

OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, September 8, 2015
7:30 p.m.

Call to Order

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

Those members excused: Richard Keebler

Staff members present: Sam Perry, Amy Blankenship

Staff members excused: Stephen McHugh, Jung-Han Chen

Mr. Prytherch called the September 8, 2015 Planning Commission meeting to order at 6:52 p.m. Mr. Benson made motion to adjourn to Executive Session Pursuant to Ohio Revised Code Section 121.22(G)(3) to discuss pending litigation. Ms. Rousmaniere seconded the motion. Roll Call:

AYE: Mr. Bell, Mr. Benson, Ms. Rousmaniere, Mr. McCarthy, Mr. Prytherch (5)

NAY: None (0)

ABS: None (0)

Richard Daniels arrived at 7:17 p.m.

Mr. Benson made motion to adjourn from Executive Session. Mr. Bell seconded the motion. Roll Call:

AYE: Mr. Benson, Mr. Bell, Mr. Daniels, Ms. Rousmaniere, Mr. McCarthy, Mr. Prytherch (6)

NAY: None (0)

ABS: None (0)

Mr. Prytherch called the Planning Commission meeting to order at 7:32 p.m.

Approval of Minutes of the August 11, 2015 Planning Commission Meeting

Mr. Daniels made motion to approve the August 11, 2015 meeting minutes as corrected. Mr. Benson seconded the motion. All were in favor. Mr. McCarthy abstained from the discussion for PC-2015-16 minutes.

Mr. McCarthy referred to page 5 of the agenda and the comment that Mr. McHugh suggested getting rid of the rental permit. A short discussion followed. Mr. Prytherch suggested eliminating the sentence entirely. The Planning Commission was in agreement.

Discussion regarding language on page 2 for the zoning map amendment at 5990 Contreras Road, the rental being located above the detached garage. The correct location is above the attached garage. Staff to correct.

Public Comments Related to Items Not on the Agenda

There were none.

Reports from Commissions, Boards, Committees & Staff

Mr. Bell reported that the Environmental Commission discussed the Solid Waste – Tiered/Pay-As-You-Throw (PAYT) Service Contract document, the litter control-reduction-prevention and property

maintenance (vacant lots), and revisions to Codified Ordinance Chapter 935 (Trees, Shrubs and Other Plants).

Mr. Benson reported that the HAPC is sponsoring an Ohio History Connection Building Doctor Clinic including a lecture at LCNB on September 17, 2015. Visits to specific homes or buildings owned by residents to discuss possible restoration and advice would take place on September 18, 2015 for both rural and urban locations.

Mr. Perry reported on the Oxford Recreational Trail progress, including having a first round of drawings and looking at project bids for the coming winter.

Mr. Prytherch offered condolences to Mr. Jung-Han Chen's loss of his mother.

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 (Tabled 8/11/2015 by Applicant)

Mr. Bell made motion to remove from table PC-2015-17 Mr. Benson seconded the motion. All were in favor.

Mr. Benson made motion to enter into Public Hearing PC-2015-17. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Perry reminded everyone of the application having been tabled at the August 11, 2015 Planning Commission meeting.

Mr. Perry referred to several versions of this project received and reviewed, and that before them was an application for a Preliminary Planned Development. Mr. Perry reminded the the Planning Commission that they are to recommend, approve, or deny, and make recommendations to City Council.

Mr. Perry noted that this was a significantly sized property. Mr. Perry provided a PowerPoint overview location map. Mr. Perry described the phases of the developed sites, and discussed the 2014 approved rezoning of the property.

Mr. Perry referred to the recent court mediation. Mr. Perry provided an original and revised site plan that came out of the mediation and noted that there were quite a few more single family lots. Mr. Perry also noted: a significant increase in open space, the development would not all be four bedroom units and that there was a bed limit of 668. Mr. Perry noted there would be vehicular access to the rear, and that open space would be facing the internal area.

Mr. Perry referred to the existing stormwater and that the development would not cause any additional impact.

Ms. Rousmaniere asked for explanation of the street design in the middle of the development. Mr. Perry responded them being linear parking lots. Mr. Perry noted that there hasn't been a determination yet

of what the parking plans was for the other.

Mr. Bell inquired about parking on single lots.

Mr. Prytherch noted that since this was a PUD that this would give the Planning Commission an opportunity to discuss specifics of the design.

Mr. Bell inquired about actual permitted beds. Mr. Perry responded that the review has been as unrelated occupants or an either or situation of permitted for four or a family of unlimited so technically we could have more than 668.

