OXFORD PLANNING COMMISSION

Meeting Minutes
Tuesday, August 14, 2012
7:30 p.m.

Call to Order

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

Those members excused: None.

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

Staff members excused: None.

Conceptual Presentation - New Village Communities, Robert Fiorita, Former Wal-Mart Site

Mr. Chen provided a brief history of the former Wal-Mart site, located at 419 S. Locust Street. In 2007, a developer had received Planning Commission and City Council approval for a Preliminary Planned Unit Development; in 2008 Mr. Robert Fiorita from New Village Communities took over the development of this property. Mr. Chen stated further that not until this year did Mr. Fiorita feel the timing was right to continue with the development. Mr. Chen stated that Mr. Fiorita wanted to make sure that any potential changes, including the Lane Public Library as a possible tenant to the original approved Plan would be okay with the Planning Commission. Mr. Fiorita was present at this meeting to ask for the Commission's input. Mr. Chen reiterated that this concept presentation was nothing more than dialogue between the Planning Commission and the Applicant; it was not a motion to vote on anything.

Mr. Prytherch added that Mr. Fiorita was present with the newest design for the Planning Commission to determine if they felt it remained within the parameters of the original approved Plan.

Mr. Fiorita referred to previous conversations with several City Staff discussing the vision for the development and that one of the major components was the commercial space and how to attract potential tenants. Mr. Fiorita shared different ideas that were discussed and potential uses on the site. Mr. Fiorita continued saying that one of the ideas was to build to the maximum square footage as the design before the Planning Commission at this meeting was 7,400 more square feet than the previous design and still met the parking and open space requirements. This new plan includes putting drive-throughs on buildings located at the front of the development. Mr. Fiorita referred to having met with the Lane Library Board and their architect to discuss the potential of the library relocating to this site as an anchor space. Mr. Fiorita requested a nod from the Planning Commission to say that a library and a drive-through were

conditional uses. Mr. Fiorita described the revised site plan and added that they were not proposing any architectural changes and that they would come back later with color and material palates.

Mr. Fiorita provided comparison drawings of the original development and the new development before the Planning Commission. Mr. Fiorita discussed the traffic pattern, building elevations, exterior drawings. Mr. Fiorita provided other designs they developed that were similar to the design being proposed for Oxford.

Ms. Rousmaniere referred to the 2007 ordinance conditions for the Approved Preliminary Development. Ms. Rousmaniere inquired if any of the conditions were included in the latest design. Mr. Fiorita stated that trees were not, but would show in the Final, as well as a Traffic Study, bike racks to name just a few; these would all have to be addressed in the Final application. Mr. Fiorita suggested that the notion of approving two drive-throughs was probably unlikely, but put it out there.

Ms. Rousmaniere inquired if New Village Communities had thought about developing housing other than student housing. Mr. Fiorita stated they would not be here if it weren't for student housing; the real industry was students. Mr. Fiorita described the high quality materials, the amenities and common areas they would provide. Mr. Fiorita stated their housing would be the nicest nearest to the University. Mr. Fiorita felt their development would be better than anything offered to students. Mr. Fiorita stated that he didn't think that other types of housing economically would work.

Much discussion took place regarding automobile traffic mixed with pedestrians, possible traffic congestion, issues with entrances to the parking areas of the housing complex. Mr. Fiorita acknowledged they would have to produce a traffic study for this development.

Mr. Keebler inquired if a library was a conditional use. Mr. Chen stated yes. Mr. Keebler continued stating that it appeared the architectural scheme was the same. Mr. Keebler felt that any problems going forward may be with the drive-throughs. Mr. Keebler stated the goal was trying to make the space more pedestrian friendly and less transportation-oriented and that when you start throwing in drive-throughs that there potentially could be a lot more traffic moving through the development. Mr. Keebler added that he was not sure the City wants the development to become a fast food row. Mr. Keebler felt that two drive-throughs was probably a stretch. Mr. Keebler inquired if the parking requirement was satisfied. Mr. Chen stated yes.

Mr. Daniels inquired if pre-ordered food, ready for pick-up at the door, was considered a drive-through. Mr. Daniels inquired if there was a different definition for this.

Mr. Prytherch felt that redeveloping this site was a good thing as this was a core district for the City, and that the Planning Commission needed to get it right.

