

OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, May 14, 2013
7:30 P.M.

Call to Order

The May 14, 2013 Planning Commission meeting was called to order at 7:30 p.m.

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: Sam Perry.

Approval of Minutes of the April 9, 2013 Planning Commission Meeting

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

Public Comments Related to Items Not on the Agenda

There was none.

Reports from Commissions, Boards, Committees & Staff

Ms. Rousmaniere reported that the Environmental Commission was continuing work on storm water management.

Mr. Chen reported that the Housing Advisory Commission heard a report from a Miami Graduate student regarding affordable housing for seniors and families.

Mr. Benson stated that Holy Trinity Episcopal Church would be coming before the Planning Commission in June for an expansion.

Mr. Prytherch congratulated Mr. Sam Perry on the birth of his child.

Items Related to Platting

There was none.

Items Related to Zoning

PC-08-2013 FINAL PLANNED DEVELOPMENT 419 S. Locust Street (Former Wal-Mart Site) 11.704 acres, mixed use Robert Fiorita, New Village Communities, LLC, Applicant, Agent

A Staff report was provided by Mr. Chen, along with a PowerPoint presentation. Mr. Chen reviewed the approved preliminary planned development from 2007. Mr. Chen discussed the conditions that were stipulated at that time.

Mr. Chen reviewed the changing of developers that occurred after the approved preliminary development and the two concept presentations made before the Planning Commission by Mr. Robert Fiorita, Developer, New Village Communities.

Mr. Chen described the layout of the proposed site. Mr. Chen reminded the Planning Commission that

this final development plan needed to be substantially similar to the approved preliminary plan. Mr. Chen discussed issues he found during his review of PC-08-2013: dumpster locations, lighting intensity, alternative modes of transportation not fully addressed, numbers of trees, trees located within the parking facility, off-street parking, parking lot design issues, and permanent signs. Mr. Chen also felt that the elevations needed clarified. Mr. Chen referred to the Decision Standards which states: Any substantial changes from the preliminary plan improve the plan or were requested by the Planning Commission or City Council as a part of the preliminary plan approval process; if the final plan seeks approval of only a portion of the approved preliminary plan; the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

Mr. Chen also noted that upon review of Ordinance #2958, a few items still have not been addressed - lot consolidations (shows two parcels), and the mounding requirement (there is no mounding shown).

Mr. Chen also referred to the Traffic Impact Study and the Engineering Department review comments which stated that, "the existing traffic signal at the main entrance to the proposed development shall be upgraded to City Standards at the Developer's expense; that, the Traffic Impact Study proposes modifications to the existing traffic patterns on neighboring streets (i.e., stripping, traffic signal timing, etc.). The modifications are acceptable and shall be made at the Developer' expense." Mr. Chen also stated that he wasn't sure of internal traffic markings. Mr. Chen referred to the drive-through's. Mr. Chen referred to two drive-through's along with the Library possibly having one. Mr. Chen inquired if the Planning Commission would like to discuss further. Mr. Chen also inquired if the Planning Commission wanted multiple fast food restaurants on the site.

Mr. Robert Fiorita, New Village Communities, spoke. Mr. Fiorita provided a PowerPoint presentation. Mr. Fiorita reviewed the conditions listed on the 2007 Ordinance #2958 - open space calculations, dumpster locations; surrounding landscape design, mounding and trees; alternative modes of transportation; commercial loading spaces; 35 bike rack spaces; landscaped islands within parking lot areas; certain numbers of trees on the site; ingress/egress of the neighboring apartment complex; parcel consolidation, sidewalk, crosswalk connections at Spring and Locust Streets; and, a curved barrier at Spring Street.

