought forward that a Planning Commission member should recuse himself during this discussion because of living in close proximity to the planned development in discussion. Mr. Johnston was asked to recuse himself. Mr. Johnston resides on Country Club Drive. Mr. Johnston recused himself from further discussion. Mr. McCarthy inquired if he should recuse himself too. Mr. McCarthy stated he lived approximately 1/4 mile from the development. Discussion followed. Mr. McCarthy recused himself from further discussion.

Mr. Bell, Mr. Daniels, Mr. Dana, Ms. Southard, Mr. Prytherch were present to continue discussion.

Dr. Doug Brooks, 227 Country Club Drive, thanked everyone for their time and effort put into this. Dr. Brooks described his neighborhood and their concerns: traffic, property values, and water flow. Dr. Brooks described their situation; that, if you walked into the field today (the location of the proposed development) the amount of water flowing and the additional homes, there was going to be trouble. Dr. Brooks stated he felt the development needed to make provisions that these homes will be guaranteed dry basements. Dr. Brooks described the land as some of the wettest ground in Oxford. Dr. Brooks referred to existing neighborhood homes sitting on springs. Dr. Brooks also discussed the stub street belonging to an individual and not the City.

Mrs. Jean Johnston, 131 Country Club Drive, inquired about the development open areas for kids to play found on the Preliminary but not on the Final plans.

Ms. Laura Kelly, 128 Country Club Drive described her neighborhood as a diverse one. Ms. Kelly stated she was concerned about the four feet of water standing in a one year rain. Ms. Kelly inquired about who would be responsible if a child became injured or drowned from the basins. Mr. McHugh stated the Homeowners Association would be responsible.

Mr. James Chagdes, 209 Country Club Drive, expressed concern regarding the drastic reduction in lot sizes. City Council gave a tradeoff for the open space, a lot of giving them (the Developer) and them not giving back. Mr. Chagdes expressed his strong concern to the Phase 1 development change and his concern regarding traffic, speed, and starting the construction to the north. Mr. Prytherch thanked him and his memo he provided for the record.

Miss Ella Mae Lawson, Owner of the stub street, stated that she has only spoke to people in the subdivision and that no one from the City has approached her.

Mr. Scott Johnston, 131 Country Club Drive, referred to the 7.3 acres as the open space calculation he came up with and expressed concern that people would have to walk through private yards and wet space to get to the active space. Mr. Johnston asked that the Planning Commission ask them if this was the same project as the approved Preliminary Development. Mr. Johnston then proceeded to verbally resign from the Planning Commission.

Mr. William Condict, 132 Country Club Drive, echoed Mr. Johnston's remarks. Mr. Condict agreed with Ms. Lawson that the City has not spoken with her.

<u>Mr. Dana made motion to close public hearing. Mr. Bell seconded the motion. All were in favor.</u>

<u>Mr. Daniels made motion to table. Mr. Dana seconded the motion.</u>

Mr. Daniels stated he didn't know anything about Grace Lane or the water issue, or who owns the stub street. Discussion followed on the situation.

Mr. McHugh provided a summary of 12 conversations had with Mr. Kohler, Ms. Lawson's lawyer, whom he thought they and the City had mutually agreed to a purchase price, and thought that is where it stood.

Ms. Lawson, spoke and read aloud an email received from her lawyer.

Mr. Daniels called the question.

AYE: Mr. Bell, Ms. Southard, Mr. Dana, Mr. Daniels, Mr. Prytherch (5)
NAY: None (0)
ABS: None (0)

Mr. Prytherch asked for clarification from Mr. McHugh since the case was tabled. Mr. McHugh responded that Staff would address some of the questions, and that the Planning Commission could email questions to Staff for clarification.

Mr. Dana inquired if this is in limbo, how could he make any considerations.

Ms. Southard inquired if the Final Plan was the same proposed as the Preliminary Plan and if Staff were still waiting on the EPA report.

