

OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, August 11, 2015
7:30 p.m.

Call to Order

Mr. Prytherch called the August 11, 2015 Planning Commission meeting to order at 7:30 p.m. Mr. Benson arrived at 7:48 p.m.

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

Those members excused: None.

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

Staff members excused: None.

Approval of Minutes of the July 14, 2015 Planning Commission Meeting

Mr. Keebler made motion to approve the minutes as written. Mr. Daniels seconded the motion. All were in favor.

Public Comments Related to Items Not on the Agenda

There were no public comments.

Reports from Commissions, Boards, Committees & Staff

Mr. Bell reported on the Environmental Commission and their work on the contract for waste management and recycling. The Commission has also been discussing changes to the City approved tree list as they would like to see more diverse species.

Items Related to Platting

There was none.

Items Related to Zoning

PC-2015-17 PRELIMINARY PLANNED DEVELOPMENT, The Fields at Southpointe, Southpointe Crossings, Southpointe Parkway, 37.08 acres, Trinitas Development LLC, Applicant, Agent

Mr. Keebler announced that the Planning Commission understood that there was a request to Table PC-2015-17 by the Applicant and that they would bring forward at the September 8, 2015 Planning Commission meeting. Mr. Keebler made motion to Table PC-2015-17. Mr. McCarthy seconded the motion. All were in favor.

PC-2015-16 [ZONING MAP AMENDMENT, 5990 Contreras Road, to rezone the subject property from R1B \(Single-Family Medium Density Residential\) District to R3 \(Multi-Family Residential\) District, Peter and Connie McCarthy, Applicants \(Tabled 7/14/2015 Planning Commission Meeting\)](#)

Mr. Keebler made motion to remove from table PC-2015-16. Mr. Daniels seconded the motion. All were in favor.

Mr. McCarthy recused himself.

Mr. Daniels made motion to enter into public hearing PC-2015-16. Mr. Keebler seconded the motion. All were in favor.

Mr. Chen provided a PowerPoint presentation. Mr. Chen displayed a map of the area in question. Mr. Chen described the site's large lot and the surrounding properties. Mr. Chen referred to the Comprehensive Plan Conservation and Development Map which showed the Locust Street and Lynn Avenue area as having favored redevelopment potential and that at the time of the Comp Plan review, identification to the area was noted as a weak spot needing redevelopment. However, the subject property is adjacent to that specific area between Lynn Avenue and Locust Street between College Avenue and McGuffey Avenue and therefore not the focus of the Comp Plan labeling for redevelopment. Mr. Chen also reviewed the Character Area Map, identifying the property as Neighborhood General 3, which is defined as a residential area on the outskirts of the Mile Square with the lowest residential density. Mr. Chen also referred to the property as a large historic building that should be preserved.

Mr. Chen reviewed the four Decision Standards. Mr. Chen described the general neighborhood as single family and that a rental permit for the property exists. Mr. Chen referred to the rental located above the detached garage. Mr. Chen noted that the applicant's narrative indicated that the zoning map was in error in changing the property from a two-family district to a single family district in 2003. Mr. Chen stated that a rental record review in 2004 indicated that it was determined that the property was used as a two family, one in the main house and the other above the detached garage. Mr. Chen inquired so would that make it an error; it seemed iffy; however, the Planning Commission and City Council approved the entire zoning map amendment at the time as they believed the property along with other properties on the west side of Jacqueline, should be a single family district.

Mr. Chen then referred to the neighborhood character and that the neighborhood including this property had not gone through substantial changes.

Mr. Chen referred to potential pitfalls and if the site could be redeveloped for multi-family dwelling units and reiterated that multi-family zoning allowed for multi-family dwelling units on a large site. Mr. Chen reviewed the possible reasoning for the zoning map change in 2003.

Therefore, Mr. Chen stated that he could not find any supportive information to support an error of the zoning map and based upon the analysis, staff could not find any evidence to support the

amendment.