Mr. Fiorita referred to the approved plan design attached to Ordinance #2958 and discussed the negatives of that design. Mr. Fiorita described the new site plan design including the green space, pedestrian walkways, the new library anchoring a part of the space, large outparcels (not for fast food restaurants). Mr. Fiorita described the overall physical look of the site; the front structures being one story in height, middle structures being two-stories in height, and the back structures being three stories in height. All structures shall be of brick, with four-sided architecture and public art within the green space. Mr. Fiorita discussed changes he had made to the plan as a result from his discussion with City staff in the past week: Mounding, added where possible on the south side of the property; Environmental Regulations 1141.04(j) expansion of trash compactor/frequency of pickup; Lighting and glare - fixing lumens; Spring Street sidewalk - including ramp detail/landscaping/guardrail; Pedestrian movement - location of bus stop, including a central bus stop shown on plan; College Avenue trees - two trees along College Avenue; Parking islands; Landscaping - the addition of 25 trees; Signage - change sign drawings to 6' in height from 8' height.

Mr. Fiorita displayed the architectural renderings. Mr. Fiorita described the housing design: open-air, breezeways, patios, furnished. Mr. Fiorita described the clubhouse - 6,000 sq. ft. on main quad/main thoroughfare. Mr. Fiorita announced the hiring of a management company called Asset Campus Housing to manage the rentals along with the managing of the parent room for parents whose children live at the site.

Mr. Fiorita discussed further: Parent room – will be one unit with no kitchen; Sanitary sewer – there will be a cost sharing agreement with the City; S. Locust Street entrance – described in the Traffic Study; Sidewalks/ramps/crosswalks – are on the site plan; Earthen mounds – have been added on to the south side; Existing fencing should stay; however, will need power washed and repaired if needed; Lot consolidation from 12 lots to 2 or 3 lots; Internal circulation pattern – is shown on the plans; Drive through screening – will be landscaped screening; Residential crosswalks – to include cross walk connections/railings; Landscaping requirement - changes have been addressed; Variance for additional free-standing sign - sign changes made, additional free standing sign requested.

Mr. Fiorita described: the addition of benches throughout the site, dumpster locations, mounding, "speed bumps" and loading spaces.

There is an abundance of parking and dumpsters, dispersed throughout the site; have increased the frequency of trash pickup. Mr. Fiorita stated he wasn't aware that there was a code for lumen intensity; it has been fixed and the existing light poles are coming down.

Mr. Fiorita referred to the existing retaining wall from Spring Street. Mr. Fiorita stated that the area would primarily become used for pedestrians and bikes, designed with a raised walkway and 5' wide sidewalks. Mr. Fiorita described the locations of the raised sidewalks/stripping and the pedestrian traffic pattern. Mr. Fiorita referred to Mr. Chen's request to add bus stops within the site. Mr. Fiorita agreed that the bus stop was a great idea and incorporated a bus stop pattern. Mr. Fiorita described the College Avenue entrance which included signage and existing trees and additional trees. Mr. Fiorita stated that he didn't agree with landscaped, raised and curbed islands at every interval of seven parking spaces as he felt the addition of curbed islands would mess up the number of parking spaces and felt that trees could be added elsewhere and be more appealing. Mr. Fiorita described the sign locations. Mr. Fiorita stated that he felt it necessary to have signage at the College Avenue entrance. Mr. Fiorita described the parent room stating it was not for extended stays and did not include a kitchen. Mr. Fiorita reviewed the Final Plan Decision Standards. Mr. Fiorita felt he addressed Staff's concerns. Mr. Fiorita felt he met the desires of the Planning Commission to address the commercial portion of the site.

Mr. Keebler inquired Mr. Fiorita if at this point in time he was not asking for approval of the two outparcels; that he would be coming back before the Planning Commission and right now would only be addressing the size and scope until able to attract commercial tenants. Mr. Fiorita stated that was correct.

Mr. Fiorita described the stages of construction; anticipating the center core, landscaping, etc., developed immediately with the other construction and outparcels later. Mr. Fiorita continued that the library lot would be finished, and that curbing of the outlots and parking spaces would be put in too and grassing of the green space on a temporary basis would take place until the outposts were built.

Mr. Daniels inquired about the parent unit if it was really only one unit. Mr. Fiorita stated yes, that it would be a guest room and parents would have to pay a fee to stay there.

