**OXFORD PLANNING COMMISSION**
**Meeting Minutes**
**Tuesday, September 11, 2018**
**7:00 p.m.**

**Call to Order**
Mr. Snavely led a moment of silence in honor of September 11.

Mr. Snavely announced the promotion of Mr. Sam Perry as Community Development Director.

Those members present: Richard Daniels, Steve Dana, William Snavely, Shana Rosenberg, Carla Blackmar, Corey Watt, and Mike Smith.

Those members excused: None.

Staff members present: Sam Perry, and Steve McHugh.

Staff members excused: None.

**Approval of the Minutes of August 14, 2018**
Mr. Dana made motion to approve the minutes as written. Mr. Smith 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**
Mr. Dana reported on the Housing Advisory Commission, who are setting up a subcommittee to study inclusionary housing, development.

Ms. Rosenberg reported on the Environmental Commission: tree preservation code suggestions, PUD and Subdivision Chapters' review, Ms. Rosenberg stated they would be coming back to Planning in early 2019. Ms. Rosenberg reported that the Tesla charging stations were now a no go; may look at again in January. Ms. Rosenberg stated the Commission have been discussing composting, including curbside food waste and bioplastics. In regards to the Housing Advisory Commission, Ms. Rosenberg reported they have reviewed housing in a City report developed by Mr. Prytherch, to develop a subcommittee to add language in the PUD zoning code discussing diverse housing. Mr. Snavely suggested adding the topic under Further Business Work Items on the Planning agenda. Ms. Blackmar is also on this subcommittee.

**Items Related to Zoning**
PC-2018-23, ZONING MAP AMENDMENT, 5111 Morning Sun Road, from an OI (Office Industrial) District to a NB (Neighborhood Business) District, Scott Webb, Applicant, Agent

Mr. Dana made motion to enter into public hearing PC-2018-23. Mr. Watt seconded the motion. All were in favor.

Mr. Perry referred to there having been a denied map amendment application earlier in 2018, for the same property to amend from OI District to R2MS District. Mr. Perry reported there hasn't been a NH District established since it was created 2 years ago.

Mr. Perry stated that a common question was is this spot zoning? Mr. Perry reviewed the purpose statement: commercial providing limited hours, with minimal impact upon the surrounding environment.

Mr. Perry reviewed the decision standards. Mr. Perry provided an oblique photo. Mr. Perry reviewed the purpose statement for the current OI District.

Mr. Perry reported a neighborhood Business District is small scale retail on the first floor with residential on the other floors.

Mr. Perry reviewed the Decision Criteria: is there an error on the map? None that staff was aware of.
Will the amendment make the map conform more closely with the Comprehensive Plan? Mr. Perry stated this statement could go all different directions (with infill, gateway protection, rural character, connectivity). Mr. Perry noted the area was not identified as a gateway in the Comprehensive Plan.
Has there been a substantial change in the area conditions necessitating the amendment? Mr. Perry reported that since the 2008 Comprehensive Plan adoption, Miami enrollment has gone up, area zoning changes have occurred nearby, housing demands. So, yes has occurred based upon enrollment, physical conditions of the area. Legitimate need for additional land area, Mr. Perry reported that there is no land area of this district at this time.

Mr. Perry stated that staff recommends approval based upon several of the decision standards.

Mr. Webb provided a report. Mr. Webb described the last Planning case that was denied. Mr. Webb described the current undeveloped use of the property. Mr. Webb described the limited potential uses of the current OI Zoning District. Mr. Webb reviewed Neighborhood Business permitted uses and conditional uses. Mr. Webb reviewed the decision standards.

Mr. Webb noted this would be a transitional area.

No public comments.

Mr. Dana made motion to close Public Hearing. Mr. Smith seconded the motion. All were in favor.

Ms. Rosenberg felt this to be a good move and that she disliked having an empty lot coming into a gateway. Mr. Dana referred to staff comments in regards to infill, future growth, street improvement, connectivity as all being persuasive reasons for approving.

Ms. Blackmar referred to staff comments in regards to connectivity and sidewalks and her concern with traffic that moves quickly in the area.

Mr. Dana made motion to approve PC-2018-23. Ms. Rosenberg seconded the motion. All were in favor.

The Commission reviewed the Decision Criteria:
There is an error on the zoning map - NO
The proposed amendment will make the map conform more closely with the Comprehensive Plan - YES
There has been a substantial change in area conditions that necessitated the amendment - COULD AGREE
There is a legitimate need for additional land area in the zoning district that will be expanded - THIS IS A NEW ZONE DISTRICT

Ms. Blackmar inquired about the gas station possibility. Mr. Perry stated no there is not.

AYE: Mr. Watt, Ms. Rosenberg, Mr. Daniels, Ms. Blackmar, Mr. Smith, Mr. Dana, Mr. Snavely (7)
NAY: None (0)
ABS: None (0)

PC-2018-24, CONDITIONAL USE, Miami University & Community Federal Credit Union, 31 Lynn Avenue, to allow for the construction of a banking facility with drive through service, in a GB (General Business) District, Maria Schertler, The Architectural Group, Applicant, Agent
Mr. Daniels made motion to enter into public hearing PC-2018-24. Mr. Dana seconded the motion. All were in favor.

