



AGENDA
PLANNING COMMISSION
TUESDAY, May 14, 2024
7:00 P.M.

MEMBERS

Corey Watt, Chair, HAPC Rep.

Shana Rosenberg, Vice Chair, HAC Rep.

Jason Bracken, Council & Environmental Commission Rep.

David Prytherch, Council Rep.

Ann Kaufman Webster, CASC Rep.

Matt Arbuckle, OPTAB Rep.

Jeffrey Kruth, CIC Rep.

STAFF

Sam Perry, Director, Community Development

Zachary Moore, City Planner / GIS Coordinator

Christopher Conard, Law Director

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting:
(1) Comments on items not on the Agenda will be heard under Public Comments Related to Items not on the Agenda – and
(2) Comments for all public hearing items will be heard during Planning Commission consideration of said item. Please wait until you are recognized by the Chair, state your name and address so that your comments may be properly recorded and limit your remarks to a period of three minutes or less.

- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes of April 9, 2024 1
- IV. Public Comments Related to Items Not on the Agenda
- V. Reports from Commissions, Boards, Committees & Staff
- VI. New Business
 - PC-2024-01, 5728 College Corner Pike, CONDITIONAL USE, new Tractor Supply Co. store, MSP Properties of Ohio L.P., c/o Mitchol Pappan, Applicant/Agent **
Tabled from April meeting** 6
 - PC-2024-03, ZONING TEXT AMENDMENT, to require primary residence for Transient Guest Lodging, Sam Perry, Applicant **Recommendation to Table** 59
- VII. Adjournment



OXFORD PLANNING COMMISSION

Meeting Minutes

Tuesday, April 9, 2024

[Link for website video here](#)

Roll Call

Corey Watt, Chair

Shana Rosenberg, Vice Chair

Ann Kaufman Webster

David Prytherch

Jason Bracken

Jeffrey Kruth

Matt Arbuckle

Time: 0:12

A regular meeting of the Oxford Planning Commission was called to order by Chair Corey Watt on Tuesday, April 9, 2024 at 7:06 p.m.

Members in attendance were Ann Kaufman Webster, David Prytherch, Shana Rosenberg, Matt Arbuckle, and Jeffrey Kruth

Members excused: Jason Bracken

Staff Members in Attendance

Mr. Sam Perry, Director, Community Development, Mr. Benjamin Mazer, Assistant Law Director,

Ms. Eunike Miller, Administrative Assistant

Staff Members Excused

Mr. Zachary Moore, City Planner/GIS Coordinator

Approval of the Agenda

Time: 0:17

Motion – To Approve the Agenda

(Voice Vote) 1st Mr. Prytherch

2nd Mx. Rosenberg

AYE: (6)

NAY: (0)

ABS: (0)

Approval of Minutes of March 12, 2024

Time: 0:29

Motion – To Approve the minutes as written

(Voice Vote) 1st Mr. Prytherch

2nd Mr. Kruth

AYE: (6)

NAY: (0)

ABS: (0)

Public Comments Related to Items Not on the Agenda

Time: 1:02

Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda will be heard under Public Comments Related to Items not on the Agenda - and (2) Comments for all public hearing items will be heard during Planning Commission consideration of said item. Please wait until you are recognized by the Chair, state your name and address so that your comments may be properly recorded and limit your remarks to a period of three minutes or less.

Pete McCarthy, 6073 Contreras Rd

Mr. McCarthy observed last month's Planning Commission meeting and liked what was discussed about the Zoning Code rewrite. Mr. McCarthy commented the City would need to provide opportunities for the public, including landlords, to share their thoughts and ideas.

Reports from Commissions, Boards, Committees & Staff

Time: 5:05

New Business

PC-2024-01

Time: 16:41

1. 5728 College Corner Pike, CONDITIONAL USE, new Tractor Supply Co. store, MSP Properties of Ohio., c/o Mitchol Pappan, Applicant/Agent ** Voluntarily postponed by applicant to May meeting

Motion – To Table the Case to the May Meeting

(Voice Vote) 1st Mr. Prytherch

2nd Ms. Webster

AYE: (6)

NAY: (0)

ABS: (0)

PC-2024-02

Time: 17:40

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2. 219 W Walnut Street, LOT CONSOLIDATION, Part of Lot #202, 0.125 acres, Jim Clawson, Applicant

Motion – To Enter into Public Hearing

(Voice Vote) 1st Mr. Prytherch

2nd Mx. Rosenberg

AYE: (6)

NAY: (0)

ABS: (0)

Mr. Perry presented the staff report and addressed questions from the Commission members.

