



**MEETING MINUTES
PLANNING COMMISSION
TUESDAY, October 12, 2021
7:00 P.M.**

I. Call to Order

Those members present: William Snavelly, Steve Dana, Shana Rosenberg, Jason Bracken, Richard Keebler, Carla Blackmar, and Corey Watt

Those members excused: None

Staff members present: Sam Perry, Chris Conard, and Eunike Miller

Staff members excused: Zachary Moore

II. Approval of Agenda

Mr. Watt entertained a motion to approve the agenda as presented. Mr. Dana made a motion to approve the agenda. Ms. Rosenberg seconded the motion. All were in favor.

III. Approval of Minutes of September 14, 2021

Mr. Snavelly made a motion to approve the minutes as written. Mr. Dana seconded the motion. Ms. Rosenberg abstained from voting due to not being in attendance at that meeting. The motion was approved 6-0-1 (1 absent).

IV. Public Comments Related to Items Not on the Agenda

There were no comments from the public.

V. Reports from Commissions, Boards, Committees & Staff

Mr. Dana had nothing new to report.

Mr. Keebler had nothing new to report.

Ms. Rosenberg stated that the Housing Commission did not have a meeting.

Ms. Blackmar reported that at the OPTAB meeting, the upcoming paving plan was reviewed as well as ways to help reinforce the complete street strategy while the paving is taking place. Ms. Blackmar added that a meeting was scheduled to discuss the Northwest alignment for the Oxford Area Trail System but the project now has been delayed for two years. Ms. Blackmar encouraged the public to check the updates and the emails that the City of Oxford sends out in regards to this project.

Mr. Bracken had nothing new to report.

Mr. Watt stated that the HAPC will meet tomorrow and the only agenda item is to discuss the update of the Design Guidelines.

Mr. Perry reported that at the OKI meeting it was announced that the City will receive funds for Phase V of the OATS system. Mr. Perry added that it would be 2-3 years before the design process starts. Mr. Perry noted it is about \$ 2-3 million project with a 40% local match. Mr. Perry mentioned that the office receives lot of calls about medical marijuana dispensaries. Mr. Perry also reported that as part of the Comprehensive Plan, the planned public input for October 20-25 will be delayed for about a month. There is going to be another meeting on how to collect the public input. Mr. Perry added that a planning consultant will be hired to get the needed technical assistance.

VI. Old Business

PC-2021-22, 117 Bishop Street, LOT SPLIT, Pt. of Lot #502 totaling 0.0956 acres, Scott Webb, Applicant/Agent, TABLED

Mr. Snavelly made a motion to take this case off the table. Ms. Rosenberg seconded it. All were in favor.

Mr. Snavelly made a motion to enter into public hearing. Mr. Dana seconded the motion. All were in favor.

Mr. Perry started his presentation by briefly describing the location of the site. The decision standards were then displayed. Mr. Perry explained that this case will not go to the City Council because it is considered a minor subdivision.

Mr. Perry displayed the survey and the lot split. Mr. Perry added the Commission requested additional information from the applicant to help determine whether there would be any impact on conformity of the existing lot by creating these new sites. Mr. Perry pointed out that no additional information has been provided. Mr. Perry suggested not to table the case again. Mr. Perry added that no comments were requested from staff.

Mr. Webb started his presentation by stating that they chose not to provide any additional information. Mr. Webb highlighted, they believe that the seven decision standards are met. Mr. Webb then drew attention to part of the staff report that states "Staff's assessment of this case is that the City has limited ability to request additional information or to not approve the lot split because of the provisions of the lot split decision standards." Mr. Webb added that the lot split complies with Code 1101.6. Mr. Webb pointed out that the Commission's opinion to stretch these 7 decision standards to include other areas, such as parking, zoning provision is not appropriate and it does not result in less occupants.

There was no comments from the public on this agenda item.

Mr. Dana made a motion to adjourn from public hearing. Mr. Snavelly seconded it. All were in favor.

Commission's Discussion

Mr. Keebler said the existing property meets all zoning requirements. Mr. Keebler added that if the lot was split the existing house would not conform, therefore he will not vote favorably for a lot split that creates non-conformity.

Mr. Dana quoted from last month's minutes "Mr. Snavelly brought up decision standards #3 highlighting the word "sites". Since it is used in plural, according to Mr. Snavelly both lots need to be considered. If both lots were considered, the split would mean that the physical character of the property is not suitable for the building site of the present house. Mr. Snavelly wanted to know if this is a reasonable interpretation of decision standards #3." Mr. Dana wanted to know if the answer was given to this statement. Mr. Snavelly stated his opinion is the same and he agrees with Mr. Keebler.

