

OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, March 9, 2021
7:00 p.m.

Call to Order

Those members present: Jason Bracken, Corey Watt, Shana Rosenberg, Steve Dana, Carla Blackmar, Richard Keebler, and David Prytherch.

Those members excused: None.

Staff members present: Sam Perry, Zachary Moore, and Chris Conard.

Staff members excused: None.

Approval of Agenda

Mr. Perry suggested the re-ordering of the agenda to move PC-2020-18, which was tabled at the February 9, 2021 meeting, under Old Business and ahead of New Business.

Mr. Keebler made motion to approve the rearrangement of the agenda. Mr. Dana seconded the motion. All were in favor.

Discussion took place regarding protocol of agenda items for discussion.

Approval of Minutes for February 9, 2021

Mr. Dana made motion to approve the minutes as written. Ms. Rosenberg seconded the motion. All were in favor showing a hand raised vote.

Public Comments Related to Items Not on the Agenda

There was none

Reports from Commissions, Boards, Committees & Staff

Mr. Dana reported on the CIC, stating they were working on sharpening tools available for applicants, including the revolving loan fund.

Mr. Prytherch reported on the status of Planning Commission cases before City Council.

Mr. Bracken reported on the Environmental Commission discussion of greenhouse gases, solar use and becoming a pollination city.

Ms. Rosenberg reported on the HAC who are reviewing their housing study, and have had a work session with council. Ms. Rosenberg reported that incentives for affordable housing was a top goal.

Ms. Blackmar referred to the Oxford Parking and Transportation Committee plans for Amtrak, for a potential stop in Oxford, Oxford Area Trail planning, and the ongoing issue with snow removal.

Mr. Watt, referred to an upcoming HAPC meeting and their plan to meet Mr. Spurlock, who is the Smith Library replacement for Valerie Elliott. There will also be updates on the Freedom Summer access, HAPC Decision/Design Standards and historical plaques.

Mr. Perry stated he attended OKI and discussed funding applications for the OATS trail project continuation. Mr. Perry also announced work on the Comprehensive Plan update and potential steering committee members, including boards and commissions representation input.

Old Business

PC-2020-18, PRELIMINARY SUBDIVISION, 1983 Lake Forest Drive, 17.97 Acres, 21 single family lots, 4 Leaf Development LLC Applicant, (Tabled 2/9/2021)

Mr. Prytherch made motion to remove from table, PC-2020-18, Old Business. Ms. Blackmar seconded the motion. All were in favor with a raised hand vote.

Mr. Moore provided a brief recap of last month's meeting discussion stating that five topics were identified.

- Reviewed the opposition to a stub street by the applicant and nearby neighboring property owners. Mr. Moore explained staff reasoning for having a one stub road. A suitable staff alternative was shared by Mr. Moore as well.
- Providing a buffer along the eastern edge property line. Mr. Moore noted that concerns from neighboring properties were heard. Mr. Moore reviewed staff suggestions of wanting to protect as much vegetation as possible, which was discussed with the applicant. Conservation deed restrictions would be considered as a private covenant. The applicant had agreed to only a 30' rear yard setback width; however, staff preferred 40' setback. Regarding steeper slopes on the northern edge of the site, update this to 80'. The tree survey component still remains and the question can we release them from this component? Mr. Moore stated that more discussion was needed. Mr. Moore discussed landscape screening without an HOA in place. Mr. Moore discussed Lot 16, should it not be built on, who would the responsibility of mowing grass fall upon without an HOA? Mr. Moore discussed maneuvering of other lot locations. Mr. Moore noted that the applicant volunteered to install additional screening vegetation along US 27.
- Maintenance of the retention ponds. Mr. Moore reported that the applicant proposes pond maintenance responsibility be only with the Lot 16 and Lot 20 owners. Staff suggested all residents of the subdivision be responsible. Mr. Moore referred to the original condition #4, which was an engineering condition, that the matter be resolved accordingly.

Mr. Dana referred to the minutes of the previous meeting on page 10, and the HOA, and inquired who has the power to mandate the creation of an HOA. Mr. Dana continued that the minutes stated that Mr. Perry stated it was in Planning's purview to require an HOA. Mr. Perry responded that staff's concern is if there is something in common benefiting all property owners (ex: retention pond) maintenance should be spread out, and not make the city responsible for its upkeep. And, that is correct that it is within Planning's purview.

Mr. Prytherch suggested that the idea of having others' responsible for maintenance in some way other than an HOA could be worked out with the applicant.

Mr. Bracken inquired about creating a stub road and the other issues of an easement. Mr. Keebler stated he was surprised by the discussion about a potential stub street as he thought at the last meeting it was decided that the location would be up at the east end behind Lot 1, which was an ideal place to put in a street - not in the middle of the subdivision.