Etta Reed from Bayer Becker spoke on behalf of the applicant. There were no questions from the Commission members.

Comments from the Public

Scott Webb, Architect, 103 W Walnut St

Mr. Webb referred to the last code rewrite where the Planning Commission encouraged alley development. Mr. Webb emphasized this consolidation would create a lot that is more suitable to build on.

Pete McCarthy, 6073 Contreras Rd

Mr. McCarthy commented on there are 49 “odd” alley lots in the Square Mile, and by combining these two lots will result one less of these type of lots.

Motion – To Close Public Hearing

(Voice Vote) 1st Mr. Prytherch

2nd Mr. Kruth

AYE: (6)

NAY: (0)

ABS: (0)

The Commission discussed and voted on the seven conditions as provided in code Section 1101.6(600)(A)

Condition #1

The proposed minor resubdivision, lot split or consolidation is located along an existing public street and involves no opening, widening or extension of any street or road, and in the case of residential lots, does not involve the creation of any easement for access.

Condition #1 has been met, the Planning Commission has a different interpretation than staff

AYE: Mx. Rosenberg, Mr. Prytherch, Ms. Webster, Mr. Kruth, Mr. Arbuckle

NAY: Mr. Watt

Condition #2

The proposed minor resubdivision, lot split or consolidation meets the dimensional requirement of the underlying district or a minimum of 3,000 square feet of lot size if the underlying district does not have minimum lot size requirements.

Condition #2 has been substantially met

AYE: Mx. Rosenberg, Mr. Prytherch, Ms. Webster, Mr. Kruth, Mr. Arbuckle

NAY: Mr. Watt

Condition #3

The physical characteristics of the property are suitable for building sites.

The Commission agreed with staff that this has been met.

Condition #4

There is no division or allocation of land for parks and open spaces as required by these regulations.

The Commission agreed with staff that this is not applicable.

Condition #5

New lots to be created which are five acres or larger in size and locates along an existing public road are exempt from this chapter.

The Commission agreed with staff that this is not applicable.

Condition #6

The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites are exempt from this chapter. The following statement shall be included on the Record Plat: "Not to be transferred as an independent parcel in the future without planning commission approval"

The Commission agreed with staff that this is not applicable.

Condition #7

No more than two (2) new lots shall be created.

The Commission agreed with staff that this is not applicable.

Motion – To Approve PC-2024-01 based on the decision criteria listed in the Code and substantially meeting the lot dimension requirement and with the Commission's interpretation of Condition #1.

(Roll Call) 1st Mr. Prytherch

2nd Mx. Rosenberg

AYE: Mr. Arbuckle, Mr. Kruth, Ms. Webster, Mr. Prytherch, Mx. Rosenberg (5)

NAY: Mr. Watt (1)

ABS: None (0)

Motion to Adjourn Meeting at 8:23 p.m.

Time: 1:16:32

(Voice Vote) 1st Mr. Prytherch

2nd Ms. Webster

AYE: (6)

NAY: (0)

ABS: (0)

Case No:
PC-2024-01



Meeting Date:
May 14, 2024

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	MSP Properties of Ohio L.P., c/o Mitchol Pappan
Location	5728 College Corner Pike – Parcel ID H4100028000031
Action Request	Conditional Use
Requested Use	Retail Store (Tractor Supply) exceeding 15,000 sq. ft. in gross floor area
Floor Area	21,930 sq. ft gross floor area; 15,415 sq. ft. sales floor area
Engineer	Widmer Engineering Inc., c/o Sarah Ritsema, EIT
Owner	5278 College Corner Pike LLC, c/o Timothy C. Macy
Current Use	Vacant / Undeveloped Land
Current Zoning	GB General Business District
Site Area	Overall Site: 13.67 acres Proposed Development Area: 4.21 acres
Site Frontage	Approx. 922 feet along US 27 / College Corner Pike Approx. 1,332 feet along Todd Road
Surrounding Land Uses	Hardware store (Gillman's) to the west; Farm equipment sales to the north (Koenig); retail (Walmart) and agricultural to the east; place of worship (First Baptist Church) and manufacturing (Schneider Electric) to the south
Staff Recommendation	Approval , subject to recommended conditions

PROPOSAL SUMMARY

Developer MSP Properties of Ohio L.P. has an option to purchase a portion of a 13.67-acre property located at 5728 College Corner Pike. The site is zoned GB General Business District and has frontage along both College Corner Pike and Todd Road. The applicant wishes to acquire a little over 4 acres on which to build a new Tractor Supply store serving the local market. Before entertaining a subdivision of the property, the applicant is looking to obtain a Conditional Use in order to secure approval for a retail use exceeding 15,000 gross floor area, which is not permitted by-right in the GB District. Primary access into the site is proposed off of College Corner Pike (aligned with Ringwood Road), with secondary access provided via Todd Road.

