

OXFORD PLANNING COMMISSION

Meeting Minutes

Tuesday, November 13, 2018

7:00 p.m.

Call to Order

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 October 9, 2018

Mr. Dana 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 was none.

Reports from Commissions, Boards, Committees & Staff

Mr. Perry announced an upcoming Planning and Zoning workshop.

Mr. Perry reported on the recently held Design Charrette for the Whistle Stop development. Mr. Perry stated that 40 attended and that staff would be working to take what sketches were done and turning into conceptual drawings, Mr. Snavely commended Mr. Perry on nice job. Mr. Dana seconded the comment.

Mr. Perry reported on short term rentals' language. Mr. Perry reported that a work session has happened and public comments received. Mr. Perry continued that the language would come back to City Council for suggested revisions. Mr. Perry noted that all were trying to strike a balance.

Mr. Perry announced minor changes were made to the City Zoning Map design. Mr. Perry displayed the current map and draft map.

Ms. Rosenberg provided an update on the Environmental Commission who are continuing their discussion regarding the tree preservation ordinance; inclusionary language in housing; set asides for affordable housing.

Items Related to Zoning

PC-2018-27, [FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, Scott Webb Applicant/Agent](#)

Mr. Perry provided an overview detailing the plan to finalize a planned development that had been approved preliminarily. Mr. Perry stated the property was located in an R1B District. Mr. Perry noted that this was a large property, and currently a two family structure. The plan is to add a third unit/office. Mr. Perry reviewed the 2015 Preliminary Plan staff report.

Mr. Perry reviewed the conditions and recommended keeping the bulk of the preliminary conditions, but

add some conditions to help minimize negative impacts to the area. Mr. Perry stated that two things come in mind for further discussion: operating times and customer numbers. Mr. Perry stated that he has spoke to the owners and applicant regarding his concerns. Mr. Perry noted that he did receive emails regarding concerns, and did distribute to the Planning Commission members. Mr. Perry noted that the final plan application did follow the preliminary plan with the addition of conditions.

Mr. Scott Webb, applicant, provided a history of this project. Mr. Webb reviewed the approved conditions from the preliminary plan. Mr. Webb reviewed the staff recommendations for the final plan. Mr. Webb referred to Mr. Perry suggesting that perhaps Condition G from the Preliminary approval be removed. Mr. Webb asked the Planning Commission reconsider "professional office use limited to one non-resident employee". In regards to the two year expiration, Mr. Webb felt that to be a little fast. Mr. Webb noted that any changes proposed to an approved planned development return to Planning Commission for evaluation.

Mr. Watt inquired about adding six more parking spots. Mr. Webb responded.

Mr. Dana inquired about the "10 customers per day" and inquired how Mr. Perry arrived at that number. Mr. Perry responded that it was a very complex guess, but a starting point. Mr. Perry continued that it came from the home occupation code; but, not married to that.

Mr. Snavelly opened discussion to the public.

Ms. Kathleen Zien, 6060 Joseph Drive. Ms. Zien inquired if Mr. Perry could pinpoint different occupations appropriate for this location as that may be a great help before Planning Commission voted. Ms. Zien provided a history of this property while before the Planning Commission. Ms. Zien provided her opinion of the real estate pricing. Ms. Zien also stated that she disagreed with and explained her reasoning for questioning the size of the lot as stated in Mr. Webb's application (1 acre).

Mr. Bill Fisher, 4883 James Road, expressed his concern of the traffic issue with the addition of a business at the site. Mr. Fisher referred to the Jacquelyn Drive traffic and narrowness of the street at the location of the McCarthy structure. Mr. Fisher referred to Mr. Webb's threat of "losing the house" if not getting approval; and added that he didn't feel anything is threatening there.

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

Mr. Dana referred to the Staff Analysis and quoted that, "There is no clear detail for an actual professional office tenant with this proposal. The applicant is simply requesting a finalization of the preliminary rather than requesting another extension or losing the previous approval altogether. If proper parameters are placed on the office tenant with this final plan, the predictability can be ensured for neighborhood." Mr. Dana followed up by stating that the Planning Commission needed to discuss parameters.

Mr. Perry read aloud 1159.17(15) professional office definition and that he felt predictability was important.

Mr. Snavelly, inquired about Ms. Zien's referencing to the size of the lot. Mr. Perry referred to the site plan on page 36 of the agenda and confirmed the square footage of the lot. Mr. Snavelly reviewed the operating times and number of customers per day. Ms. Rosenberg inquired if the house was not protected could it be torn down. Mr. Perry responded yes, that approving the final plan would not necessarily protect the house. Ms. Rosenberg inquired if the lot was big enough to split. Mr. Perry responded that it was.

Mr. Watt stated that a PUD required one acre, and inquired if they decided to split the lot, would it null and void the PUD. Mr. Perry responded yes.

Mr. Dana inquired about a traffic study possibility. Mr. Perry referred to the Engineering Staff review and that they did not specify the need for a traffic study.

Mr. Snavelly read aloud a sentence in the staff analysis that stated, "Per the Zoning Code, an approval of a final plan that is consistent with the approved preliminary plan should be recommended for approval". Mr. Snavelly read aloud the conditions in the Preliminary Plan. Mr. Daniels noted that several of the uses listed under the professional office definition would have more than 10 customers. Mr. Snavelly asked if this was a reasonable restriction. Do you see any professions on this list that would not be appropriate? Architects, engineers, hair dressers; no. Mr. Snavelly stated he didn't feel any were inappropriate. Mr. Watt inquired what realistic violations were. Discussion followed. Mr. Perry stated there was enforcement in place based upon a complaint basis.

The Planning Commission reviewed the Preliminary conditions as stated in Ordinance #3334 and agreed to strike #3 all together. Mr. Watt asked that #4 be clarified.

