

# OXFORD PLANNING COMMISSION

Minutes – June 14, 2016

**MEMBERS:** Jonathan Eady, Chair; Jeff Wearing, Vice-Chair; Penny England, Vivian Harris, and Ron Manson. Shawn Gaither was out of town.

**STAFF:** Bob Schwartz, city manager and zoning administrator.

**GUESTS:** Matt Fancher, Larry Daniel, Valerie Daniel, Sophie Mustafa, and Kendra Mayfield from Oxford College.

**OPENING:** Mr. Eady called the meeting to order and welcomed the guests.

**APPROVAL OF MINUTES:** Upon motion of Mr. Manson, seconded by Mr. Wearing, the minutes for the meeting of April 12, 2016 were approved. (The Planning Commission did not meet in May.)

**DEVELOPMENT PERMIT APPLICATION – Larry and Valerie Daniel** – We have a development permit application for 590 West Richardson Street from Larry and Valerie Daniel. The purpose is to build a single family dwelling. The property is in the RR (Rural Residential) zone. The dimensional requirements from Table 4.2 (page CD40:70) are listed below:

Requirement	Code Minimums	Daniel Application
Acreage per dwelling unit	1.38 acres	0.98 acres
Lot size	60,000 square feet	Approx. 48,000 square feet
Lot width	150 feet	110 feet
Minimum floor area	2,000 square feet	1,492 square feet
Maximum building coverage	15%	3%
Maximum height	35 feet	22 feet
Front setback	40 feet	160 feet
Side setback	15 feet	29 feet & 25 feet
Rear setback	30 feet	180 feet

Mr. Eady began the discussion by referring to Section 40–573 of the zoning ordinance.

## **Sec. 40-573. - Nonconforming lot.**

A lot of record, as defined in Section 40-3, that does not conform to minimum road frontage requirement or the minimum lot size or minimum lot width requirements for the zoning district in which it is located may be used as a building site, provided that the height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with or a variance is obtained, and, provided further, that in the case of a lot not served by sanitary sewer the lot area and width meet the current standards and requirements of the Newtown County Health Department for septic tank use.

Mr. Eady noted that the lot dimensions and total square footage was not a problem because it was a nonconforming lot and had been subdivided before the area had been zoned RR. The bigger problem in giving this application approval was the square footage of the home proposed. The minimum required in an RR zone is 2,000 ft.<sup>2</sup> and the size of the proposed home is 1,492 ft.<sup>2</sup>. This would be new construction so the nonconforming use section of the ordinance would not apply. Matt Fancher noted that the total footprint of the house would be 2,562 ft.<sup>2</sup>. Of that 464 ft.<sup>2</sup> is the porch. The total footprint of 2,562 ft.<sup>2</sup> includes the garage.

Mr. Manson noted that with the garage on the side of the house the appearance from the front would look like a larger home and would blend in well with the neighborhood. Mr. Manson noted that the garage door does not face the street.

Mr. Eady summarized it meets all the requirements except the minimum square footage and the question is how to meet the size requirement. It is not the total footprint that counts but rather the dwelling space that is mentioned in the ordinance. This would not include the garage.

Mr. Fancher noted when building a new home they have to consider resale value. Already, it is bigger than most of the houses on the street. Mr. Eady said City Council could rezone it from RR to R-15 but that would be “spot zoning” and might not be adopted by City Council. Mr. Larry Daniels said that from a practical standpoint what we are building would improve the neighborhood. Mr. Wearing replied that we know that but we are trying to fit it within the regulations. Mr. Eady said that the Planning Commission had turned down similarly sized homes in the past.

At this point in the meeting discussion of this item was suspended while Mr. Fancher and the Daniels when into the hall to discuss the situation.

**OXFORD COLLEGE SIGN REQUEST** – We have received a request from Oxford College to install a sign adjacent to the Student Health Services on Moore Street. Kendra Mayfield stated that the purpose of the sign was to direct ambulances to come to the Student Health Center which is on the side of the dorm on Moore Street. Sometimes the ambulances have trouble finding the Student Health Center and the sign would help with that situation.

*Upon motion of Mr. Wearing, seconded by Ms. England the request for the sign on the city right-of-way was approved as requested. Mr. Eady abstained. The motion passed 4-0 with one abstention.*

**DEVELOPMENT PERMIT APPLICATION – Larry and Valerie Daniel** - The Daniels and Mr. Fancher rejoined the meeting. Mr. Fancher asked if they turned the back porch into a sunroom and converted one half of the garage into a workshop with both spaces having heating and air-conditioning then would that meet the requirements of the ordinance? Mr. Eady and the Planning Commission did the math and found that the revised plans would exceed 2,000 ft.<sup>2</sup> for the dwelling unit.