Mr. Prytherch shared that should fast food restaurants want to come in that it wasn't what the Planning Commission envisioned. Mr. Prytherch inquired about the Traffic Impact Study and stated he felt it to be only a vehicular analysis. Mr. Dave Myers from Kleingers and Associates, stated that the traffic study followed traditional guidelines; focusing on vehicular analysis but including pedestrians at crosswalks. Mr. Myers added that all other traffic movement was more of a topic of discussion. Mr. Fiorita described the primary walkways stating that they were all much wider than the standard sidewalks (will be 5.5' to 6' wide).

Mr. Prytherch asked for Public Comment. None was received.

Mr. Keebler made motion to close Public Hearing. Mr. Hurston seconded the motion. All were in favor.

Mr. Prytherch stated this had been a long complex process, beginning in 2007. Mr. Prytherch referred to the Concept Plans' presentations having addressed what the Planning Commission had requested. Mr. Prytherch stated the Planning Commission had three choices: Choice A - is this substantially in conformance with the original approved preliminary plan; Choice B - is it far from the conformance; Choice C - we recommend to City Council with possibly some conditions. Mr. Prytherch stated that yes, the design before the Planning Commission had substantially changed but had made the design better.

Mr. Keebler referred to Mr. Chen's outlining of 12 items that needed addressed and that the Planning Commission needed to assure that they were addressed and if they weren't addressed do they need further review/discussion. Mr. Keebler stated the Planning Commission did have some leeway since they were dealing with a PUD (ex: mounding, parking islands).

Mr. Prytherch inquired the rest of the Planning Commission and their thoughts. All agreed with option C. Mr. Prytherch distributed a list of Mr. Chen's 12 items to the other Planning Commission members.

Mr. Daniels inquired from a Planning Commission perspective, how much of the recommendations have already been met. Mr. Chen stated high 80%. Mr. Keebler stated that it wasn't unusual to leave some details hanging for City Council to discuss.

Mr. Keebler stated that earlier in the meeting he was prepared to Table the case, as he was concerned about the elevations provided in the application being of the old design and didn't match the new design; however, the Applicant's presentation cleared up any issues.

The Planning Commission decided to discuss identified issues item by item:

1. Parent Room - Mr. Prytherch stated he was not agreeable to. Ms. Rousmaniere asked for clarification about the code. Mr. Fiorita stated it was recommended by the housing management company. Mr. Chen stated it was a room without a kitchen. Mr. Keebler stated the room was a minor detail. Mr. Chen stated he had to point the room out because it wasn't described in the plan. All agreed this was not an issue.
2. Off-Site Sanitary Improvements - Mr. Keebler quoted that "the improvements would be made by the City and that a mutual cost sharing agreement would be worked out between the City and the Applicant". All were in agreement.
3. Traffic Ingress-Egress for the Southernmost Entrance - Mr. Prytherch referred to the Traffic Impact Study results and it being essential that the intersection be safe. Mr. Prytherch quoted "that the improvements will include, but not be limited to, a marked crosswalk with pedestrian sheltering connecting the entrance to Wells Mills Drive". Mr. Prytherch stated he was concerned about Wells-Mills and the pedestrian's crossing over. Mr. Benson stated he was concerned as well. Discussion followed. All agreed that it needed addressed before final approval by City Council. Mr. Popescu, City Engineer, spoke in reference to the Wells Mills/Locust Street crossing and noted that a crosswalk was nearby (walking through the driveway in front of TJ Maxx). Mr. Keebler stated a crosswalk needed to be at the intersection and not at the private drive. Mr. Daniels stated he didn't want to hold the Developer responsible for the City's problems and felt that this needed to be reiterated to City Council.
4. Sidewalk along Locust Street - Mr. Prytherch stated that the sidewalk and associated ramps/crosswalks would be aligned with other of-site pedestrian facilities. All agreed.
5. Earthen Mounds - Mr. Chen stated that as long as the fence was maintained, the existing fence would be a substitute for the mounding. The Planning Commission determined that the earthen mounds were no longer needed.

