

HAC Review of Planning Commission Cases

Prepared for the
Oxford Housing Advisory Commission

Meeting Date: May 13, 2019

Case Type “Filters”

- Residential Subdivision – 10 units or more
- Residential Planned Development
- Commercial → Residential Rezoning
- Residential → Commercial Rezoning
- Residential (Up/Down) Zoning

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- Residential Subdivision – 10 units or more

1101.2:
**Subdivision
Process**

- Residential Planned Development

1145:
**Planned
Developments**

- Commercial → Residential Rezoning

- Residential → Commercial Rezoning

1135:
**Zoning Code
Amendments**

- Residential (Up/Down) Zoning

1101.2: Subdivision Process

- 1. Concept Plan** – Not mandatory. Meeting between applicant and staff held no more than 15 days after submission. Written comments provided at meeting. Staff may refer to the Planning Commission for additional review/comments.
- 2. Preliminary Plat** – Planning Commission recommendation; Council decision. Deadline for submission is 45 days prior to the Planning Commission meeting. Valid for 3 years, unless extended. [Follows Gantt Chart Process]
- 3. Construction Drawings/Improvement Plans** – Administrative decision. Approval, refusal, or requests for modifications within 30 days of submittal. Valid for 2 years, unless extended.
- 4. Final Plat & Record Plat** – Council decision. May be for entirety of Preliminary Plat, or in sections. Valid for 1 year, unless extended. Bonding approved prior to recording at the County.

1101.2: Subdivision Process

2. Preliminary Plat – Planning Commission recommendation; Council decision.

Decision “Considerations”:

1. Convenient and safe streets
2. Creation of usable lots
3. Provision of space for public utilities
4. Reservation of land for recreation uses
5. To minimize the impact on natural resources and the environment
6. To ensure that planning of attractive, connected and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, unconnected, undirected, haphazard growth
7. To minimize the effect on ground water and aquifer recharge, excavation and embankment, and unnecessary impervious cover
8. To provide adequate access to lots and sites
9. To mitigate adverse effects of noise, odor, traffic, drainage, utilities and increased storm water runoff on neighboring properties
10. Suitability of land – drainage, topography, flood hazard, geology/soils, vegetation

1145: Planned Developments

- 1. Pre-Application Conference** – Mandatory. Meeting between applicant and Community Development. Review sketch plans and discuss applicable requirements.
- 2. Preliminary Plan** – Planning Commission recommendation; Council decision. Deadline for submission is 45 days prior to the Planning Commission meeting. Valid for 2 years awaiting Final Plat submission, unless extended up to 2 more years. [Follows Gantt Chart Process]
- 3. Final Plan** – Planning Commission recommendation; Council decision. Deadline for submission is 45 days prior to the Planning Commission meeting. May be for entirety of Preliminary Plan, or in phases if they can stand alone. Valid for 1 year, unless extended up to 1 additional year. [Follows Gantt Chart Process]

1145: Planned Developments

2. **Preliminary Plan** – Planning Commission recommendation; Council decision.

Decision Standards:

1. The proposed planned development is in fact permitted in the zoning districts in which it is proposed
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
3. The uses and site plan will satisfy the general intent of this Zoning Code
4. The uses and site plan will be compatible with the general intent of the Comprehensive Plan
5. The size and shape of the site are sufficient for the proposed planned development
6. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district
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.

1145: Planned Developments

2. **Preliminary Plan** – Planning Commission recommendation; Council decision.

Decision Standards Cont.:

8. Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses
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
10. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services
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
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

1145: Planned Developments

2. **Preliminary Plan** – Planning Commission recommendation; Council decision.

Decision Standards Cont.:

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

Purpose Statements related to housing:

- B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
- C. Facilitate the construction of a variety of dwelling types to serve Comprehensive Plan goals of diverse and affordable housing

Required Written Description related to housing:

- G. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)

1135: Zoning Code Amendments

- 1. Initiation** – Map amendments are initiated in 1 of the following manners:
 1. Adoption of a motion by Planning Commission
 2. Adoption of a motion by Council
 3. Application by at least 1 owner of property proposed to be rezoned

- 2. Review** – Planning Commission recommendation; Council decision. Deadline for submission is 45 days prior to the Planning Commission meeting. 30-day referendum period following thereafter. [Follows Gantt Chart Process]

1135: Zoning Code Amendments

2. Review – Planning Commission recommendation; Council decision.

Decision Standards:

Must meet at least 1 of the following...

1. There is an error on the Official Zoning Map or in the delineations between districts thereon
2. The proposed amendment will make the map conform more closely with the Comprehensive Plan
3. There has been a substantial change in area conditions that necessitates the amendment
4. There is a legitimate need for additional land area in the zoning district that will be expanded