

OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, December 10, 2019
7:00 p.m.

Call to Order

Those members present: Richard Daniels, William Snavelly, Shana Rosenberg, Carla Blackmar, Corey Watt, and Jason Bracken.

Those members excused: None.

Staff members present: Sam Perry, and Zachary Moore.

Staff members excused: Chris Conard.

Adjourn to Executive Session – Officer & Board Appointments

Mr. Watt made motion to enter into Executive Session. Ms. Rosenberg seconded the motion. All were in favor.

Mr. Watt made motion to adjourn from Executive Session. Mr. Bracken seconded the motion. All were in favor.

Approval of the Minutes of November 12, 2019

Mr. Watt 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 none.

Reports from Commissions, Boards, Committees & Staff

Mr. Daniels made motion to appoint Mr. Jason Bracken to the Environmental Commission. All were in favor.

Mr. Daniels made motion to continue the appointment of Corey Watt to the Historic and Architectural Preservation Commission. All were in favor.

Mr. Watt reported on the HAPC stating that this was the second time discussing the Rodbro site located at the corner of High Street and College Avenue. Mr. Watt stated that the HAPC were also continuing conversation regarding backlit, externally lit signage and properties for historic consideration outside of the Uptown Historic District.

Mr. Daniels reported that the CIC was working on updating their strategic planning. The CIC received a good audit from the State and the Finance Director sent out a copy.

Ms. Rosenberg reported on the HAC and their work on prioritizing and possibly inclusionary zoning may be coming before the Planning Commission.

Ms. Blackmar reported on the Environmental Commission and the University Public Service Project, and Municipal Greenhouse Gas Inventory. Having signed onto the Global Covenant, the upcoming task is community-wide greenhouse gas emissions. They are making it manageable, together with the City Manager's office and Jessica Greene. There is a public participation component - climate action task force; also talked about limiting styrofoam; also, tree ordinance preservation.

Mr. Snavelly reported that City Council had ordered legislation on the unsolicited advertising circulars, modeling the legislation after Upper Arlington and Hamilton. Mr. Snavelly stated that the task

may go to the Environmental Commission.

Ms. Blackmar reported that the AFO summary will be brought to City Council at their next meeting, which is a plan for housing for all ages and incomes. Will be a great process to come up with some goals.

Items Related to Zoning

PC-2019-24, FINAL PLANNED DEVELOPMENT AMENDMENT, 5990 Contreras Road, Scott Webb, Applicant

Mr. Watt made motion to enter into public hearing PC-2019-24.

Mr. Perry reported that the application comes from Scott Webb on behalf of Peter and Connie McCarthy, who are owners of property at 5990 Contreras Road. The lot is one acre in size. This request is to amend the previously approved 2018 Final Planned Development from a three-family dwelling or two-family with office, to a revised plan for a five suite short-term rental. Mr. Perry reported that the two dwelling units would remain but the short term rental use had not been previously approved. The potential for an office use would be eliminated with this revision. In addition to the new short-term rental use, the second request was also to allow the sub-division of land within the 1-acre Planned Development boundary for a future potential separate home lot. This approval would allow for the creativity and essentially rezoning of a portion of the City, a miniature plan for one property. Mr. Perry shared a street view photo of the property. Mr. Perry noted the property received an historic marker from the Historic Marker Program in 2011. Mr. Perry displayed an aerial map. Mr. Perry shared a survey map showing the proposed split of the property. The property is not split at this time. Mr. Perry showed a location map with building footprints. Mr. Perry showed the previous site plan from the prior approval when the owner was looking for a buyer at the time. The current home is planned to be retained and preserved. The building footprint was displayed along with the existing garage. It was noted that a driveway goes between the areas, and that there was not a plan to build a separate driveway. Mr. Perry showed a zoning map of the area.

Mr. Watt inquired about the difference between R-1A and R-1B districts. Mr. Perry clarified the different lot sizes, and that both districts allowed for single-family. Mr. Perry showed a floor plan submitted by the applicant. Mr. Snavely asked Mr. Perry to point out where the 5 suites were located. Mr. Perry showed the Conservation and Development Map from the Comprehensive Plan, stating it did not show any change for this area just that is "developed." Mr. Perry showed the Character Area Map, the site is in Neighborhood General 3. The Final Plan previously allowed for either a two unit home with a professional office, or a three unit home. The professional office function would go away completely. Many of the prior conditions are now irrelevant. There have not been any complaints registered with the Community Development Department. The splitting of the lot could potentially be a concern because codes and regulations do change over time. A 2-year timeframe was recommended for this. The Fire Chief did not have any comments on this proposal.