6. 12 Parcels Consolidated. The Planning Commission asked for Steve McHugh's opinion. Mr. Keebler stated it was zoned GB; would this still satisfy the zoning requirement. Mr. McHugh referred to the calculations having been calculated under one large development; now the site was distinguished as residential and commercial and that makes a difference in the density calculations. Mr. McHugh inquired if this was considered a major or minor change; are areas that are being split off still to be included in residential land use areas or non-residential land use areas. Mr. McHugh continued that it would be clearly up to City Council to change the Ordinance. Mr. Keebler stated he was more concerned about the legality of it and would it cause the property to be rezoned R3. Per Mr. McHugh and the density issue he felt there was a need to study into more. Mr. Prytherch felt this to be a significant sticking point for the Planning Commission. The Planning Commission asked Mr. Fiorita to explain why he wanted to have two parcels. Mr. Fiorita referred to his past experiences with dealing with multiple lots, and therefore didn't think it was an issue and was surprised by Staff and Planning Commission concerns. Mr. Fiorita noted that there were two lots at Stewart Square and that it happens everywhere all the time. Mr. Fiorita stated that he couldn't speak to the density; even if the lots were split the conditions of the PUD would still apply. Mr. Prytherch stated that one problem with having two lots, remember the commercial comes along with the residential; worried that the City would get caught holding the bag if the commercial portion wasn't developed. The fear is we have half of a phased project. Mr. Fiorita stated that he felt the more parcels we had the better. Mr. Prytherch stated that the discussion all along has been phased condition explicit; don't want residential developed and the commercial portion not. Discussion followed. The Planning Commission decided to come back to this for more discussion.

7. Internal Circulation Pattern - Mr. Prytherch read aloud, "that the internal circulation pattern for all modes shall be made safe and continuous for pedestrian, vehicular, bicycle and wheelchair traffic through direct alignment of different sidewalk segments and connection through ADA compliant ramps and crosswalk markings. These include, but are not limited to: a. East/West connection between (north) Locust Street entrance and Spring Street entrance, along the northern facades of the northern two commercial buildings. b. East/West connection between the southern Locust Street entrance and the proposed library will be provided by along the southern facades of the southern two commercial buildings. c. North/South connection between the westernmost two commercial sites, along with the western facades. Discussion followed. The Planning Commission wants the condition to state that connections will be aligned, continuous, and clearly marked and safe for all modes of travel. The Planning Commission wants a continuous path. The Planning Commission asked that Mr. Fiorita to please plan for the pedestrian flow we are likely to have. Mr. Fiorita agreed. Mr. Prytherch referred to the drawings showing no continuous direction along the southern edge.

8. Mr. Prytherch inquired about the need for a sidewalk to be installed along the westernmost facade where the two outparcels are located. Ms. Rousmaniere inquired to what extent do we want to approve the outparcels and what if one restaurant doesn't need a drive-thru, will the Applicant need to come back. Mr. McHugh stated that the Planning Commission could approve the building elevations now; wouldn't have to approve them with a drive-thru; and could place a condition about them. Mr. McHugh continued that the Planning Commission could approve with the condition that if there are two buildings that there are connections. Discussion followed regarding the circulation pattern. Outdoor dining was also discussed. Mr. Keebler felt it better to hold off approving until more close to commercial tenant knowledge. The Planning Commission stated that they wanted to see the design of the outlot expectations. Mr. Daniels discussed occupancy expectations. Mr. Keebler stated that he wished it would state as a condition that no approval of drive-thru lanes are included at this time. Discussion followed. All agreed the condition would read, that, "the layout and construction of the two westernmost outlots shall substantially conform with the perspective aerial and ground views presented to the Planning Commission and is subject to Planning Commission review and approval. No drive-through for these two outlots are approved for this Final Planned Development at this time". It was noted that the drive-thru's are considered as a Conditional Use, therefore, would have to go before the Planning Commission and City Council.