CASE HISTORY

A summary of relevant past planning & zoning cases is provided below:

Case No.	Application	Decision
PC-2016-21	Preliminary Planned Development	Council approved Jan 17, 2017 by Ord No 3391
This application was submitted by Tim Macy / Teamwork Property Group, to approve an overall development vision for the entire 14 acre property. Phase One was planned to comprise a self-storage facility on the northern end of the site, while Phase Two was to comprise commercial, retail, and/or office uses on the southern end. One notable approval condition was for the provision of multi-use paths along both US 27 and Todd Road.		
PC-2018-20	Final Planned Development	Council approved Sept 18, 2018 by Ord No 3485
The Final Planned Development which followed the Preliminary served only to solidify details for Phase One (the self-storage facility), inclusive of a detention area sized large enough to serve both planned Phases. The approval required multi-use paths to be constructed along both College Corner Pike and Todd Road within 1 year of Final PD approval, or otherwise be constructed by the City using financial security.		

DEPARTMENT COMMENTS

Below are comments received from City departments:

Department	Respondent	Response
Economic Development	Seth Copenbaker Economic Development Specialist	Returned with Comments
<i>The proposed conditional use of the site at 5728 for the development of a Tractor Supply retail store represents a valuable use of this property. An additional employer operating a similar and complimentary business to those on neighboring properties would be a welcomed addition to the Oxford community. Economic Development staff encourage the addition of new employers to Oxford, as well as the redevelopment of properties to increase their value in generating new property taxes. The proposed Conditional Use for the property at 5728 College Corner Pike for the development of a Tractor Supply retail store is supported by the Economic Development staff without concern.</i>		
Engineering	Scott Otto City Engineer	Returned with Comments
<i>Responding to original February 27 plans:</i> <i>The Engineering Division offers the following comments:</i> • <i>A traffic impact study is needed.</i> • <i>No storm water management is shown, show area allocated for storm water detention or retention. Site development must follow requirements of the City of Oxford Storm Water Management Design Manual.</i> • <i>The existing roadside ditch along the west side of Todd Road is nearly flat and does not drain well. Site improvements will need to make improvements for proper drainage as much as possible, especially the proposed 0.855 acre residual lot that has ongoing standing water.</i> • <i>Provide 10' wide asphalt multi-use path along College Corner Pike and Todd Road in conformance with Oxford Bike and Pedestrian Safety Improvement Plan.</i>		

• Provide crosswalk and curb ramp at Todd Road and sidewalks along the proposed public street to provide pedestrian connectivity and follow the vision of the Complete Streets Policy. • The Oxford Transportation Thoroughfare Plan identifies a proposed roadway through this site as part of a future connection between Ringwood Road and Brown Road. • Proposed public street will need to meet minimum requirements of the City of Oxford Codified Ordinance Chapter 1101 - Street Typical Sections including right-of-way width, curb, gutter, and sidewalks. • Verify the proposed public street will meet requirements of the Ohio Department of Transportation Location and Design Manual, especially minimum horizontal curve radius requirements. • The plan sheet with truck turning movements shows conflicts with a proposed sign, curbs, and display areas. Also provide truck turning movement analysis for the proposed public street. • No planned water or sanitary sewer connections are shown. • Further review of detailed construction plans may result in additional comments and requested plan revisions.		
Fire	John Detherage Fire Chief	Returned with Comments
<i>Responding to revised April 5 plan:</i> <i>I'm good with the revised plan as long as they put the Todd Rd. access back in and add a fire hydrant near that entrance.</i>		
Police	John Jones Police Chief	Returned without Comments

PUBLIC COMMENTS

Public notices were mailed to surrounding owners within 200 feet of the subject property, and a sign was posted on the site. No comments have been received from the public as of the writing of this report.