Ms. Blackmar stated it is a good reminder what Mr. Dana brought up. Ms. Blackmar added that granting the Applicant's request would create two non-conforming spots, therefore creates a parking backup.

Mr. Bracken was in favor of the idea of higher density however, a decision cannot create more non-conformity.

Ms. Rosenberg had the same opinion on non-conformity. Ms. Rosenberg agreed with Ms. Blackmar on making it less easy for students to bring their car into town, as Ms. Blackmar stated it at last month's meeting.

Mr. Watt added, he cannot knowingly create a problem to solve another one. Therefore, he cannot create a non-conforming lot when he is aware of this issue.

Mr. Snavelly thought that decision standard #3 is still an issue.

Mr. Dana wanted clarification on the statement made by Mr. Perry, "...any zoning variance requests could be found to be self-created." Mr. Keebler said it is just a general statement.

Mr. Snavelly made a motion to deny the request for PC-2021-22 Lot Split on 117 Bishop Street. Mr. Keebler seconded the motion. All were in favor. MOTION IS PASSED TO DENY THE REQUEST.

PC-2021-24, 219 W Walnut Street, LOT CONSOLIDATION, Pt. of lot #202, 0.125 acres, Jim Clawson, Applicant, Scott Webb, Architect/Agent, TABLED

Mr. Snavelly made a motion to take this case off the table. Mr. Dana seconded the motion. All were in favor.

Mr. Snavelly made a motion to enter into public hearing. Mr. Bracken seconded the motion. All were in favor.

Mr. Perry started his presentation by displaying the location of the site. Mr. Perry added that it is a lot consolidation request for two alley parcels that do not have street frontage.

Mr. Perry displayed the Buildable area, then the decision standards. The proposed consolidation survey was also displayed along with the buildable area after the consolidation.

Mr. Perry added that the packet contains the comments from the Fire and Police Departments as it was requested. Both Departments have safety concerns.

Mr. Webb started his presentation by summarizing why the Police and Fire Departments are not in favor of building in an alley. Mr. Webb stated that building in an alley is possible because the Code makes it possible. Mr. Webb emphasized that this is a buildable lot and by adding to it would make this lot more conforming. Mr. Webb stressed that adding to a lot should not create a problem.

There were no comment from the public on this agenda item.

Mr. Dana made a motion to close public hearing. Ms. Blackmar seconded the motion. All were in favor.

Commission's Discussion

Mr. Dana thought that the Fire and Police Departments' comments are specific to this case, not generic statements.

Mr. Snively appreciated the comments from Staff. Mr. Snively added that these two small lots should have been consolidated a long time ago, therefore he is in favor of the proposal. Mr. Snively further explained that he recognizes the difficulty for Fire and Police to access alley lots. Mr. Snively added that we have alleys and the Code makes it possible to build there, and if it is a reasonable request it should be allowed.

Mr. Keebler recalled the lawsuit that made it impossible to do away with alley lots and building on an alley lot anything that is an approved use within the current zoning. Mr. Keebler also noted that the site is non-conforming because of the existing two-story house encroaches to the other two individual lots. According to Mr. Keebler, this situation gives a chance to fix the issue. Mr. Keebler's suggestion was, since the three lots have the same owner, to move the lot line back and make the new combined lot smaller so both the front and the back lot would conform. Mr. Keebler pointed out that the larger lot is buildable but not to the same size as the combined lot is. Mr. Keebler added that the smaller the structure the less of a safety hazard it is. Mr. Keebler thought this situation could be made better if the front lot was conforming. This could be done by moving the lot line back (south) then combine the two lots, and the encroachment would be gone too. Mr. Perry pointed out that Mr. Keebler's suggestion cannot be made as a condition unless the owner or agent agrees with it. Mr. Perry added since this suggestion is outside of the boundary that the applicant is asking for, it cannot be mandated.

Mr. Snively was not sure if the lot line was moved the lot would be still conforming or be buildable. Mr. Snively wanted to know the rear yard setback. Mr. Perry said 35 feet.

Mr. Watt called Mr. Webb to join to the discussion. Mr. Webb said the request is to combine two existing lots. Mr. Webb added if there was no 35 feet setback it would create a more non-conforming lot.

Mr. Watt understood and appreciated Mr. Webb's point of view on the matter.