Mr. Bryan Price, developer, reviewed the process for this development he has followed: wanted to get on record that in August, we came, we presented, and the video, the stub street was discussed at great length, we have spent a lot of money and time and found that the City didn't do what they said they would do, they assured us they were going to get Grace Lane, and he had asked Staff directly. Mr. Price continued that the process has cost a lot of money, you had the information in August and have the information tonight and why a decision can' be made contingent upon getting grace lane stub. Now the Planning Commission is kicking the can down the street. Mr. Price continued that the City Planner answered both questions, same plan, yes, stub street yes. Mr. Price continued that he couldn't understand why this could not be approved based upon the stub street; this is the plan we submitted in August, everything is the same, cannot understand it.

Mr. Prytherch responded that we would get the answers next month.

Items Related to Platting

PC-2017-04, ZONING CODE MAP AMENDMENT, from GB (General Business) District & R-1MS (Single-Family Mile-Square Residential) District to an R-2MS (Single- and Two-Family Mile-Square Residential) District, **Scott Webb, Applicant**

Mr. Bell made motion to enter into Public Hearing PC-2017-04. Mr. Daniels seconded the motion. All were in favor.

Mr. Bell asked Mr. Johnston to join back in the conversation. Mr. Johnston did so.

Mr. Chen reported that this request was to seek a map amendment to the area known as the old lumber yard and associated properties from GB & R-1MS (General Business, Single-Family Mile-Square Residential) Districts to R-2MS (Single- and Two-Family Mile-Square Residential) District.

Mr. Chen reviewed the site.

Mr. Chen referred to Mr. Alan Kyger's comments included in the agenda, which discussed the site's lack of interest from potential buyers. Mr. Kyger also noted that even though the site interest is not in commercial development, it would draw business in the area with the added residents.

Mr. Chen reviewed comprehensive plan references of a small college town character and the map amendment decision criteria.

Mr. Scott Webb spoke and provided a PowerPoint displaying the existing and proposed zoning. Mr. Webb displayed the types of existing zoning and described the existing GB parcels. Mr. Webb noted that the site did not have any useful access to a roadway. Mr. Webb discussed the existing R1MS parcels and surrounding R1MS land use. Mr. Webb stated it definitely was an error in the zoning code. Mr. Webb reviewed the proposed zoning and decision standards.

Mr. Dana offered to recuse himself if others thought he was too close to this hearing location. No one objected to his participation.

Mr. Prytherch inquired any public comments. Mr. Michael Ramsey, property owner of 105 W. Central, 625, 627 S. College, 314 S. Main, stated he was not favorable of this development and felt it did not have a good access on S. College for business. Mr. Ramsey concerned of 324 kids getting in and out of the site with 324 cars in addition to whatever number of friends. Mr. Ramsey inquired why not turn into R1MS District? Mr. Ramsey continued that this was basically a neighborhood that didn't need 324 plus cars and he couldn't imagine in that area dumping another 324 cars. Mr. Ramsey noted that there was only one through street from Main to Spring Streets. Mr. Prytherch noted that this was a rezoning application and that details regarding a proposed development would be next.

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

Mr. Daniels made motion to approve PC-2017-04. Mr. McCarthy seconded the motion.

The Planning Commission reviewed the decision standards:

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. Yes.

Mr. Bell stated he had a little bit of difficulty in taking away a GB District in the core of the city. Mr. Daniels referred to the fact that attempting to develop has fell through numerous times. Mr. Daniels noted that the site has been sitting for 20 years. Mr. Daniels inquired Mr. Kyger to speak on his attempt to develop the site in the last 5 years. Mr. Kyger responded that there are limitations of access which is the biggest detriment and that he shares with potential developers what is available. Mr. McCarthy inquired if he has had much interest in this one. Mr. Kyger responded no.
There has been a substantial change in area conditions that necessitates the amendment. Yes (Mr. McCarthy, Mr. Prytherch) No. (Mr. Bell, Mr. Dana).
Mr. Prytherch responded the Planning Commission are hanging on that it goes with our Comprehensive Plan, specifically the Land Use section.
There is a legitimate need for additional land area in the zoning district that will be expanded. No
Ms. Southard referred to Mr. John Jones (Police Chief) comments, so it does fit better into the Comprehensive Plan. We don't want dangerous or unhealthy areas.