Ms. Rousmaniere asked for clarification on the Decision Standards' appropriate zoning classification.

Mr. Prytherch inquired about an R-3 Multi Family occupancy and what we could hypothetically be looking at. Mr. Chen responded that in order to qualify for a three-family dwelling and up, this property did meet lot requirements and that there could possibly be 90 plus people on the site.

Mr. Webb spoke. Mr. Webb was the agent for the applicant.

Mr. Webb provided a history of the property and described the surrounding neighborhood zoning districts. History of the area is reflected in the zoning map. Mr. Webb stated that the approved rental was in the existing house above the existing attached garage and in 2003 it became nonconforming. In 2013 a text amendment to the non-conformities section of the code effectively prohibited further modifications to the now non-conforming structure.

Mr. Webb described the current configuration of the property and that in current R-1 zoning a home occupation is limited to a maximum of one non-resident employee.

Mr. Webb noted that attempts to use the property have been done by the McCarthy's. in 2010 they applied for a zoning map amendment to change to a RO District. In 2010 they applied for a lot split; however it was withdrawn since an accessory structure couldn't precede a primary structure. In 2013 a zoning text amendment reinstated professional offices as a conditional use in the R3 District; a zoning map amendment to an R-3 would allow reconfiguration of the existing residential space as well as the opportunity for a professional office use.

Mr. Webb reviewed the Decision Standards.

Decision Standard A - identified why there is an error on the official zoning map or in the delineation between districts Mr. Webb stated this wasn't spot zoning, there is an R-3 zoning across the street. in 2013, the delineation between the districts could have been modified to reflect the actual use of the existing structures in the neighborhood; changing to R-3 would have corrected the map.

Decision Standard B - conforms more closely with the Comp Plan. Mr. Webb stated that the subject property is adjacent to an enhancement area and that a change to R-3 would allow professional office and as a part of adaptive reuse of the property.

Decision Standard C - substantial change in area conditions that necessitates the adjustment. Mr. Webb described the surrounding properties and that the changes in the area have made this property an ideal candidate for adaptive reuse. Feels there has been a substantial change in the area and feels there has been a substantial change in the zoning code.

Decision Standard D - legitimate need for additional land area. Mr. Webb stated the property has been on the market over five years and that legitimate interest has been shown as a professional

office by more than one potential buyer.

Concerns were reviewed by Mr. Webb:

Could be R-1B or R-3 map amendment

Renting to students is not their goal.

Conclusion: the zoning change is necessary for the viability of the structure. it is not viable as a single family home. Current ongoing designation makes the property non-conforming and discourages reconfiguration of the interior, current zoning discourages adaptive reuse, a use variance is prohibited, and a PUD would potentially allow for expansion of the residential use but prohibits commercial uses.

Mr. Donald Nelson, 6020 Joseph Drive spoke. Mr. Nelson stated he tries to understand the other person's point of view. In terms of outcomes it seems to him that the historic nature there is nothing to guarantee its preservation if changed. The new owner could come in tear down and build a structure for 90 people. This is certainly potentially harmful.

Ms. Kathleen Zien, 6060 Joseph Drive spoke. Ms. Zien inquired why change zoning for one owner. Ms. Zien referred to the accessory apartment approval and how it came about.

Ms. Zien stated that she felt the realtor didn't advertise the property correctly. Ms. Zien described why there is not a legitimate need to rezone. Ms. Zien reviewed the decision standards. Ms. Zien stated that changing the zoning didn't mesh with Comp Plan.

Mr. Keebler made motion to close public hearing. Mr. Daniels seconded the motion. All were in favor.

Mr. Keebler made motion to approve PC-2015-16. Ms. Rousmaniere seconded the motion.