9. Crosswalks - All agreed that the crosswalks' connections shall be constructed as shown at this meeting.
10. Landscaping - All agreed to the landscaped plan as presented by the Applicant to the Planning Commission.
11. Signage Requirements. The Planning Commission asked for staff recommendations regarding sign requirements. Mr. Chen stated that the only problem was with the freestanding signs. The Planning Commission discussed internal signage. All felt that the signs made sense. Mr. Chen described the signs. Three signs named entrances onto the property - and one sign was an internal sign. All agreed that the condition for signage would read "that, the number and size of signs will conform to the signs proposed and limited to property identification".
12. Fence - Mr. Prytherch discussed the fence located along the southern boundary. All agreed the fence would remain and would be repaired or replaced as necessary.
13. Intersection at Primary Entrance along Locust Street- Discussion took place. All agreed that the intersection would be upgraded to include striping on the street and would meet City standards at the Developer's expense.
14. Traffic Impact Study -discussion took place regarding this study. Some felt that the improvements should be coordinated with the Bike/Pedestrian study that was currently taking place. Other Planning Commission members did not agree. Discussion followed. It was determined that this would be reevaluated and coordinated with pedestrian improvements and approved by the City Engineer.
15. Butler County Regional Transit Authority - Staff suggested bus stops be included within the site. Discussion followed. All agreed, as well as the Applicant to coordinate potential bus stops adjacent or within site with the BCRTA.

Mr. Keebler inquired if the Planning Commission made it clear that we weren't going to require tree islands (in reference to #10). Discussion followed. All agreed that the condition would state, "that, the landscaping improvements shall be presented by the Developer this evening and that the Planning Commission waives the requirement for tree islands at every 7 parking spaces".

Ms. Rousmaniere inquired about the gully between the street and the site and what the City and Developers plans were as she felt the site plan looked like it would be eliminated. Mr. Fiorita stated that the gully was in the right-of-way so the creek ditch would remain; however, the pond is gone.

Mr. Prytherch inquired staff if they had any lighting issues. Mr. Chen stated Staff was okay with the plan.

Mr. Wong inquired if there would be bike parking at the two outlots. Mr. Fiorita stated he preferred the specified locations shown in the Plan.

The Planning Commission went back to the discussion regarding condition #6 - multiple parcels. Discussion followed of how the condition for commercial phasing should be stated. "12 parcels shall be consolidated to a maximum of three lots, pending approval of the concurrence of the City attorney and the construction of the library building and commercial office building be concurrent or in advance of the residential construction." "The 7.2 acres of residential shall remain that and the commercial section will remain four acres." It was noted that the Library may need to have their own parcel to keep their tax exempt status.

Mr. Keebler referred to the conversations of more student housing construction and stated the Planning Commission wants this design to feel and look like a quality job was accomplished.

Mr. Benson made motion to approve PC-08-2013 with amendment to incorporate the conditions identified at this meeting. Ms. Rousmaniere seconded the motion. All were in favor.

The Planning Commission reviewed the Additional Final Plan Decision Standards:

1. The final planned development shall substantially conform to the preliminary plan. All agreed that it did.
2. Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process. All agreed it does.
3. If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned. The Planning Commission is not approving the two outlots at this time.

M. Prytherch called the question.

Robert Benson moved to approve PC-08-2013 FINAL PLANNED DEVELOPMENT 419 S. Locust Street (Former Wal-Mart Site) 11.704 acres, mixed use. Kate Rousmaniere 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)

New Business

Administrative Findings:

PC-ADM-02-2013 317-317-1/2 University Avenue Lot Consolidation

Mr. Chen provided information regarding an approved lot consolidation at 317-317-1/2 University Avenue.

Other Business

There was none.

Items Under Consideration for Future Discussion - Commercial District Diversification * Neighborhood compatible commercial districts * Commercial core: walkability and mixture of uses - Alternative Modes of Transportation * Analysis of recommendations from "Shifting Gears" and consider implementation schedule * Safe Routes to School - Collaboration with Talawanda - Off-Street Parking Standards * Parking requirements * Sustainable design standards

Items will be discussed at future Planning Commission Work Sessions.

Adjournment

Mr. Benson made motion to adjourn the meeting. Mr. Hurston seconded the motion. All were in favor. The meeting adjourned at 10:07 p.m.