Mr. Perry provided a powerpoint. Mr. Perry reported this was a new bank construction with a drive through. Mr. Perry reported that currently this was a vacant lot. Mr. Perry reviewed the General Purpose statement. Mr. Perry reported the area was zoned commercial, and surrounding properties were commercial uses.

Mr. Perry reported having asked the applicant, in regards to the potential curbcut on the south of the property, to place it where the existing one was located. Mr. Perry stated the applicant had made a good faith effort; however, could not because of underground street drainage. Mr. Perry also inquired about the possible connectivity for pedestrians with the adjacent LaRosa's. Mr. Perry stated having asked they keep the mature streets and noted that they have done this in their design. Mr. Perry suggested making that a condition. Mr. Perry referred to the waiving of the front façade glazing requirement from 60% to 45%. Mr. Perry stated staff recommends approval, as the applicant has met the decision standards.

Mr. Dana inquired how many drive through lanes. Mr. Perry reported two, along with a drive around lane.

Mr. Rick Parker, President of the MU Credit Union, spoke. Mr. Parker provided a history of the credit union and described the locations of their branches. This credit union will replace the Wells Mill Drive location.

Mr. Norm Butt spoke, noting this was in the GB District, surrounded by other commercial uses. This facility would provide walk up teller services, 6 loan officers, 2 drive thru teller lanes, and an exterior 24 hour drive up ATM. Mr. Butt reviewed the existing site plan, existing trees, and existing hard surfaces.

Ms. Maria Schirtler, The Architectural Group, spoke. Ms. Schirtler reviewed the design for the new credit union including landscaping, and parking requirements. Ms. Schirtler stated they would keep two of the existing trees, and that three were the neighboring property owners, and include the planting of 9 additional trees. Ms. Schirtler stated they were asking for variances on the side setbacks. Ms. Schirtler reviewed the first floor plan. Ms. Schirtler reviewed the exterior elevations. Ms. Schirtler provided the rendering views noting they included bicycle parking and described the sidewalk locations. Ms. Schirtler stated they made sure of continuity of character and aesthetics with surrounding properties. Ms. Schirtler reviewed the four variance requests: reduction of front façade glazing from 60% to 45%; reduction of parking setbacks on south side from 6 feet to 3.5 feet; reduction of parking setback on northside from 6 feet to 1 foot; reduction of sidewalk width from 5 feet to 4.5 feet.

Mr. Watt inquired about inverting the design, literally flipping everything around. Mr. Perry explained why that couldn't happen. Ms. Blackmar inquired about the parking lot flow. Mr. Snavely inquired about the signage. Mr. Perry stated they were not asking for additional signage beyond what was allowed by code; they would provide a monument sign and wall sign. Ms. Blackmar inquired about the sidewalk, extending it out to the end of their lots along Lynn.

Mr. Dana inquired about connectivity with the driveway of the adjacent property owner. Mr. Butt reported that would reduce theirs and the adjacent property owner's parking spaces; however, still were having negotiations with them. Mr. Butts continued that at least maybe have a sidewalk connection.

Public speaking:
Mr. Pete McCarthy, 5990 Contreras, inquired about the sidewalk width along the street and the environmental impact of much more asphalt, and could they add solar panels on the roof? Mr. Butt responded maybe.

<u>Mr. Dana made motion to close public hearing. Mr. Smith seconded the motion. All were in favor.</u>

Mr. Dana inquired about the reduction of parking setbacks. Mr. Snavely referred to the greenspace design on the site. Ms. Blackmar felt this design had been very well thought through; however, described the street access improvements and pedestrian movement and the need to make a better effort of this north south corridor.
Mr. Watt stated he was concerned about the refuse area (now a prominent feature for adjoining properties) and maybe mitigate the visuals. Mr. Dana suggested adding more bushes.

<u>Mr. Watt made motion to approve PC-2018-24 with waivers/conditions. Mr. Dana seconded the motion.</u>

- Reduction of front façade glazing from 60% to 45%
- Reduction of parking setback on south side from 6 feet to 3.5 feet
- Reduction of parking setback on north side from 6 feet to 1 foot
- Reduction of sidewalk width from 5 feet to 4.5 feet
- Protect the existing mature trees on the site and replace any tree plantings
- Mitigate visual obstruction of the refuse area

Reviewed the Decision Standards:
A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed. YES
B. The use and site will satisfy the general intent of this Zoning Code. YES
C. The use and site will be compatible with the general intent of the Comprehensive Plan. YES
D. The size and shape of the site are sufficient for the proposed use. YES
E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. WILL NOT
F. 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. WILL NOT
G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use. YES
H. 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
I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. WILL NOT
J. 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
K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets. YES
L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. WILL NOT - is a Condition
M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location. YES

AYE: Mr. Watt, Mr. Daniels, Mr. Dana, Ms. Blackmar, Ms. Rosenberg, Mr. Smith, Mr. Snavely (7)
NAY: None
ABS: None

Although not a condition, a good faith effort with pedestrian path between adjacent properties continues to move forward.

