

OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, November 12, 2019
7:00 p.m.

Call to Order

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

Those members excused: None.

Staff members present: Sam Perry, Zachary Moore, and Benjamin Mazer.

Staff members excused: None.

Approval of the Minutes of August 13, 2019

Ms. Rosenberg made motion to approve the minutes as presented. Mr. Watt 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. Snavelly thanked City Council representatives, Mr. Dana and Mr. Smith for their service on the Planning Commission. Mr. Snavelly also reminded everyone of the Design Charette on November 13, 2019 and, that since Planning Commission members would also be in attendance, this would be considered a Special Planning Commission meeting, and has been advertised as such. The Charette will run from 8:30 a.m. - 2:30, 3:00p.m. at the Vineyard Church, located on State Route 732.

Ms. Rosenberg accepted the Mayor's proclamation and presented to the Planning Chair, for World Town Planning Day and Design Charette.

Ms. Blackmar provided an update on the Environmental Commission emission inventory for the City of Oxford and indicated that work on the Tree Protection ordinance was being finalized and would be before the Planning Commission sometime soon.

Mr. Watt reported on the HAPC and shared highlighted discussion regarding identifying historic districts outside of the existing historic districts. Mr. Watt stated the HAPC was still working on the data, digging deeper on their stories. Mr. Watt noted the HAPC would be listening to a 131 W. High pre-application, for a mixed use structure, currently a grassed area, from the demolished BP Gas Station.

Mr Daniels was unable to attend the Community improvement Corporation meeting, however was able to attend a Miami Senior course on climate change and expressed how interesting the topic was to many.

Mr. Dana indicated that it had been decided that the City would be divesting funds from two financial institutions due to fossil fuel investments in the City portfolio.

Ms. Rosenberg referend to having attending HAC and their review of a State Affordable Housing report.

Mr. Perry welcomed Ms. Becky Kolb who was filling in for Lynn Taylor. Mr. Perry reported that staff was working on tree preservation language and shared a City partnership with the Farmer School of Business in regards to Short Term Rental public policy. This partnership will provide a full picture dataset.

Items Related to Zoning

PC-2019-22, CONDITIONAL USE, 304 W. Collins Street, Oxford Farm Service and Whistle Stop, to allow for a new nursery and landscape garden center, Shademakers, Scott Webb, Applicant/Agent

Mr. Dana made motion to enter into public hearing PC-2019-22. Mr. Smith seconded the motion. All were in favor.

Mr. Perry provided a review. Mr. Perry reported that Shademakers Nursery and Landscape wished to expand to the location where Whistle Stop is within the City of Oxford. Mr. Perry reviewed the location map, zoning map and context maps. Mr. Perry reviewed the current site photographs. Mr. Perry reviewed the Comprehensive Plan Character Area map and Conservation Development Map. Mr. Perry referred to the 2018 Design Charette results of 2018, which Whistle Stop was part of. Mr. Perry reviewed the proposed plan. Mr. Perry stated that the plan was for a Conditional Use to allow for outdoor sales (continuing) of plants and garden supplies. The existing use is similar to the planned use, currently known as Whistle Stop, who sells pet food and garden supply and services. Mr. Perry stated that the owner of Shademakers would like to take over the Whistle Stop site and building, with their existing business located just outside of Oxford corporate limits. Mr. Perry reviewed the surrounding zoning. Mr. Perry noted that the only construction planned was for a fence and greenhouse addition. Open areas would be used for seasonal landscaping displays. Mr. Perry noted that the alley right of way was not planned to have any new permanent improvements.

Mr. Perry reviewed the waiver requests: setbacks, internal site signage and walls signs. Mr. Perry referred to the proposed greenhouse being added to the south façade of the existing building. Mr. Perry noted that due to the shape of the lot and existing building location, the addition could not be placed as shown without waivers. The proposed front setback was approximately 20 feet and the rear setback was approximately 20 feet.

Mr. Perry reviewed the decision standards. Mr. Perry noted that the use could be allowed as a conditional use. The size of the site is well suited for the use. Will operate during normal business hours. There were no accessory uses proposed. Opportunities for comment was provided to Fire, Police and Service Department, with no concerns expressed. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. Planning staff did suggest a separate written agreement between the applicant and city administration. The Service Director supported the concept. There are no other structural changes expected. No substantial changes to the site regarding vehicular movement. The existing grain mill buildings are not part of the area to be used for this business.