Mr. Snively thought the request meets with the decision standards.

Mr. Watt agreed with Mr. Snively that based on the current criteria, the lot is compliant. Mr. Watt added that when the decisions are made they need to look at the potential of that site not just one or two things. Mr. Watt suggested that it would be appropriate to ask City Council to revisit the alley issues since there are more and more similar conversations on this.

Mr. Snively added if the two lots were not combined Fire and Police would have the same issue in regards to approaching the house with the fire truck or finding the address. Mr. Snively thought that this is a reasonable request and should be allowed. Mr. Snively appreciated Mr. Keebler's suggestions.

Mr. Bracken was not sure whether the safety hazard is the same with small and bigger buildings.

Mr. Keebler stated that fire trucks are typically 108 inches wide but the problem is the alleys are not kept clean. Mr. Keebler added there are differences in fighting a fire in a smaller building than in a bigger building (square footage, height). Mr. Bracken was concerned about potentially being morally responsible if something terrible was to happen because a request was approved despite the comments from Fire and Police.

Ms. Rosenberg was supportive of the idea of creating more density in the alley. Ms. Rosenberg agreed that the Fire Department can have some issues accessing the property. Ms. Rosenberg thought the Police would not have issues finding the location. Ms. Rosenberg believed it is a balance between density and safety and Fire and Police would do their best in an emergency.

Mr. Dana was pondering on the degree of severity respect to safety that may occur from this proposal.

Mr. Watt added that West Walnut Street is 66 feet wide from curb to curb, the alleys are 16.5 feet wide. Mr. Perry stated they have learned a lot since the Code changes in 2017 and there is a need to take a look at the Code internally. Mr. Perry pointed out if the request is granted today, Decision Standard #1 is waived. Mr. Watt had a question on the address of the location since it does not touch Walnut Street. Mr. Perry pointed out that the address is assigned when a building permit is issued, and vacant lots typically do not have an address.

Mr. Snavely supported Ms. Rosenberg's comments on density. Mr. Snavely added that the question is whether they want the student rentals to spread in the Mile Square or to be consolidated.

Mr. Watt stated this is a contained alley to alley intersection since the property does not touch a public street. Mr. Snavely did not agree with Mr. Watt's view.

Ms. Blackmar added there are a lot of historic buildings in the Mile Square and these buildings are becoming rundown and unsafe. Ms. Blackmar pointed out if the desire for the Mile Square is to be walkable these potentially unsafe or rundown historic buildings either have to go and create reasonable housing or the desired density simply cannot be achieved. Ms. Blackmar added as the City is going through the Comprehensive Planning, there is a need to be realistic about the situation in the Mile Square.

Mr. Watt understood Ms. Blackmar's reasoning but he also thought that walkability is not a tradeoff for a 200 year-old building.

The Commission then reviewed the decision standards one by one, Code 1101.600(A):

- 1) Disagreement on the definition of public street and alley lot
- 2) Agreement
- 3) Agreement
- 4) Not applicable
- 5) Not applicable
- 6) Not applicable
- 7) Not applicable

Mr. Snavely made a motion to approve PC-2021-24, substantially meeting the criteria at 219 W Walnut Street Lot Consolidation. Ms. Rosenberg seconded the motion. Roll call was taken.

AYE: Ms. Blackmar, Mr. Snavely, Mr. Dana, Ms. Rosenberg (4)

NAY: Mr. Bracken, Mr. Keebler, Mr. Watt (3)

ABS: None

MOTION IS PASSED (4-3)

VII. Administrative Decisions

PC-2021-28, 801 S Beech Street, MINOR AMENDMENT TO APPROVED CONDITIONAL USE, Oxford Storage Solutions, Scott Webb, Applicant

Mr. Perry summarized the case and stated that it has been gone through minor amendments. The current amendment is to not have the building in the center area because of the uncompacted fill. The request was administratively approved by Planning Commission Chair, Mr. Watt and Community Development Director, Mr. Perry. Mr. Perry added that there is a revised approval letter, with added information regarding the landscaping, lighting and architectural requirements of the Code, which requires a signature from the Planning Commission Chair.

PC-2021-29, 210 N Campus Avenue, LOT CONSOLIDATION, Pt. of Lot #238, 0.141 acres, Dennis Day, Applicant

There were no additional comments on this agenda item.

VIII. Adjournment

Mr. Snavelly made the motion to adjourn the meeting. Mr. Dana seconded the motion. All were in favor. The meeting adjourned at 8:00 p.m.