Mr. McCarthy called the question.
AYE: Mr. McCarthy, Mr. Bell, Mr. Johnston, Mr. Dana, Mr. Daniels Mr. Prytherch, Ms. Southard (7)
NAY: None (0)
ABS: None (0)

Items Related to Zoning
PC-2017-05 PRELIMINARY PLANNED DEVELOPMENT Gaslight Avenue at Stewart Square, formerly Miami Valley Lumber Site & Associated Properties, 6.45 acres, Scott Webb, Applicant/Agent

Mr. Dana made motion to enter into Public Hearing PC-2017-05. Ms. Southard seconded the motion. All were in favor.

Mr. Chen provided a PowerPoint review for a request to demolish two existing warehouses and the combining of different parcels, to build 88 units of single family structures on 6.5 acres. Mr. Chen noted the property was once a lumber yard site. Mr. Chen stated there would be three access points: Heather Lane, Rose Avenue, and College Avenue. The site is shaped very unique (triangular in shape). Mr. Chen noted that the PUD process takes two steps: a preliminary and final application which is governed by Chapter 1145 and Decision Standards. Mr. Chen stated they would need to vacate two segments of ROW - Rose Avenue and a north-south alley intersecting Rose Avenue. Mr. Chen identified some concerns: Rose Avenue and the alley has to be contiguous, and meet residential density, perimeter setbacks, open space, and lot coverage. Also, there are parking spaces encroaching into the City ROW; Rose Avenue that needs to be removed, detailed information was not provided at this time (landscaping, signage, lighting, and bike facilities), all public utilities improvements must meet current City design standards. Mr. Chen reminded the Commission that a Zoning Map Amendment has also been submitted in conjunction with this development. Mr. Chen reviewed the challenges of this site and described various issues with the application regarding density, parking, and encroachment into the perimeter setback.

Mr. Scott Webb, Agent, provided a PowerPoint overview. Mr. Webb stated the development would provide 88 total dwelling units, 324 residents. Mr. Webb described the design reflecting the architecture of Stewart Square. Mr. Webb stated that these would not be large scale apartment buildings. Mr. Webb stated the structures would vary in brick color, windows styles, etc., and include two active public spaces, including shelter and walking paths and a water feature. Mr. Webb noted they would also include brick features highlighting entryways into the development. Mr. Webb stated that storm water would be taken underground. Mr. Webb provided an overview of the design requirements: lot coverage was significantly less than allowed; regarding density- 88 units, density based upon units not beds, so development was way below the allowable amount. Mr. Webb described why the owner chose the lesser. Mr. Webb stated that the parking was based on number of units not beds; 231 parking spaces, thus exceeding the minimum requirement. Mr. Webb described the parking arrangement of development, stating it was based upon the Stewart Square design. Mr. Webb described the connectivity; currently, a 9.9 foot ROW; will take 10 feet of City ROW and combined to design a new 2-lane entrance drive. Also, a new utility easement is proposed encompassing the existing underground water and sanitary service not currently in an easement. The Rose Avenue connection incorporates the existing street stub and vacated ROW. Mr. Webb responded NO we don't know if we can get the vacated ROW's yet, but want approval to proceed. Mr. Webb stated that the owner was spending lot coverage on streets, addressing the total lot coverage at 50%; exceeding 40% max total lot coverage. But his building lot coverage is 18.03% which is less than 25% maximum and open space is 13.52% which is less than the minimum 20% requirement. Mr. Webb stated that the comparison of total open space reflects the challenges of a lot with an excessive perimeter resulting in more open space than a similarly sized rectangular lot. Mr. Webb is asking for a break on the open space. Mr. Webb reviewed the compatibility of the proposed design with the existing neighborhood. Mr. Webb noted that the development was located in the center of a block without General Business street access, and that a higher density residential development was ideal for this location. Mr. Webb pointed out that the applicant has been able to work with the Stewart Square developers thus creating an opportunity for access from their site, and a design that will be complimentary to Stewart Square in style and materials. Mr. Webb noted that the existing abandoned buildings would be removed, thus removing an eyesore; noise, lighting and nuisances would be typical for a residential neighborhood, and that the development was designed to provide a perimeter setback where appropriate.