Ms. Blackmar stated that she agreed with a concern of traffic, pedestrian safety.

Mr. Dana made motion to approve PC-2018-27 with the conditions noted in the staff report, striking the number of customers per day, eliminating condition #3, and accepting #4. Ms. Rosenberg seconded the motion.

1. All conditions of Ordinance 3334 apply with the exception of removal of condition 'g' regarding compliance with the RO District.
2. The professional office tenant shall be limited to the previously approved parameters of 8 a.m. to 8 p.m. however, with no more than 2 customers present simultaneously.
3. If the third dwelling unit or professional office tenant is not substantially established within 2 years of the approval ordinance, the final planned development approval is void.

The Planning Commission reviewed the Decision Standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed. YES
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. NA
- (3) The uses and site plan will satisfy the general intent of this Zoning Code. YES
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan. YES
- (5) The size and shape of the site are sufficient for the proposed planned development. YES
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. WOULD NOT
- (7) 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
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. NA
- (9) 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

(10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. WILL NOT

(11) 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

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. Questionable

(13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. NA

Additional Final Plan Decision Standards

(1) The final planned development shall substantially conform to the preliminary plan. YES

(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. NA

(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. NA

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

NAY: None (0)

ABS: Mr. Watt (1)

PC-2018-28, ZONING MAP AMENDMENT, 5234 Hester Road, 2.17 acre vacant parcel, from R-1B (Single Family Medium Density Residential) District to GB (General Business) District, Danny Nagar, Century Hotel Group, Applicant/Agent

Mr. Daniels made motion to open public hearing PC-2018-28. Mr. Dana seconded the motion. All were in favor.

Mr. Perry reported the map amendment was for the rezoning of a large vacant lot. Mr. Perry shared that changes have occurred in this area in the past several years. Mr. Perry displayed the zoning map showing the lot location. Mr. Perry stated that the applicant wanted to make it part of the North 27 corridor. Mr. Perry reviewed the decision criteria.

Mr. Danny Nagar, Century Hotel Group, spoke. Mr. Nagar provided a history of his company and their desire to build a Marriott in Oxford. Mr. Rosenberger, Bayer Becker, Agent, reviewed the decision criteria:

A, there is no error on the map.

B, the proposed amendment would conform more closely with the Comprehensive Plan as there is a need for additional overnight accommodations. Mr. Rosenberger stated the applicant feels would be a benefit to the City to rezone the lot;

C. There has been a substantial change in area conditions that necessitated the amendment.

Mr. Rosenberger reviewed a sketch plan of the lot noting it would cluster hotels together (in referring to an existing hotel).

Mr. Jim Brazen, Coldwell Banker, reviewed the lack of other available locations for a hotel.

Public comments:

Ms. Alice Radlinski, 6203 Hester Road noted that affordable residential properties were located in the Hester Road area, and was one of the few affordable properties. Ms. Radlinski asked the Planning Commission to please not approve. Ms. Radlinski stated that she believed building more residential affordable homes were needed, not another hotel. Ms. Radlinski stated that she felt the lots available on SR 27 were more appropriate.

Mr. Bruce Blankenship, 5280 Hester Road, shared all of the changes he has seen since living in the area.

Ms. Kathleen Zien spoke about the depth of this lot and it converging into the residential area and her concern about the lighting in this location. Ms. Zien inquired about the building height of the hotel.

Ms. Etta Reed, Bayer Becker, spoke and clarified that this would come back before Planning Commission if approved for a conditional use for a hotel. That, the clients' intent is to develop as a hotel. That, the frontage was very narrow, but deep, and would only get two lots out of it if split. Mr. Perry clarified that planned developments are allowed but flagged lots were not. Mr. Danny Nagar spoke, stating that the hotel windows would not open, their plan for dense landscaping, and that the lighting locations was not on the back of the hotel.

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

Mr. Snavelly stated that at one time he lived on Angela Court and while he was Mayor, Wal-Mart wanted to rezone land on Westgate. City Council and the Planning Commission both said no.

Ms. Rosenberg shared that she felt this was a very residential area, and agreed with concerns of those who spoke. This is extending into a side street. Mr. Rosenberg stated she understood the property was hard to develop; but, there were other properties more appropriate for this development.

Mr. Snavelly, noted that the property backed up to seven different properties zoned as R1A and that it was important to understand the importance and effect on those neighboring properties. Mr. Snavelly expressed his concern of lighting and parking and that ultimately have to follow the decision criteria.

Mr. Dana stated that he didn't think that any of the four criteria were met.

Mr. Daniels stated that he hadn't come up with why this was a good idea.

Ms. Blackmar inquired about the sloping on the lot.

Mr. Watt made motion to approve PC-2018-28. Mr. Smith seconded the motion.

The Map Amendment Decision Criteria were reviewed:

- 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 with the Comprehensive Plan. NO
- C. There has been a substantial change in area conditions that necessitates the amendment. NO
- D. There is legitimate need for additional land area in the zoning district that will be expanded. NO

AYE: None (0)

NAY: Mr. Watt, Mr. Daniels, Ms. Blackmar, Ms. Rosenberg, Mr. Smith, Mr. Dana, Mr. Snavelly (7)

ABS: None (0)

Old Business

Mr. Perry reported having received complaints about the complexity of the Bishop Square site. Mr. Perry reported that First Financial had submitted a change at the bank drive through to move the ATM into the existing island. Mr. Perry stated that he didn't think it would solve the complaints as the property was designed not as friendly for cars nor safer for pedestrians; it didn't do either very well with the design.

Adjournment

Mr. Daniels made motion to adjourn. Mr. Dana seconded the motion. The meeting was adjourned at 9:27 p.m.