*Upon motion of Mr. Manson, seconded by Mr. Wearing the request for the development application was approved with the changes to the plans proposed by the owners. The motion passed 5-0.*

Mr. Fancher will make the changes to the plans and bring them to City Hall on Wednesday at which time Mr. Schwartz would approve and issue the development permit. {Subsequent to the meeting Mr. Fancher did bring the revised plans to City Hall on Wednesday and the development permit was issued.}

**GENERAL DISCUSSION** - At the close of the meeting the members of the Planning Commission had a general discussion about several issues.

Some members had heard that City Council is considering creating a Downtown Development Authority. The members felt there are already two bodies responsible for planning for the city: the Planning Commission and City Council. They did not understand or see the need for a third body. Mr. Eady wondered what a Downtown Development Authority would do. Most of them in the state were created to help redevelop a downtown area. Since we do not have a downtown area in Oxford it was unclear what a Downtown Development Authority would do. Mr. Manson noted that the DDA would seem to be a duplicate of the Planning Commission. We have limited areas available for development and we should allow the market to determine when that is developed. The Planning Commission summarized its discussion about the Downtown Development Authority as of interest, but the Planning Commission has genuine concerns coupled with a healthy skepticism for the practicality of a DDA for the City.

The Planning Commission also discussed some of the duties which are assigned to the Planning Commission in Section 40–614. {For reference this is attached below.} The thoughtful ensuing discussion resulted in the Planning Commission feeling the need for more transparent communication and involvement with the city and would benefit from a work session with City Council for a general discussion.

Mr. Manson asked that on some future agenda we discuss the issue of what to do about covenants such as those in Wentworth when the homeowners association no longer exists and it is difficult for the covenants to be enforced.

**Sec. 40-614. - Powers and duties of the Planning Commission.**

The Planning Commission shall have all those duties necessary and reasonably implied as being necessary to carry out its duties as specified in this chapter. The powers and duties shall specifically include, without limitation, the following:

- (1) To adopt and amend rules, without the need to amend this article.
- (2) To cooperate with the federal, state, or local, public or semi-public agencies or private individuals or corporations, and carry out cooperative undertakings with the agencies, individuals, or corporations.

- (3) To prepare or cause to be prepared a comprehensive plan or parts thereof, for the development of the City or parts thereof, which shall be subject to the approval of the City Council.
- (4) To prepare and recommend for adoption to the local governing body with jurisdiction a plat or plats, or a corridor map or maps, showing the location of the boundary lines of existing, proposed, extended, widened or narrowed streets and linear open spaces and recreational areas, together with regulations to control the erection of buildings or other structures within such lines, within the jurisdiction or a specified portion thereof.
- (5) To make, publish, and distribute maps, plans and reports and recommendations relating to the planning and development of the City to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens.
- (6) To recommend to the City Council programs for capital improvements.
- (7) To prepare or cause to be prepared, and recommend for adoption by the City Council zoning ordinances, regulations for the subdivision of land, and any other land use regulations appropriate to manage development in the City.
- (8) To administer zoning and other land use regulations in whatever role is delegated to it by the City Council or as provided in this chapter. The Planning Commission shall specifically have authority and responsibility to review applications for zoning map amendments, applications for conditional use approval, applications for variances, and other related applications and provide a recommendation to the City Council.
- (9) To review and approve, conditionally approve or disapprove subdivision plats; provided, however, that if the Planning Commission is given authority to grant approval of final plats, the approval shall not constitute acceptance of public improvements which is a power reserved by the City Council over the subdivision plat.
- (10) To review and approve, conditionally approve or disapprove applications for site design and architectural review, as more fully specified in this chapter, subject to applicable appeal provisions of this chapter.
- (11) To establish one or more committees, including but not limited to a permit review committee to review administrative applications.
- (12) To review development, building and sign permit applications and consult with the Zoning Administrator and Building Inspector regarding compliance with the provisions of this chapter.
- (13) To exercise, in general, such other powers as may be necessary to enable it to perform its functions and promote the planning of its jurisdiction.

**ADJOURNMENT:** Mr. Eady adjourned the meeting at 8:18 PM.

Submitted by:

Bob Schwartz, zoning administrator