The Planning Commission process was reviewed: review and approve accordingly, Planning Commission makes recommendations, City Council Preliminary Plan approval is valid for two years, City Council Final Plan approval is valid for one year.

Mr. Prytherch asked for a legal explanation of the lawsuit out of this project. Ms. Blankenship stated that the City has an agreed upon litigation, however no development agreement. Description of the mediation process that took place was discussed. Mr. Perry stated that a Preliminary Subdivision Plat was reviewed by the Planning Commission and City Council and was denied in May 2015. The Applicant appealed the denial and the City and the Applicant held court appointed mediation in August 2015 to seek a settlement of the case.

Mr. Travis Vencel, Trinitas Development and Etta Reed, Bayer Becker, were present for discussion. Mr. Vencel and Ms. Reed provided a PowerPoint presentation describing the development. 194 units, 668 maximum beds, 588-602 parking stalls, open space, lot coverage, 22 single family lots with 66 to 88 beds, 108 duplex occupancies and 64 apartments, common recreational space, central green space, and tree preservation areas.

Mr. Vencel provided drawings of their designs and described the parking areas.

Mr. Prytherch inquired about modes of transportation. Mr. Vencel responded that the goal was that less than 50% of beds travel off the site each day and that they anticipate running a shuttle. Mr. Vencel stated that the site was currently on the bus line. Mr. Perry suggested they look into this as the existing development use their own service.

Mr. Bell inquired about bus stops. Mr. Vencel showed two possible locations.

Mr. Prytherch inquired if there were private water services in the development. Ms. Reed stated that they have not worked through all of the details. Mr. Vencel displayed areas that would have private service.

Mr. Prytherch inquired about public points of access.

Ms. Rousmaniere stated that 88-90% of people would have a parking space and inquired why so many since they were promoting buses and bikes. Mr. Vencel responded that they use their cars for other than going to school. Mr. Bell disagreed. Ms. Rousmaniere inquired about having less parking spaces. Mr. Vencel referred to parking spot demand more so than using their cars.

Mr. Perry noted that this application would go to City Council at their September 15, 2015 meeting.

Mr. Benson inquired about the dumpster placement. Discussion followed. Mr. McCarthy inquired if they would be contained. Mr. Vencel stated yes.

Mr. Bell inquired about phasing of the project. Mr. Vencel stated that the intent was to build everything in one phase and that they would begin at the front of the development and work their way back. Mr. McCarthy inquired about the plan for repairing of roads from any construction damage. Mr. Vencel stated that would definitely be taken care of.

Mr. Daniels referred to the lots for single family homes and if any of those drawings were included in their packets. Mr. Daniels inquired if single family homes were built as family units with a bathroom for every bedroom, and if their definition of a rental included one bathroom for every bedroom. Mr. Vencel stated he would have to say yes and that some could be sold individually as they are on their own plotted lot.

Mr. Bell inquired about the placement of duplexes versus single family versus townhomes, and to show where the sloped areas were since we had this conversation earlier.

Mr. Vencel described the layout and reasoning of the placement.

Mr. Benson inquired about the lighting plan. Mr. Vencel stated it was early in the process.

Mr. McCarthy inquired about clubhouse use. Mr. Vencel stated it hadn't been completely designed yet, but most likely a leasing office, recreational area, pool, television or gaming area, and that it would be a multi-use facility. Mr. McCarthy stated he was concerned of it being a convenient store or grocery store.

Mr. Prytherch asked for any public comments.

Kathleen Zien, 6060 Joseph Drive, stated that her discussion would focus on the nature of the application. Ms. Zien referred to the public record of 4-Leaf and Scott Webb who assured everyone that it would not be used for student housing when they came before the Planning Commission to change the zoning of the property and that we should hold the property owner accountable. Ms. Zien referred to the lack of success of Level 27. Ms. Zien noted that honor and honesty counted and inquired why 4-Leaf was not present at these meetings.

Mr. Garrett Gust, Miami University student, voiced concern about the potential traffic and that the Planning Commission take into consideration that the development wasn't necessary.

Mr. Benson made motion to close Public Hearing. Mr. Bell seconded the motion. All were in favor.

Mr. Benson made motion to approve PC-2015-17. Mr. McCarthy seconded the motion. All were in favor.

Mr. Prytherch reviewed what everyone had heard and that now the Planning Commission's job was to place conditions as needed.

Mr. McCarthy inquired about street names. Mr. Vencel stated they tried to theme their developments. Discussion followed.

Mr. McCarthy suggested landscape tree names.