Ms. Etta Reed, Bayer Becker, was present and spoke on behalf of 4 Leaf Development requesting Planning Commission's recommendation for the approval of the Preliminary Plat for South Forest Edge. Ms. Reed stated that as presented at the last Planning Commission meeting, 4 Leaf Development is

proposing a by-right subdivision consisting of 21 single family residential lots, which exceed the minimum lot dimensional requirements of the R-2A zoning district and is significantly under the maximum # of lots permitted. This was their choice, as they desire to develop residential lots which are currently not available in the City of Oxford – that is 20,000 SF minimum wooded lots. During the previous Planning Commission meeting and follow up discussions with staff, it was their opinion that this was not being recognized as a by-right development and is being held to more stringent standards, similar to a Planned Unit Development.

Ms. Reed stated they have had the opportunity to review the latest City staff memo.

Ms. Reed stressed that 4 Leaf Development could develop 109 single family residential lots on this piece of property; however, their request is for approval to construct 21 lots, or less than 20% of the allowable permitted density. Staff is asking of the applicant to do the following: Provide for a public street stub to the east to property located outside the City limits, which a) does not have public sewer, and more importantly, b) the adjacent property owners have indicated they do not want. Staff then provided the Applicant three options to address this matter: partial street stub and paper street, a paper street only, or no stub or paper street. The City prefers a partial street stub and paper street, while the Applicant prefers no stub or paper street. Ms. Reed explained why they opposed the first two options.

The second item being asked of the applicant was to encumber 15 lots with a conservation/tree preservation easement which would limit what the future homeowner can do with their property. Ms. Reed referred to the original staff report providing four options to achieve compliance with the Tree Preservation ordinance, where staff recommended the option to defer the tree survey to the building permit stage. At that time the Applicant and Bayer Becker agreed with the staff recommendation. As discussed, the placement of the home on each lot would be determined by the builder and the homeowner working together to site the home on the lot to maximize views, privacy and more importantly the protection of specific trees. It was their understanding that agreeing to this would make them in compliance with the tree preservation ordinance.

In regards to a buffer requirement being provided along the east boundary line, Ms. Reed stated that this was an extremely subjective requirement, as a buffer between an R-2A and Agriculture zone land is not required in the City of Oxford Zoning Code and that they were not in agreement to this request. However, they have reconsidered and would be agreeable to placing a 30 foot conservation easement along the eastern rear property line of Lots 2 through 11 only, to address the buffer concern. Ms. Reed noted that the adjacent property to the east currently has a vegetated buffer of approximately 30-50 feet on their property. Assuming they retain their buffer, this would provide Mr. Schulte and Ms. Burger with a buffer in excess of 60 feet. Ms. Reed continued that the conservation easement would restrict the construction of improvements within the easement and would allow the removal of vegetation under 10' in diameter.

Ms. Reed stated they were not agreeable to placing a conservation easement along the north side of Lots 1 and 2, or along the south side of Lots 11-15, as proposed by staff in their recent memo. Therefore, the request from staff exceeds the requirements of the tree preservation ordinance.

The next item addressed by Ms. Reed, was staff asking they construct a landscape buffer along Lake Forest Drive to screen the rear yards of Lots 17-21. Ms. Reed stated that street trees would be provided along Lake Forest Drive which would provide a visual screen and in referring to Section 410(B) of the Subdivision Regulations the proposed lot configuration met the intent of the code.

The next item that staff is asking of 4 Leaf Development is that they eliminate Lot 16 or place it behind Lot 15, based on their feeling that Lot 16 seems detached from the rest of the lots and is the entry to the

development. Ms. Reed's response was that this was a subjective restriction. Ms. Reed described the 2.17 acre lot, which exceeded the lot size requirement for an R-2A district and met all the setback requirements. Ms. Reed noted that by placing Lot 16 behind Lot 15 you would negatively impact the privacy of both lots. Ms. Reed did state that 4 Leaf Development would be agreeable to supplement the existing vegetation along US 27 to provide a buffer for the home and increasing the front yard setback to 100' off the centerline of both US 27 and Lake Forest Drive to match the setback for the existing homes on US 27.

The last item was to provide proof of adequate funding for the maintenance of the retention basins. The applicant proposes that the owners of Lot 16 and 21 providing a covenant and restriction on the record plat, would be responsible for the maintenance and upkeep of the retention basins (which is minimal, keeping the structures free of debris), not to require that other residents of the subdivision contribute financially to the maintenance of the retention basis, as this could imply that they are able to use and enjoy the amenity, when in reality they are located on private property and not for everyone to use.

Ms. Reed asked that the Planning Commission agree they have made some concessions, and to forward a recommendation for approval to City Council.

Public comments were received. Mr. Jacob Schulte, 3898 Woodruff Road, thanked staff and the Planning Commission. Mr. Schulte stated that a natural buffer would create privacy and he wanted to see that addressed. Mr. Schulte noted that stating buffers were 50'-60', was incorrect as most parts of the lot at the border was mowed and maintained up to the property line.