Mr. Perry reviewed staff recommendations:

1. Waiver of 35' front and 25' rear yard setbacks for greenhouse addition
2. Waiver for wayfinding signs within the property north of Collins R/W be limited to 12 square feet (rather than 4 sq ft by code)
3. Waiver for up to three wall signs allowed, up to 3' in height, no more than 25% the length of any façade (rather than only 2 signs by code)
4. A boundary survey be completed prior to the fence installation
5. Street trees to be planted in the tree lawn along South Elm
6. 12' poles to be decorative or painted a dark color
7. Wayfinding signs within the property south of Collins R/W be limited to 4 square feet
8. Accessible/handicap parking signage to be installed

9. Any new outdoor lighting to comply with nuisance code

Mr. Scott Webb, Applicant, provided a report. Mr. Webb stated he was representing the owners of Shademakers, and Whistle Stop, who are requesting approval of a Conditional Use for outdoor sales of plants and garden supplies. The owners of Shademakers, Mr. Doug and Rob Drake, would like to take over the Whistle Stop site and building with their existing business (located outside of the City of Oxford corporate limit). Mr. Webb described their request for a sign facing Spring Street, a greenhouse addition, and fence location. Mr. Webb described the shape of the property and the surrounding properties. Mr. Webb displayed a site map showing the former Oxford Farm Service including silos and structure, the existing West Collins Street ROW, and the existing Whistle Stop Shop. Mr. Webb noted that a significant portion of the property was landlocked and described the plan for reuse of some of it, referring to one being the existing grain silos, and the plan to level them up and store mulch and other hard scape items. Mr. Webb described the traffic flow. In regards to the Farm Service building, Mr. Webb stated they were not talking about anything for it, only an addition to the greenhouse. Mr. Webb noted that they were not talking about any demolitions either. Items to note: completely adaptive Whistle Stop, seasonal use at the drive-through, a growing greenhouse addition, and the entire site will be landscaped as a garden. The plan is to design it like a park setting to the street corner. In regards to the Farm Service building, it will be used as an historic backdrop but not allow access inside. In regards to the plan for multi-use 12' poles, they will be spaced 16-20' apart and be used for shade sales, hanging displays, signage, Christmas trees, and that whenever their lights are on, they won't be brightly lit. In regards to signage will be for directional/wayfinding sales, as this is their "sales" floor. Mr. Webb provided examples of product layouts with gravel pathways, etc. Mr. Webb stated it would be internally focused. In regards to building signage and the traffic flow, 3 signs are appropriate, rather than two, and suggested guidelines of GB code, allowing for up to 5' in height, as consideration for their logo "S" at the beginning and end.

Mr. Webb reviewed the Decision Standards:

The use is allowed, meets the zoning code, the use and site is compatible, is an infill development, the size and shape supports the use, won't be hazardous to neighbors, activities or conditions of property will not be detrimental to any person, property or the general welfare of, all uses are not accessory uses, serves public facilities, etc., required no public expenditure, but will need a signed agreement from the City Manager or City Council to continue use of the vacated ROW. Traffic and parking would remain as designed. Will be harmonious to the neighborhood. The Conditional Use would not result in the loss of an historic feature.

Mr. Webb reviewed the Waiver Requirements:

Waiver relieve of front and rear yard setbacks; wayfinding signs within the property north of Collins ROW be limited to 12 square feet; waiver for the additional wall sign and extra height suggested on the Spring Street side. A boundary survey be completed prior to fence installation. Mr. Webb added that the fence would be necessary at some point; but, may not be first thing they do, but wish to at some point. Lighting would not spill onto adjacent properties, thus becoming nuisance lighting.

Mr. Watt inquired if the pole lighting was going to extend to the north portion of the property where the mulch would be stored. Mr. Doug Drake indicated that it was not planned at this time as that area would not be accessible after dark; when it gets dark, the area would be closed off. Mr. Watt inquired about the parking lot being upgraded and his concern of the post use, should the property change owners, as he wanted to make sure they are not turned into sign posts. Mr. Perry responded that the posts were not to be used as advertising toward the street. Mr. Dana inquired about parking, specifically the existing unpaved parking, and asked if that was not a requirement? Mr. Perry responded that gravel parking was not allowed for new construction and with this being an adaptive re-use it was not required to be updated.

Public comments were received.

Mr. Joe Wilhelm, 211 S Elm expressed his total support of the proposed project.

Mr. Dana made motion to close public hearing. Mr. Daniels seconded the motion. All were in favor.

Mr. Watt questioned if a future owner or tenant of the property would be able to use the fence as use to display merchandise if the type of fencing is not specific. Mr. Watt stated he was concerned about the continuance of a conditional use. Mr. Perry encouraged them to be specific on the type of fence. Mr. Watt inquired what would trigger the owner to come back to the Planning Commission. Mr. Perry responded if there was a change in scope that they would have to come back. For example the fence be of an open design.

Ms. Blackmar noted that there was no real curb cut at the railroad track at Elm Street and Spring Street, thus making pedestrian travel difficult. Ms. Blackmar suggested that at some point a better crossing on that side of Elm Street happen. Mr. Smith noted he liked the fence for the safety aspect of it with the close proximity of the property to the railroad track. Mr. Snavely noted that this was a well-known business seeking to expand.

Mr. Watt inquired about the timeline for the upgrades at the location. Mr. Drake responded that it depended upon how well things go, indicating phased in investment as needed; greenhouse was a lower priority since they do have greenhouses at their other site; the fence may move up the priority list. Mr. Watt inquired if there were any time constraints. Mr. Perry stated yes, that it starts the two year clock. Mr. Perry indicated that there would be no time limits on the approvals as long as the business continued to operate.

Mr. Webb noted that there was a Boundary Survey on file.
The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.