Ms. Rousmaniere referred to two public comments received. Ms. Rousmaniere inquired if having received a historic marker could it have prevented it from the zoning amendment to be turned down. Staff stated no. Ms. Rousmaniere inquired if the Planning Commission Subcommittee working on a commercial diversification plan, if that was something that could relate to this project. Mr. Prytherch stated it could be.

Ms. Rousmaniere inquired about PUD consideration. Mr. Webb stated there was a commercial space restriction for a PUD. Mr. Chen stated in a residential district it can have a permitted use and it is also possible to have a professional office under a PUD.

Mr. Keebler stated that he agreed that this residence was an anomaly and that he applauded how the McCarthy's have maintained and improved the property. Mr. Keebler also stated that he didn't think that the owners were out of line at all on the price, but that he didn't see affordability from a typical family. Mr. Keebler stated that we couldn't just do conditional zoning. Mr. Keebler stated that Mr. Nelson was spot on the unknown future. Mr. Keebler felt that some sort of an adaptive reuse was the best chance of keeping the beautiful home as is. Mr. Keebler referred to the property currently for sale and that the Planning Commission could not control what the new owner would do with it. Mr. Keebler noted that the area hasn't changed since zoned. Mr. McCarthy stated that they would be fine with R-2 zoning but couldn't.

Mr. Bell stated that he had a problem with the application as well and that usually one of the zoning criteria stands out, however, all four criteria are argued but none of the arguments are that strong. Mr. Bell stated that the property being located on the fringe of all the different zones made it difficult for this property.

Mr. Benson agreed with Mr. Bell that there was no real strong argument with any of the decision standards and that the issue was a slippery slope should we rezone it and can't control the property once it is sold. Mr. Daniels stated he agreed with what everyone has said.

Mr. Prytherch stated he was sympathetic to what the owners are trying to do, but the problem is the future possibly that could happen. Mr. Prytherch stated the Planning Commission has to be really cautious.

Discussion followed. Mr. Webb approached. Mr. Webb discussed potential to split the lot. Mr. Webb inquired if the biggest concern was the parcel becoming R-3 and if that would help alleviate the concern. Discussion followed regarding potentially withdrawing the application and filing another application. Mr. Chen stated it would have to be delineated clearly what portion of the parcel the applicant was talking about. Discussion took place on whether to table. Mrs. McCarthy stated they were open to Planning Commission advice.

Mrs. Connie McCarthy, 5990 Contreras, spoke stating that their goal was really to relieve the nonconformity as they felt an R-3 was their only option and that they were happy to go R-2. Mrs. McCarthy continued that the house is for sale and that no potential buyers understood what nonconformity was. Ms. Rousmaniere inquired would they consider a PUD. Mr. McHugh stated that would be effectively the best and would get rid of the rental permit. Mr. McHugh stated that per the 2004 decision the determination because of the change in zoning, the property became legal nonconforming.

Mr. Bell inquired about requirements for accessory use not exceeding the primary use to go to BZA, and potentially creating two conforming R-1's. Discussion followed.

Decision Standards were reviewed:

Decision Standard A - map error. Five stated no. Mr. Bell stated maybe

Decision Standard B - no

Decision Standard C - no

Decision Standard D - no

Mr. Keebler called the question

AYE: None (0)

NAY: Mr. Daniels, Mr. Benson, Mr. Bell, Ms. Rousmaniere, Mr. Keebler, Mr. Prytherch (6)

ABS: None (0)

Old Business

There was none.

New Business

There was none.

Other Business/Administrative Approvals

PC-2015-20-ADM Minor Amendment to an Approved Conditional Use, 25 E. Walnut Street Holy Trinity Church Mel Shidler, Applicant

Items Under Consideration for Future Discussion - Commercial District Diversification * Neighborhood compatible commercial districts * Commercial core: walkability and mixture of uses

Adjournment

Mr. Keebler made motion to adjourn the meeting. Mr. Benson seconded the motion. All were in favor. The meeting adjourned at 8:45 p.m.