There were no questions for Ms. Reed. Mr. Watt stated that for the record, staff recommendations were not binding to the Planning Commission. Mr. Prytherch, in response to Ms. Reed's comment likening this to a PUD process, mentioned that ultimately Planning Commission must decide whether this subdivision meets the standards set out in the Code, and conditions can still be made even though it is by-right. Mr. Keebler reminded the Planning Commission they have to look at the alternatives as the owner of the property could put 10 times more homes in this development, and asked just how far you want to try and take it. We have created a tree ordinance and now staff wants more. Mr. Keebler reminded everyone that we haven't seen anything the applicant hasn't complied with except the stub street, and its location doesn't make much sense. Mr. Keebler continued that there was a need to approve with the things that have been agreed to. Mr. Keebler continued that we have to be concerned with retention ponds and put into place a covenant. Mr. Keebler again reminded everyone to look at the alternative. Mr. Dana requested Mr. Moore explain the 40' buffer and why preferable over the 30'. Mr. Moore provided his reasoning based on the sample tree exhibit provided by the applicant for Lot 9.

Mr. Dana referred to the location of the stub street concern. Mr. Moore responded that he didn't recall a discussion that Mr. Keebler referred to.

Mr. Bracken inquired if the waiver would still be needed even with the stub street. Mr. Moore responded yes. Mr. Prytherch suggested resolving the HOA issue first, starting with issue #5 maintenance of retention ponds. Mr. Prytherch responded that the private maintenance of these facilities was crazy; they need maintained by some sort of entity, which is discussed in our code. Mr. Dana stated there was a need to resolve this issue which would resolve other issues listed. Mr. Watt inquired if there was a difference between covenants and HOA's? Mr. Mazer explained and referred to Section 411 which requires some sort of entity. Ms. Reed responded that they were opposed to an HOA but were willing to meet the requirement in some other way and would work with the Service Department and Law Director to meet Section 411 and the City code.

In regards to Lot 16, the 100' setbacks, Ms. Reed stated they were agreeable with what Mr. Moore presented. Mr. Prytherch stated he preferred Mr. Moore's Option B and that the driveway is not located right off Lake Forest Drive. Ms. Reed said they allowed for additional space which is a natural buffer. Mr. Bracken, in regards to the stub road, there are a couple different options - one stub is a waiver from compliance of a two stub requirement. The options are no stub, modified stub, one stub, or paper street. Ms. Rosenberg stated that she was not in favor of a stub road but understands it is in the Code for connectivity. Ms. Rosenberg stated she compares this development to Stone Creek and wants to respect the Township and neighbors; she doesn't see a stub needing to connect here. Mr. Bracken stated he was agreeable to a stub road and Mr. Dana endorsed what Mr. Bracken said and what the future may hold. Mr. Keebler agreed connectivity was important but doesn't think the proposed location is appropriate. Ms. Rosenberg agreed with Mr. Keebler, just not a stub within the development. Mr. Watt agreed with the observations of Mr. Bracken, and agreed with Mr. Keebler and Ms. Rosenberg. Mr. Bracken stated he personally would forego all stub roads and was more concerned about the 30'-40' buffer. Mr. Prytherch reminded everyone that connectivity didn't just serve vehicles. Mr. Keebler inquired why not having an easement providing connectivity as opposed to a street. Mr. Keebler suggested it could be modeled off what was done at Hunter Woods.

Discussion took place regarding 30' versus 40' buffers. Mr. Prytherch shared his perspective that he would be most comfortable with a 60-foot wide buffer along the edge. In his view, 60 feet was not an arbitrary number, given it would be substantial enough for tree preservation and is also the same width as the street right-of-way that is being punched through the woods. Mr. Prytherch felt a 60 foot easement alone would be sufficient to fulfill the Tree Ordinance, negating the need for tree surveying. Ms. Reed was concerned about a 60 foot distance, asking the Commission to keep it at 30 feet.

Mr. Keebler expressed that he felt Mr. Prytherch was asking too much and the only leverage was the stub street.

The Commission then reviewed possible revisions to the conditions. Following the review and corresponding straw polling, Mr. Keebler made motion to approve PC-2020-18 with conditions. Ms. Rosenberg seconded the motion.