Mr. Snavely asked whether the property currently had a long-term rental permit, Mr. Perry replied yes and said it was inspected every two years. Mr. Perry provided an overview of the three recommended conditions. Mr. Bracken asked whether the dwelling could go back to a 2- or 3-family dwelling. Mr. Perry responded that the PUD may need to be voided. Mr. Watt asked about the zoning request history.

Mr. Scott Webb was present and representing the applicant. Mr. Webb stated that prior approvals were all about finding a use for the huge historic house on this property. The apartment over the garage in the back made it a two-family, non-conforming. All applications have been toward the goal of saving the house. It is on the Historic Register, turning it into something beautiful. There have been a number of past approvals, and turning it into an office would require quite a bit of destruction, so this may be the best use. Mr. Webb pointed out the context within vicinity of the site. The lot split would be conforming to R-

1B standards. Planned Development encourages creative and flexible land development. The proposal now is to abandon the commercial use entirely, create a 5-suite short-term rental and to split the lot. Mr. Webb gave an overview of the approved conditions from Ordinance #3334. Applicant is amenable to staff's conditions.

Mr. Snively called upon members of the public to speak: Ms. Kathleen Zien, 6060 Joseph Drive, spoke. Ms. Zien stated that this was not an amendment change, but a whole new ball game. This is not an amendment to last year's final PUD. It should be a whole new application. This property is being dragged back into review again and again. The end of the line was supposed to have been the end of 2019. To Ms. Zien, it is not a barrier zone, but a keystone corner. This house is much closer to single-family owner-occupied to be compared to Lynn Avenue businesses (Arby's). Ms. Zien shared property information: 5990 Contreras is on the Airbnb website. The argument that it is close enough to commercial use is a flawed argument. Ms. Zien pointed out the turnover on the Planning Commission and staff turnover since the initial submittal.

Mr. Steve Sullivan expressed his concern for the general quality of life - no more adventures coming out of the house than coming out of any stereotypical house in the neighborhood. It seems the driveway needs to be regulated as a common driveway. It does seem like enough space. Coming from Chicago, that's a common solution. It appears that the request is to divide the lot into two, and then build something and then retain the garage space. While, maintaining the overall architectural feel and space feel of a neighborhood home. Mr. Snively confirmed that a single-family home would be all that would be permitted on the new lot. Mr. Sullivan generally supported the idea.

Mr. Watt made motion to adjourn from public hearing. Ms. Blackmar seconded the motion. All were in favor.

Mr. Snively asked about the question concerning an amendment vs. a whole new proposal as this is not a typical application because there is no new construction proposed. Staff was faced with the question of whether this was an administrative, minor amendment, or completely new application. Mr. Perry felt this fit within the parameters from past precedent. It's not uncommon for the City to require an easement to be recorded to be encumbered to the adjacent property, and the benefit is publicly known. It could have a separate driveway.

Ms. Rosenberg asked about the STR legislation, and how that would impact this approval. Mr. Perry reported that the STR use becomes a legal non-conformity. Working on legislation that could allow STR's as conditional uses – which follows the same process as Planned Developments. Mr. Watt voiced his opinion that he believed this is spot rezoning. Mr. Watt stated that he was also nervous about sending a recommendation to Council and having it mothballed, while we are still kind of in limbo on establishing STR legislation. Mr. Watt stated this was a big difference from what he saw a year ago. Appreciate that staff brought it back to Planning board, but still felt some discomfort. Biggest concerns are the lot split and the out of sequence legislation. Ms. Rosenberg stressed that this is a very unique lot. Ms. Rosenberg stated that she felt that this was a really great reuse of an historic property. And she would really like to see the house not get worn down or torn down. If this is what it takes to maintain the property, then so be it.

Mr. Watt stressed that we should look beyond just the building. There's rules, reasons, and processes for a reason. Mr. Daniels, inquired it is a Planned Development currently 1 acre. It's a Planned Development consisting of 2 lots on 1 acre. Mr. Perry mentioned that there are different ownerships at Bishop Square. Mr. Snively said a major subdivision with 100 owners could also be a Planned Development.