Mr. Bell noted that the Environmental Commission was looking at the approved tree requirements and would like to condition the landscaping follow the forthcoming landscape tree list suggesting that a diversity of tree plantings at time of final plan.

Mr. Bell inquired about at which point of the application process an application was bound to a specific version of the zoning code. Mr. Perry responded at the time of submittal.

Mr. Bell inquired about the main thoroughfares' walking paths and if they would be wider than sidewalk widths; and if sidewalks would be the size of a multi-use path. Mr. Bell inquired if the bus stops followed Butler County transit authority provisions.

Mr. Bell stated that he wanted to see some design on the end units and a condition that the development would be built out in one phase.

Mr. Benson stated that he had an issue with the number of parking spaces and wanted to continue this discussion, and Ms. Rousmaniere agreed. Ms. Rousmaniere referred to Oxford's really small city center and the jammed campus parking. Discussion followed.

Mr. Prytherch inquired if they were incorporating on-street parking. Mr. Vencel stated it was including on-street parking. Discussion followed regarding street widths and decreasing the parking spots. Ms. Reed stated the proposed street widths were one foot wider than City standards (35' is the City requirement; Trinitas offering 36 feet).

Mr. Perry referred to City Council having just passed a maximum parking limit. Mr. Vencel asked that we wait to look at that.

Mr. Prytherch distributed to everyone his conditions of approval for Commission review. Mr. Prytherch's list included was there adequate pedestrian connectivity, the final plan should include a detailed traffic impact analysis; the final plan should include a commitment to maintain the streets as public accessible ways for local and through travel; to provide off-site connections for non-vehicular travel. Discussion on each topic followed.

Mr. Vencel stated that at this stage they couldn't say they could do 5 foot sidewalks to prevent vehicular overhang. Discussion regarding vehicular overhang took place. Mr. Prytherch stated that he liked the idea of installing tree lawns.

Mr. Prytherch inquired about Southpointe Parkway sidewalk widths. Ms. Reed stated that they showed as 5'. Mr. Prytherch stated he wanted to engineer a full safe connection. Mr. Vencel added that they couldn't agree to something on someone else's property.

Mr. Prytherch referred to street C in the site plan that runs from one side of the development over to the other side at Southpointe Parkway.

Mr. Prytherch referred to the traffic impact analysis only addressing one mode of transportation and asked that Trinitas take an active traffic demand approach and have a conversation with BCRTA to mitigate traffic and provide evidence that they are working with them.

Mr. Vencel stated that he was fine with this condition, but couldn't assure it since the project was looking at a 2017 completion date. Mr. Vencel stated he couldn't force a 3rd party to assure.

Mr. Vencel stated that he would notate on the plans that all streets shall be maintained at all times.

Mr. Bell inquired about the stormwater discharge lacking a detention basin. Mr. McCarthy referred to the basin to the south. Mr. Bell inquired if it was large enough for that much asphalt. Ms. Reed stated

the detention basin was and is dry.

Conditions were placed:

Mr. McCarthy made motion that, the Petitioner shall work with City Staff in choosing street names similar to those in the Mile Square, preferably traditional tree names. Mr. Bell seconded the motion. All were in favor.

Mr. McCarthy made motion that, a secondary means of emergency ingress/egress, as recommended by the City Fire Chief, be considered. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Prytherch made motion that, the Petitioner will work with City Staff, BCRTA and adjacent property owners to provide regular, year-round public transit. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. McCarthy made motion that, the Petitioner will design end units to include windows on all sides of buildings facing streets. Mr. Daniels seconded the motion. All were in favor.

Ms. Rousmaniere made motion that, the Petitioner will work with the City to ensure pedestrian connectivity through the maintenance of a minimum unobstructed 5 foot sidewalk clearance where technically feasible throughout the entire development, and installation of a multi-use path along the southern side of Southpointe Parkway. Additionally, that all the sidewalks and multi-use paths be completed concurrent with adjacent building occupancy as well as bonded as public improvements. Mr. Prytherch seconded the motion. All were in favor.

Ms. Rousmaniere made motion that, the Petitioner will work with City Staff regarding multi-family parking maximums to reduce the number of parking spaces in their Final Plan design, below the maximums specified in City of Oxford ordinance. Mr. Prytherch seconded the motion. All were in favor.

Mr. Prytherch made motion that, the Final Plan shall provide a traffic impact study -- including a Transportation Demand Management evaluation and implementation plan -- for all modes of transportation to achieve a balanced mode split that does not rely primarily on single occupancy vehicular trips. Mr. Bell seconded the motion. All were in favor.