The final list of conditions was as follows:

1. Street lights shall be installed along all public streets in accordance with the Subdivision Regulations, including along the Lake Forest Drive frontage as determined necessary by staff.
2. A 10-foot wide multi-use path shall be constructed along the Lake Forest Drive frontage in-lieu of a sidewalk to the discretion of City staff.
3. Documentation related to stormwater management to ensure the funding of future maintenance/upkeep by all residents of the subdivision, including but not limited to easements, covenants and/or deed restrictions, shall be reviewed and approved by the Service Department and Law Director prior to being recorded on or with the Record Plat. Enforcement of said easements, covenants or restrictions shall not be the responsibility of the City.
4. Street trees shall be planted along the Lake Forest Drive frontage in accordance with City specs.
5. Additional right-of-way shall be dedicated, and a flanking 10-foot utility easement established, along the US 27 frontage consistent with the Oxford Thoroughfare Plan, per City staff's discretion.
6. The Building Permit submission for each lot shall include a Tree Survey, and demonstrate adherence to all other requirements of the City's Tree Ordinance (Oxford Zoning Code Chapter 1148). Furthermore, a 40-foot wide conservation area shall be delineated and established along the eastern and southern boundaries of Lots 2-15 and shown on the record plat with corresponding restriction language to ensure the preservation of existing mature vegetation. No structures or development of any kind shall be permitted within the conservation area.

7. An 80-foot wide conservation area restriction shall also be established along the northern boundary of Lots 1 and 2, observing steeper slopes in this area. No structures or development of any kind shall be permitted within the conservation area.
8. Adequate vehicular and pedestrian accessibility to/from the public street shall be provided for any USPS cluster mailboxes installed for the subdivision, to the discretion of City staff.
9. All utilities, including but not limited to electric and telephone, shall be located underground.
10. Private residential driveways for Lots 1-21, with the exception of Lot 16, are prohibited from accessing US 27 or Lake Forest Drive. Lot 16 shall have its driveway access from Lake Forest Drive, and shall at staff's discretion, align with the cul-de-sac street planned in the Lake Forest Phase 1 Condos project to the north. Furthermore, to provide sufficient spacing from the intersection, the front yard (building) setback shall be positioned such that 100 feet of distance is provided from the centerlines of both US 27 and Lake Forest Drive to the front (building) setback line. Additional screening vegetation shall also be provided along US 27 to shield view of the dwelling.
11. A note alerting builders to high water tables in the area shall be included on the Record Plat.
12. A waiver is hereby granted to **Section 1101.4(404)(D)** to decrease the minimum connectivity index from 1.2 to 0.5, on condition that accessibility/connectivity of some kind be explored and an adequate solution reached between the applicant, City staff, and the Law Director.
13. A waiver is hereby granted to **Section 1101.4(403)** to allow the new public street to be 28 feet wide as opposed to 35 feet wide per the Typical Section in Attachment H, on condition that parking be allowed only on one side of the new street.

AYE: Mr. Bracken, Mr. Prytherch, Ms. Blackmar, Mr. Dana, Mr. Keebler, Ms. Rosenberg, Mr. Watt

NAY: None

ABS: None

New Business

PC-2021-03 LOT SPLIT & CONSOLIDATION, 20 E High Street, 50 E. Park Place, Bayer Becker Surveyor, Part of Lot 41, Part of Lot 43, New Lot 3993, Sigma Chi Foundation

A five minute break was taken at 9:10 p.m. Mr. Watt made motion, Ms. Blackmar seconded the return to the meeting at 9:15 p.m.

Mr. Perry referred to a lot split consolidation at Sigma Chi, and Mr. John Price was present representing the Foundation. A PowerPoint presentation was displayed to familiarize everyone with the area. Mr. Perry reported they were proposing to sell off the rear portion. There are already two parcels and they are wanting to split the southern parcel and combine with the northern parcel, with the result of a split that would make it even more nonconforming. Mr. Perry stated that staff didn't have any concerns for this request as it was essentially a variance on a lot size.

Mr. Price stated that he didn't anticipate any issues. No public comments were received. Ms. Rosenberg made motion to close public comment. Mr. Dana seconded the motion. All were in favor. Mr. Prytherch made motion to approve PC-2021-03. Mr. Keebler seconded the motion.

AYE: Ms. Rousmaniere, Ms. Blackmar, Mr. Prytherch, Mr. Keebler, Mr. Bracken, Mr. Dana, Mr. Watt
(7)

NAY: None (0)

ABS: None (0)

Mr. Watt stated that he would work with Mr. Mazer on the ordering of the agenda.

Administrative Approvals

PC-2021-04 LOT CONSOLIDATION, 211 University, Part of Lot 324, Part of Lot 325, New Lot 3992, Bayer Becker, Surveyor, Tom Kacachos, Applicant

PC-2021-05, MINOR AMENDMENT CONDITIONAL USE, 5046 College Corner Pike, Dairy Queen site renovation, John Odom, Architect

Mr. Perry reported there having been a fair bit of negotiation and staff time working on the Dairy Queen renovation.

Adjournment

Mr. Dana made motion to adjourn the meeting. Ms. Blackmar seconded the motion. All were in favor by a hand raised vote. The meeting was adjourned at 9:35 p.m.