Mr. Prytherch felt the design was made more auto-centric and that they hadn't ramped up the pedestrian flow. Mr. Prytherch inquired how to make a drive-through safe for pedestrians and asked that Mr. Fiorita think about, including pedestrian connectivity on and through the site;

how the pedestrian would cut through the site to get to Kroger or to their home; tweak sidewalks/cross walks/drive-throughs. Mr. Prytherch stated he loved the architectural design, but inquired how they would deal with branding (Chili's, etc.) Mr. Fiorita stated he would come back with a color palate.

Mr. Keebler inquired about the number of beds. Mr. Fiorita stated 272 total beds.

Mr. Wong felt that the civic component of the library was really compelling. Mr. Wong inquired what plan he would revert to if the library did not come. Mr. Fiorita stated there would probably be a design similar to the first initial plan.

Mr. McHugh agreed the library was a conditional use and that there was no question it was a cultural use.

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

Mr. Daniels made motion to approve the July 10, 2012 minutes as written. Ms. Rousmaniere seconded the motion. The minutes were approved.

Public Comments Related to Items Not on the Agenda

Kathleen Zien, 6060 Joseph Drive, stated that in her mind a concept plan was free information that came at an appropriate time during normal channels. Ms. Zien felt that the Applicant was getting in through the back door. Ms. Zien felt that some of the discussion tonight could have been done at the City Building. Ms. Zien referenced to Mr. Hurston as being the only Planning Commission member serving in 2007 when this plan was first presented and that for everyone else this was new information. Ms. Zien inquired how, five years out, when first presented and approved, that it could continue as an approved Preliminary Plan. Ms. Zien felt Mr. Fiorita was naive in thinking that corporate restaurants would go along with Oxford's selected color palates.

Ms. Zien stated it was the cheaters way out.

Mr. Prytherch acknowledged Ms. Zien's comment regarding the approved Preliminary Plan, but added that there is no expiration date on an approved Preliminary Plan.

Mr. Keebler was angered by Ms. Zien's suggestion that this was the cheaters way out and was offended by her comments. Mr. Keebler explained that this was how the Planning Commission has instructed City Staff to handle and the way the Planning Commission prefers to engage dialogue with the applicant.

Reports from Commissions, Boards, Committees & Staff

Mr. Perry announced a September 14, 2012 seminar conducted by the Hamilton County Regional Planning Commission. Mr. Perry stated that he and Bob Benson had attended a previous meeting and that it was very informative and well put together.

Mr. Perry welcomed the Planning Commission to attend future seminars and that he would provide the Planning Commission with information.

Communications - Administrative Approvals

There were none.

Items Related to Platting

There were none.

Items Related to Zoning

PC-08-2012 ZONING CODE TEXT AMENDMENT to amend 1143.06 Multi-Family Residential (R3) District and 1141.03(a) allowing multi-buildings on a R-3 residential zoning lot, 1149.03(e) off-street parking for multi-family dwelling units, City of Oxford, Applicant

Mr. Keebler made motion to enter into Public Hearing PC-08-2012. Mr. Daniels seconded the motion. All were in favor.

Mr. Perry provided some background of the subcommittee formed through the Planning Commission to address zoning nonconformities, specifically in the R-3 District. Mr. Perry stated that the subcommittee included representation from the Planning Commission, City Council, Economic Development, the Environmental Commission and the community. Mr. Perry stated the subcommittee looked at all aspects of the R3 District. The subcommittee first identified major roadblocks and then the more obvious issues and what other cities were doing.

Mr. Perry stated that many sites in the R3 District were non-conforming and that the code was outdated. Mr. Perry reviewed recommendations made by the subcommittee which included lessening non-conformities in the R3 District and bringing the dimensional requirements more in line with what was typical of multi-family districts. The revised text amendment increased the maximum lot coverage, reduced the parking requirement, standardized the maximum density and minimum parking requirement, added professional offices as a conditional use, incentivized a storm water runoff rate reduction, supported alternative transportation and removed the restriction against more than one principal building on a lot for lots under three acres.

Mr. Perry referred to the earlier work session held before this meeting and the subcommittee review that took place with the Planning Commission. The subcommittee received the Planning Commission's input.

Ms. Kathleen Zien, 6060 Joseph Drive, expressed that she felt it to be a pipedream to think students would use vehicles less and walk more. Ms. Zien described her observation of the ratio of residents to cars in Oxford. Ms. Zien referred to page 16 of the agenda regarding lot coverage and inquired if 35% was typically what was required for certain sizes of properties along with 65% green space. Mr. Perry stated yes. Ms. Zien referenced the August 15, 2012 BZA agenda, 201 E. Chestnut, currently having lot coverage of 72%. Mr. Perry stated the property was pre-existing non-conforming.