Mr. Benson made motion that, the Final Plan shall include a commitment to maintain the private streets within the development as publicly-accessible ways for local and through travel. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Prytherch made motion that, the Petitioner shall coordinate with the City of Oxford to ensure safe off-site connectivity for non-motorized transportation to US 27 be provided, including installation of either a multi-use path or a bicycle lane along Southpointe Parkway. Mr. Bell seconded the motion. All were in favor.

Mr. Bell made motion that, the Petitioner will work with City Staff to install a variety of tree species, found in the most recent approved City tree list. Mr. McCarthy seconded the motion. All were in favor.

Mr. Benson made motion that, the Petitioner will address all City Engineer comments found on pages 16-17 of the Planning Commission Agenda of September 8, 2015. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. McCarthy made motion that, the 22 single family lots must be built in conjunction with the first 60% of the development that takes place. Mr. Bell seconded the motion. All were in favor.

Mr. McCarthy discussed light heights. Mr. Perry expressed concern of choice of light fixtures. Mr. McCarthy stated that he wanted to make sure that lights are discussed during the final development plan.

Discussion took place regarding phasing of the site.

Mr. McCarthy made motion that the 22 single family lots must be built in conjunction with the first 60% of the development that takes place. Mr. Bell seconded the motion. All were in favor.

Sidewalk construction was discussed. Mr. Perry discussed bonding of the sidewalks or as a condition that they will be constructed prior to occupancy. Mr. Benson made motion that the sidewalks will be constructed prior to occupancy. Mr. Bell seconded the motion. All were in favor.

The Decision Standards were reviewed.

Mr. McCarthy inquired what percentage of Decision Standards they had to meet. Ms. Blankenship stated that they did not need to meet all of them, but that they were general standards for them to consider. Mr. Daniels referred to the statement in the code which says "All planned developments shall satisfy the general decision standards" and to him "shall" implies they have to meet 100%.

Mr. McCarthy inquired if the City sewer plant was okay for this development. Mr. Vencel stated that they would provide a letter stating that there was adequate service.

It was noted that the conditions would go along with the approval. Should the Planning Commission not approve the application, the recommendation would go forward to not approve.

1. The proposed planned development is in fact permitted in the zoning districts in which it is proposed. YES
2. If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. NA
3. The uses and site plan will satisfy the general intent of this Zoning Code. NO 5 YES 1
4. The uses and site plan will be compatible with the general intent of the Comprehensive Plan. NO 4 YES 1
5. The size and shape of the site are sufficient for the proposed planned development. YES
6. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. YES
7. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions. YES
8. Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. YES
9. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately. YES
10. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. YES
11. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not

change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district. YES

12. The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. YES

13. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. YES

Final comments were made by the Planning Commission; Ms. Rousmaniere referred to the promises made by the Applicant for when the land was rezoned and that promises are cheap and that they can be assured that she won't take someone's promise next time. Ms. Rousmaniere also stated that she would be advocating a study to revise the zoning code as her representation on City Council.

Mr. Prytherch shared his feelings about how this development evolved and the feeling of having a gun to his head to approve the development.

Mr. McCarthy called the question.

Mr. McCarthy made motion to approve PC-2015-17 with conditions as listed. Ms. Rousmaniere seconded the motion.

Roll Call:

AYE: Mr. McCarthy, Mr. Benson, Ms. Rousmaniere, Mr. Prytherch (4)

NAY: Mr. Bell, Mr. Daniels (2)

ABS: None (0)

Old Business

There was none.

New Business

Mr. McCarthy expressed concern about communications via email and sharing of those emails.

Discussion followed.

Mr. Perry stated he felt all emails should be printed out and shared. Mr. Perry suggested needing a legal counsel professional opinion about this and that the Planning Commission should not have a different opinion than the BZA.

Other Business

Administrative Approvals

PC-2015-21 -ADM MINOR AMENDMENT TO AN APPROVED FINAL PLANNED DEVELOPMENT, 419 S. Locust Street (Former Wal-Mart Site) 11.704 acres, mixed use, Etta Reed, Agent

Mr. Perry provided a brief explanation of this minor amendment.

Items Under Consideration for Future Discussion - Commercial District Diversification *

Neighborhood compatible commercial districts * Commercial core: walkability and mixture of uses

Adjournment

Mr. Prytherch made motion to adjourn the meeting. Ms. Rousmaniere seconded the motion. All were in favor. The meeting adjourned at 10:10 p.m.