Ms. Blackmar asked about the process to split off the lot. Mr. Perry replied it is an administrative process

that required Planning Representatives signing-off. She felt it was an adaptive reuse. Pleased about the possibility of preservation of this house. Mr. Perry clarified that having an existing STR use on the site at present would not grandfather it in should legislation be adopted later. Ms. Blackmar felt this was a solid adaptive reuse.

Mr. Snavelly said he understood Ms. Zien's frustration, since it has come back so many times. He felt getting rid of the office use was an advantage. The main concern is maintaining this structure, as it's been an icon. It would be great if a family came to live there, but they haven't. Mr. Snavelly felt this was a good alternative for business and professional office space. Mr. Watt felt it was creeping too closely to being a hotel. Mr. Snavelly felt it was set up really well for a STR. Mr. Watt said there is precedent for how the Planning Commission and City Council handles something. Ms. Rosenberg again stressed the uniqueness of the property, and didn't feel it was a precedent. Mr. Snavelly asked whether the property was part of a Neighborhood Overlay – Mr. Perry replied no. Mr. Perry addressed driveway saying that it was not unusual for the City to require it become recorded; and, there is not a mandate that there be one curbcut at the driveway.

Ms. Rosenberg made motion to approve PC-2019-24 with staff conditions. Mr. Daniels seconded the motion. Mr. Snavelly went through the 13 decision standards.

Staff conditions:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The separate lot shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and copy provided to the City Engineer.

AYE: Ms. Blackmar, Ms. Rosenberg, Mr. Daniels, Mr. Bracken, Mr, Snavelly (5)

NAY: Mr. Watt (1)

ABS: None (0)

Concept Review

4210 Millville Oxford Road, Purpose Built Airbnb, Scott Webb, Architect

Mr. Webb reviewed this Airbnb proposal, with the plan of purchasing property on US 27 south. Mr. Webb showed a zoning and context map with the location of the property highlighted. Currently the property is zoned R-1A single-family. Mr. Webb continued that the idea is to create four hotel-sized stacked suites, having no common kitchen or common areas. Mr. Webb continued, that in conversations with City staff, a Planned Development seemed like the best way to address this project. Planned Developments require one acre, which this site is not that size. The Planning Commission does have the ability to waive lot size requirements, since it is dimensional. Mr. Webb referred to the equipment in the corner that belongs to Duke, and that there is an access easement that goes back to that. The site is currently owned by Glenwood Energy.

Mr. Webb stated it was a small lot and has a really small footprint for the building. The equipment would not be going anywhere. Planned Developments add extra requirements to the project, including a 25-foot setback area. Only four parking spaces would be required, and hidden behind the building.

Mr. Snavelly felt that this was fraught with difficulties. It's not an R-1 District use because there are four units; but really an R-4 District use. It would require the Planning Commission to spot zone it. Mr.

Snively inquired if you could do a PUD there. Mr. Snively stated that he saw arguments for it and against it. Mr. Webb stressed the reason for the Planned Development was not to “get around the zoning code” but to bring forward a residential proposal with extra considerations to Planning and Council. Mr. Watt felt it was a really cool concept, and innovative, and shares the one acre concern. Mr. Webb stated the applicant has a letter of agency from Glenwood. Mr. Snively felt this really was a four-unit hotel, and completely surrounded by residential. Ms. Rosenberg felt there wasn’t good direction on short-term rentals (STR) at the moment and that a lot of people were trying to prevent turnover from potential residential use over to a short-term rental. Ms. Rosenberg stated that she felt weird about a concept without kitchens – yes, it is a four-unit hotel, and it cannot become something else once it’s built. Mr. Daniels asked about ADA requirements for short-term rentals. Mr. Daniels asked whether there was another STR like the one just approved elsewhere in the City. Mr. Perry responded no. Mr. Watt asked for the potential for a common kitchen or kitchens for the units. Mr. Webb suggested that a four-bedroom house could be built and then used as a STR. He stressed that we have to abide by the regulations as they are currently written (as the cards are dealt), not how they might be in the future.

New Business

There was none.

Old Business

There was none.

Adjournment

Ms. Rosenberg made motion to adjourn meeting. Mr. Daniels seconded the motion. All were in favor. The meeting was adjourned at 8:30 p.m.