Mr. Perry stated he had collaborated with a Miami University architect who felt, however small, that the mindset of students were changing and that they were gaining awareness of the impact of having cars.

Mr. Benson made motion to close Public Hearing PC-08-2012. Mr. Keebler seconded the motion. All were in favor.

The Planning Commission discussed amendments to the zoning code that were discussed during the earlier work session. The amendments were 1143.06(c)(3)B additional verbiage to state "in order to permit more than one principal building per lot"; and 1143.06 strike language (4)B; (4)C becomes (4)B.

Mr. Keebler made motion to approve amendments to 1143.06 R-3 Multi-Family Residential District. Mr. Daniels seconded the motion. All were in favor.

The Planning Commission discussed how to proceed.

Discussion also took place regarding vehicles, parking requirements, and how the Planning Commission would address any future issues in the R3 District or Nonconforming language.

Mr. Daniels felt that as far as he was concerned, parking was the tail wagging the dog. Mr. Daniels continued that the subcommittee established a reasonable parking standard and that it would be up to the landlord to figure out the parking issue. Mr. Daniels, who served on the subcommittee stated that this was the philosophy of the subcommittee and that there would be unintended consequences. Mr. Daniels asked that the Planning Commission keep a reasonable standard. Both Mr. Daniels and Ms. Rousmaniere wished to see this amendment follow through.

All were in agreement that in the future they may need to tweak the language, but overall this was a good product.

Mr. Prytherch thanked the subcommittee for their hard work.

Marvin Hurston moved to approve PC-08-2012 ZONING CODE TEXT AMENDMENT to amend 1143.06 Multi-Family Residential (R3) District and 1141.03(a) allowing multi-buildings on a R-3 residential zoning lot, 1149.03(e) off-street parking for multi-family dwelling units. Richard Daniels seconded. The motion passed with the following roll call:

AYE: David Prytherch, Richard Keebler, Ted Wong, Richard Daniels, Marvin Hurston, Kate Rousmaniere, Robert Benson (7)
NAY: None (0)
ABS: None (0)

PC-09-2012 ZONING CODE TEXT AMENDMENT to create a new Chapter, 1146 Neighborhood Conservation Overlay District (NCD), City of Oxford, Applicant

Mr. Keebler made motion to enter into public Hearing PC-09-2012. Mr. Daniels seconded the motion. All were in favor.

Mr. Chen provided an overview of this case. Mr. Chen stated that this recommendation to create a new overlay district originated from the Housing Advisory Commission. The intent was to allow for property owners to voluntarily create an overlay zone in their own neighborhood, of at least ten land parcels. The overlay zone would increase the likelihood of owner-occupied housing by limiting the number of unrelated persons to two instead of four. Mr. Chen reminded everyone that this was a land-use overlay zone, not an historical or architectural overlay. Mr. Chen stressed that the goal of the overlay zone was to maintain the character of existing neighborhoods which may be primarily owner occupied. It would also provide an avenue for a grass-roots effort of a neighborhood to become formally adopted by the City. Mr. Chen described the process property owners would follow, which included petition and signatures submitted as evidence.

No public comments were received.

Mr. Benson made motion to close Public Hearing PC-09-2012. Mr. Hurston seconded the motion. All were in favor.

Mr Prytherch thanked everyone for helping to create this language, including Jason Reynolds, and the Housing Advisory Commission. Mr. Prytherch referred to the work sessions that took place as well. Mr. Prytherch stated that the wish was to create some stability for someone wishing to purchase a home in the Mile Square that they could expect the house next door to not become a rental.

Mr. Benson felt this language to be pretty inventive writing and felt it was put together very well.

Ms. Rousmaniere referred to 1.03(1)f and if the City had any other historic overlay districts. Ms. Rousmaniere also expressed that she was worried about 1.02(1) language in referencing single family dwellings and unrelated persons occupying a single dwelling unit, i.e., foster children, etc.

Mr. Daniels described which areas would be affected more by this overlay. Mr. Prytherch felt this overlay district would introduce some stability/balance.

Mr. Keebler noted that the City wouldn't force the overlay on anyone.

New Business

There was no new business.

Other Business

There was no other business.

Items Under Consideration for Future Discussion - Short Term: * Nonconforming Section Related to Redevelopment Improvements * 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

These items are still under review.

Adjournment

Mr. Keebler made motion to adjourn the meeting. Mr. Hurston seconded the motion. All were in favor. The meeting was adjourned at 9:15 p.m.