

APPROVED

Oxford Planning Commission

Minutes for Meetings on January 8, 2013 and January 11, 2013

Attendance: Patsy Burke, Jonathan Eady, Vivian Harris, Ron Manson, Jim Patrick, Mike Ready, and David Eady (Council liaison)

Guests: Bob Schwartz (City Manager), Dean Stephen Bowen and Margaret Dugan(Oxford College)

Secretary Jim Patrick opened the meeting at 7:00 PM.

The first order of business was to elect new officers for the Planning Commission for 2013. The following were nominated and unanimously elected:

Chairman – Jim Patrick

Vice-Chairman – Jonathan Eady

Secretary – Patsy Burke

Old Business:

1. Minutes for the December 11, 2012 meeting of the Oxford Planning Commission were reviewed and unanimously approved as amended.
2. A new request for rezoning of the Oxford College, Elizer property was received on December 17, 2012. See action under New Business
3. Bob Schwartz, City Manager reported there had been no progress on the Oxford College signs.

New Business:

1. The Oxford College request to rezone the Elizer property, Newton Co. Tax parcel #X0050-00000-015-000, from R-20 to Institutional District (INST) was considered. This request superseded requests dated July 26, 2012 and August 15, 2012. Dean Bowen gave a history of the property and a review of the college's previous requests for re-zoning and the reasons for the new request. If the zoning change were approved, the college would use the property "to support its educational programs" and specifically to provide instruction and training in organic gardening and related aspects of food production. Dean Bowen asserted that the "only" zoning classification that would allow this use was the Institutional District. The Planning Commission and Dean Bowen discussed the various issues involved in the zoning change. The Planning Commission was not prepared to formally consider the request without further study and decided to post-pone the discussion to Friday, January 11th.

The Planning Commission met at 8:00 AM on January 11, 2013 to discuss the request. Present were all six Planning Commission members, Bob Schwartz (City Manager), and David Strickland (City Attorney).

Generally the Planning Commission agrees that the organic gardening program proposed by the college would be good for the college and the community. An analysis of possible zoning classifications to allow the proposed use was made. The possible classifications considered were R-20 (current zoning), RR (Rural Residential), CONS (Conservation), AG (Agriculture), and INST (Institutional).

The Planning Commission does not agree with the position of the college that only the Institutional District zoning would allow the proposed use. This is apparently based on Table 4.4 of Chapter 40 of the City Ordinances, which prohibits private schools in all but

the Institutional District. The intent of this prohibition is to prohibit establishing and operating a school, which is not what the college is proposing. The zoning classifications pertain to land uses, not ownership. There is nothing in other zoning classifications that would prohibit use of the land for educational instruction as proposed. There are currently College owned properties that are zoned according to their primary use, not ownership by the College (OxHouse Science Center, zoned Conservation; several houses zoned Residential). In regards to using the Elizer property for instruction in organic farming, the Planning Commission noted that, just as the OxHouse Science Center is zoned Conservation but also is used for field work in the College's natural science courses, it would be acceptable to use a farm for teaching organic gardening and related aspects of food production.

In the consensus opinion of the Planning Commission, Rural Residential zoning would best allow the proposed use of the property by the college. Following is an analysis of the criteria for amendments to the official zoning map comparing the College's analysis of Institutional and the Planning Commission's alternate of Rural Residential.

- a. "Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property." - The College concludes that the operation of an organic gardening program would "create no more activity than is normally associated with ...neighboring residential properties." While this is correct in regard to the proposed use, it clearly would not be the case for other uses permitted under an Institutional District such as classroom buildings, parking lots, athletic fields, etc. A Rural Residential zoning would be no different than the current zoning except for the density of development.
- b. "Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property" - As in item a, the proposed use would not significantly affect the use, but other uses permitted under Institutional zoning would have significant impacts. A Rural Residential district would have no significant impact.
- c. "Whether the property to be affected by the proposal has a reasonable economic use as currently zoned" – Even though the college has no plans for housing development and the current market is not conducive to development, future markets could clearly allow reasonable economic use as currently zoned or zoned Rural residential.
- d. "Whether the proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools" – While the current proposed use would not cause significant impact, other permitted uses under Institutional zoning could. Zoning as Rural Residential would decrease density of future development and could have a positive impact.
- e. "Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the future development map and future land use plan map" – Zoning as an Institutional District is clearly not in conformity; zoning as Rural Residential would be in conformity.
- f. "Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval." – The proposed use would be beneficial to the community.
- g. "Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts" – Creation of an Institutional District would create an island. Rural Residential would be related to current zoning.

- h. “Whether the proposal would have an impact on the environment, including but not limited to adjacent and nearby districts.” The proposed use would not have significant impact, but other uses that would be permitted under Institutional zoning could have significant impact. Rural Residential zoning could have positive impact due to reduced density.

A motion was made, seconded, and approved unanimously to recommend that the Council deny the request to rezone the property to Institutional based on the analysis presented. While the zoning as Institutional District could possibly be conditioned to prevent any future inconsistent uses, the consensus of the Planning Commission is that it would not be the best way to proceed.

A motion was made, seconded, and unanimously approved that the Council consider rezoning the property Rural Residential. This zoning classification would allow the College to proceed with their proposed use of the property, and is consistent with the comprehensive plan.

Chairman Patrick adjourned the meeting at 9:30 AM.

Respectfully submitted by Patsy Burke, Secretary