**Old Business**
PC-2018-02, ZONING CODE TEXT AMENDMENT, to amend Chapter 1141.01 Accessory Regulations, adding 1141.01(a)(5) Short Term Rentals, City of Oxford, Applicant
Mr. Dana made motion to remove from table PC-2018-02. Ms. Rosenberg seconded the motion. All were in favor.
Ms. Blackmar recused herself from discussion.

Mr. Dana made motion to enter into public hearing PC-2018-02. Mr. Watt seconded the motion. All were in favor.

Mr. Perry suggested to the Planning Commission to recuse themselves if they plan to or have a STR. Mr. Perry stated that he felt the Planning Commission has something now that can be moved forward to City Council.

Mr. Perry described the process/history this has developed.

Mr. Perry stated he and the Committee have conducted a fair amount of research on what other cities have done in the state of Ohio. Mr. Perry stated there wasn't much out there. Mr. Perry stated this language would involve amending several chapters of the zoning code. Mr. Perry stated the wish was to roll out January 1. Mr. Perry stated that going in the direction of a conditional use process was too laborious for staff and that the fees would be too much for the applicant. Mr. Perry noted this would be an enforcement increase on staff. Mr. Perry stated staff would do an outreach and base it on an honor system. Mr. Perry described how 5 impact weekends in the language were determined. Mr. Perry noted having not received substantive complaints directed toward existing STR's. In regards to Neighborhood Overlay District feedback, they don't want transient lodging. The proposed text would provide an exemption for owners booking stays five or less per year; and owners of properties in Overlay Districts would be required to own the home as their primary residence. Mr. Perry stated this may create more overlay districts. For those wanting to have more than 5 stays per year would require a rental permit and inspection. Mr. Perry noted the City would use the same inspection staff and same code as rental policy requirements. Mr. Perry stated it was not a point to make revenue for the City.

Mr. Perry also stated they would take bed and breakfast language out of the code and leave it up to the operator in providing breakfast. Mr. Perry stated they haven't opened the door yet to multi-units (apartment buildings).

Ms. Rosenberg thanked Mr. Perry. Ms. Rosenberg asked if the existing STR's would be grandfathered in Overlay Districts? Mr. Perry stated his interpretation was that they would not. Mr. Perry also noted that the allowed number of people would have to meet current occupancy allowances.

Public comments were welcomed:
Doug Brooks, 227 Country Club. referred to his neighbor who is doing this. Gets along well with him. Agreed with what the City is doing with this and on the right track.

Jessica Green, Enjoy Oxford Director, noted local hotels are full most weekends. Economic impact keeps them in town. Agree with Mr. Brooks and that they are on the right track.

Ryan Murphy, 229 Country Club. Has been an asset for them and keeping people here in town.

Mr. Brian Streng, 812 Erin, stated he was against the resolution. Mr. Streng felt it to be a solution to a problem that does not exist. Mr. Streng felt it would only affect those who run an Airbnb long term residents. Mr. Streng stated he is asking for an owner occupied exemption, voluntary inspection, and offer a certificate for display.

Mr. Pete McCarthy, 5090 Contreras, stated he was in favor of. Mr. McCarthy noted that he currently has an Airbnb and that he has no problem with requiring registering and charging fees. Mr. McCarthy suggested that Mr. Dana and Mr. Daniels, even if they do even once per year shouldn't vote. Mr. Daniels stated that he has not done in over 10 years. Mr. Dana recused himself.

Mr. Alan Kyger, 6164 Contreras, stated Staff did the right thing by not overregulating. This is a good first step.

Mr. Daniels made motion to adjourn to regular hearing. Mr. Smith seconded the motion. All were in favor.

Mr. Watt stated he was slightly indifferent on this. Mr. Smith there are a lot more things we could require that we are not and this was really worth trying.

Mr. Daniels stated he couldn't even imagine the number of hours the Commission and Committee has spent on this; and this was a good compromise. Mr. Snavely stated this has come a long way.

Decision Standards were reviewed:
Conforms more closely to the Comprehensive Plan. YES
Improve public health and safety. YES
Clarifies the intent of code. YES
Better implement intent of code. YES
Improves enforcement. YES

AYE: Mr. Watt, Mr. Daniels, Ms. Rosenberg, Mr. Smith, Mr. Snavely (5)
NAY: None (0)
ABS: None (0)

Other Business
PUD Zoning Code Subcommittee- Ms. Rosenberg will revise the purpose statement in the decision standards for PUDS, to add diverse/affordable housing. Mr. Dana agreed this was one of his utmost concerns. It was noted that this is supported by the Planning Commission.

Planning Commission Work Items
Items Under Consideration for Future Discussion, 2018 Goals:
- Residential Density
- Active Transportation
- Housing
- Diverse Housing
- Growth Management

The Planning Commission reviewed work items.

**Adjournment**
Mr. Watt made motion to adjourn the meeting. Ms. Rosenberg seconded the motion. All were in favor. The meeting was adjourned at 9:32 p.m.