1. The use and site will satisfy the general intent of this Zoning Code. YES
2. The use and site will be compatible with the general intent of the Comprehensive Plan. YES
3. The size and shape of the site are sufficient for the proposed use. YES
4. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. WILL NOT
5. 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
6. 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. NA
7. 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
8. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. WILL NOT
9. 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

10. 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
11. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. WILL NOT
12. 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

Mr. Watt suggested that the fence be installed sooner rather than later and inquired if they should limit the number of poles. Discussion followed.

Mr. Dana made motion to approve PC-2019-22, as proposed, including that the fence be of an open design, that the staff condition, in regards to wayfinding signage, be deleted, that waiver #3 be amended to read that the wall sign facing Spring Street shall be bigger (5') in regards to the sizes of the allowable signage. Ms. Rosenberg seconded the motion. All were in favor.

AYE: Ms. Blackmar, Ms. Rosenberg, Mr. Watt, Mr. Daniels, Mr. Dana, Mr. Smith, Mr. Snively (7)

NAY: None (0)

ABS: None (0)

PC-2019-23, ZONING MAP AMENDMENT, 5427 & 5435 College Corner Pike, to allow for the rezoning from R3 Multi-Family Residential District to GB General Business District, Matthew Troy, Applicant/Agent

Mr. Dana made motion to enter into public hearing PC-2019-23. Mr. Smith seconded the motion. All were in favor.

Mr. Zach Moore presented a rezoning application for two properties from an R3 District to a GB District, affecting 5427 & 5435 College Corner Pike. Mr. Matt Troy, is the Applicant, and Mr. Paul Brady and Baby Boss Real Estate Management, are the property owners. Mr. Moore provided a location map and described the surrounding properties. Mr. Moore noted that there were different zoning classifications in the area. Mr. Moore provided a bird's eye view of the properties. Mr. Moore reviewed the present conditions of the properties. Mr. Moore reviewed the zoning history of the properties. Mr. Moore referred to a recent roadway improvement project that occurred along College Corner Pike, providing significant improvement. Mr. Moore reviewed the Comprehensive Plan describing it as a corridor enhancement area. The character area map showed primarily the area made up of non-residential uses.

Mr. Moore reviewed the Decision Criteria:

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon. NO
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan. This rezoning will conform more closely.
- C. There has been a substantial change in area conditions that necessitates the amendment. Mr. Moore referred to US 27 updates and the rezoning of Wild Berry and the Family Resource Center; therefore, there have been fairly substantial changes in area conditions.
- D. There is a legitimate need for additional land area in the zoning district that will be expanded. Mr. Moore referred to the Economic Development comments. Mr. Moore stated this will help create an opportunity for redevelopment of existing land that fall within City boundaries.

Mr. Snively inquired should Mr. Watt recuse himself from further discussion since he is on the Board of the Family Resource Center. Mr. Mazer provided counsel.

Mr. Matt Troy, presented and stated that he didn't have a lot to add. Mr. Troy referred to Decision Criteria #1 that there is not an error in the zoning map, and noted that you would think there is with looking at the map as these are the only two properties on that side of the highway not zoned business. Mr. Troy continued that these two sites are in danger of severe underutilization; their current use is single family and they are surrounded by business and light industrial. Mr. Troy noted that no one wants the area for single family or multi-family. Mr. Troy referred to a long time history of one of the properties being vacant for a long time. Their intended use of the property is to not change the site at all and but use as an office for real estate management. Mr. Brady's property is a single family residential use. So, were not talking about any immediate changes. Mr. Troy referred to the Economic Development Director comments that there just are not many sites along the corridor that could be used for business or development in the future.

No public comments received.

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

Ms. Rosenberg stated she wished the properties could be developed into multi-family and would like to see more low income housing in this area.

Mr. Watt inquired if there was a process to merge the properties in the future. Mr. Perry responded yes an administrative approval. Mr. Watt inquired with one parcel being owner occupied, if goes GB, can it still be utilized as residential after that. Mr. Perry responded yes unless it goes intentionally vacant over one year or the use has changed.

Mr. Daniels inquired about the sidewalk on north side and if was part of the multi-use trail. Staff responded yes. Discussion regarding the length of the multi use trail in that area took place.

Mr. Snively reviewed the Decision Standards:

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon. NO
- B. The proposed amendment will make the map conform more closely to the Comprehensive Plan. YES
- C. There has been a substantial change in area conditions that necessitates the amendment. YES
- D. There is a legitimate need for additional land area in the zoning district that will be expanded. YES

Mr. Dana made motion to approve PC-2019-23. Mr. Smith seconded the motion.

AYE: Mr. Daniels, Mr. Dana, Ms. Blackmar, Ms. Rosenberg, Mr. Smith, Mr. Snively (6)

NAY: None (0)

ABS: Mr. Watt (1)

Administrative Approvals

PC-2019-21-ADM, Minor Amendment to an Approved Conditional Use, Oxford Bible Fellowship, Marcos Rodriquez, The Aspen Group

New Business

There was none.

Old Business

There was none.

Adjournment

Mr. Watt made motion to adjourn the meeting. Mr. Smith seconded the motion. All were in favor. The meeting was adjourned at 8:34 p.m.