Mr. McCarthy inquired about shared parking and if possible sharing with Stewart Square. Mr. Webb responded no. Mr. McCarthy inquired if the owner would be open to not requiring so much parking to help with lot coverage, the 25 ft. setback (encroachment), and less units to get down to 85%? Mr. Webb discussed how he designed the lot. Mr. Dana inquired about the timing issue of vacating the ROW and the development. Mr. Webb responded they have a 2 year timeline for the project. Mr. Webb noted that next would be negotiations with the City; and, the site has to be engineered. City negotiations will take place. Ms. Southard inquired about railroad and protection from tracks. Mr. Webb responded that the buildings would be located away from the railroad tracks and that he didn't think there would be a need to build a barrier away from the tracks. Ms. Southard inquired about ADA compliance. Mr. Webb referred to percentage of buildings that would need to be ADA accessible and meet the Fair Housing Requirement. Mr. Dana inquired about entrance from Stewart Square and it not being used as a daily route. Mr. Webb responded that they would be providing three entrances without any one being the main entrance.

Mr. Webb reviewed the sidewalks and walking path noting that this development would not be gated or fenced as the owner wants to keep the park open.

Mr. Prytherch inquired if any of the public in the audience would like to address the Commission.

Ms. Anne Welpton, spoke. Ms. Welpton noted that she loved the design, but, was concerned about getting out of Stewart Square onto Spring Street and stated that she hoped that the density traffic would be addressed. Mr. McCarthy inquired if a cure to put stop signs on Spring Street and Beech Street would solve the problem.

Mr. Michael Ramsey, owner of multiple properties in the vicinity spoke. Mr. Ramsey stated the owner should have known issues with the property existed before he bought it. Mr. Ramsey expressed concern regarding parking and density. Mr. Ramsey added that it was not the Commission's responsibility to solve the owner’s problems with the property and that it's about how many apartments they can cram onto the property. Mr. Ramsey finished by stating they think they need to meet the code.

<u>Mr. Dana made motion to close Public Hearing. Mr. Bell seconded the motion. All were in favor.</u>

<u>Mr. Bell made motion to approve PC-2017-05. Mr. Daniels seconded the motion.</u>

<u>Mr. Bell made motion to Table PC-2017-05 because the time of the meeting was close to midnight. Mr. Daniels seconded the motion. All were in favor.</u>

Mr. Bell suggested that maybe we needed to share what issues we have so the applicant/owner can be prepared for next month.

Mr. Daniels noted that the staff did a good job identifying issues.

Mr. Bell reviewed lot coverage and open space issues. Mr. Daniels reviewed ROW vacations, sanitary, storm water issues. Mr. Dana agreed with issues noted.

Ms. Southard identified encroachment issues that were addressed (Heather Lane specifically) and possibly reducing the number of units.

Mr. Dana agreed that the applicant needed to begin the process of negotiating issues with the City.

Mr. Prytherch referred to the parking demand, on and off traffic issues, setbacks, unnecessary encroachments, and advocated that he didn't think it was a bad thing to losing parking spots.

Mr. Johnston noted that if not this (development), what would/could be built?

Mr. McCarthy stated that there were some encroachments he was worried about.

All were in favor to Table PC-2017-05.

Administrative Approvals

PC-2017-07-ADM, LOT CONSOLIDATION, Re-Plat of Lots #1730, #1731, #1382, #1383, #1384, #1385, #1386, #1387, #1388, located southwest and southeast of Arrowhead/Chestnut Street, GMS Acquisitions, LLC, Applicant

Staff shared with the Planning Commission administrative approvals.

Old Business

There was none.

Adjournment

Mr. Daniels wanted to clarify why he pushed so hard to table earlier. Mr. Daniels stated that he felt the conversation went from an objective discussion into personalities and that there was no need to take any farther. He suggested as to future Chair's to measure the temperature and nature of the interactions and if it gets to a point stop the discussion. Mr. Prytherch stressed how he feels if at all possible to get through public cases and the need for being careful to tabling them. Mr. Dana agreed with Mr. Daniels.

Mr. Dana made motion to adjourn meeting. Ms. Southard seconded the motion. All were in favor. The meeting was adjourned at 11:45 p.m.