COMMENTARY

Staff comments on site conditions and a number of key development aspects are provided below:

- **Building Architecture:** The front façade will be the most architecturally interesting portion of the overall structure by comprising pilasters and wainscoting, and also featuring a variety of exterior materials including stone veneer, split-face block, and Hardie plank siding. Windows have been added to the front façade in order to comply with the Zoning Code's minimum transparency/glazing requirements. Awnings projecting over the windows will consist of galvanized corrugated metal material; the gabled roof over the front entry bay will also consist of similar material. The remaining facades on the north, east, and south sides of the building would possess a lesser degree of architectural quality and interest, consisting mostly of beige-colored metal paneling and painted CMU split-face block.
- **Landscaping:** The table below summarizes tree planting requirements together with the number of new plantings proposed on the submitted plan. The site borders non-residential zoning in all directions, therefore no vegetative screening/buffering is explicitly required by the Code. Since the site is largely devoid of mature vegetation, the applicant is requesting a waiver of the Tree Survey

requirement. Apart from the new street trees and shade trees shown, the applicant is also proposing several areas to be further landscaped with shrubs and ground cover.

Required Trees	Required Ratio	Minimum Trees	Provided Trees
Front Yard	1 tree per 25 feet of linear frontage	27	28
Parking Areas	2 trees per facility plus 1 tree for every 5 spaces or fraction thereof	17	18
Overall Site	1 tree per 10 feet of linear frontage	68	68
		TOTAL	112
			114

- **Lighting:** The Zoning Code requires minimum security lighting at a reading of at least (1) foot-candle across all areas covered by off-street parking. The desired lighting level is often achieved by installing a combination of pole and wall pack fixtures. The Code restricts pole-mounted fixtures to a maximum height of sixteen (16) feet, inclusive of any concrete base. Lighting-related details are not yet provided as part of this submittal, but are anticipated to be shared by the applicant and reviewed by staff at the Building Permit stage.

- **Non-Vehicular Mobility:** Relevant topics are discussed below:

- **Bicycle Parking:** The Zoning Code requires bicycle parking to be provided at a rate of 1 per 10 on-site vehicle parking spaces. With a total of 76 vehicular parking spaces proposed, this amounts to a minimum of 7 required bicycle spaces. The applicant is proposing 4 bicycle racks, each capable of supporting 2 bikes, to be installed on a concrete pad to the left of the front entrance.
- **Pedestrian Mobility:** *Section 1149.07(e)(7)* requires several features related to pedestrian mobility/accessibility; in the case of this Tractor Supply proposal, these are namely: (1) the installation of sidewalk and/or multi-use path in locations along public roads where none currently exists; and (2) the installation of a five-foot wide private walkway linking public sidewalks/paths to the front of any newly developed building/use. In consideration of the latest submitted plans, the applicant has effectively met # (2) and partially met # (1).

The applicant proposes constructing a new segment of multi-use path/trail along the east side of College Corner Pike, in accordance with the 2014 Oxford Bike and Pedestrian Safety Improvement Plan. However, when it comes to Todd Road, the City Engineer cites the City's 2019 Complete Streets Policy in noting that neither a multi-use path nor sidewalk has been included. In response, the applicant has formally requested a waiver to the sidewalk requirement along Todd Road, citing a number of reasons including: (1) no apparent destination northward; (2) the "rear" of the building/site is devoted primarily to loading and auxiliary purposes supported by large service vehicles; and (3) any sidewalk improvement installed is likely to be torn up, re-designed and reconstructed should Todd Road be improved in the future.

- **Signage:** For any new single-tenant sites, the Zoning Code provides two available signage options by-right: (1) a total of 2 wall signs; or (2) a combination of 1 wall sign and 1 freestanding sign. The applicant has elected to go with option (2) by installing a wall sign roughly 6.2 feet tall and 20 feet wide (124 square feet) as well as a freestanding sign 5.75 feet tall and 12 feet wide near the proposed entrance from US 27 and Ringwood Road.

- **Stormwater Management:** Stormwater generated by impervious surfaces on the site will be managed through the use of a 3,800 square foot rain garden installed toward the southern edge of the site, in proximity to the intersection between US 27 and Todd Road. The City Engineer has observed poor drainage along the west side of Todd Road, where standing water is often common due to minimal slope from north to south in this area. Final construction plans will need to demonstrate compliance with the City of Oxford’s Storm Water Management Design Manual.
- **Traffic Circulation & Parking:** The proposed parking lot layout demonstrates compliance with the Code’s non-residential parking provisions, including minimum number of off-street spaces, space sizing, drive aisle width, and landscaping islands. *Table 1149.05-1* requires retail store uses to provide a minimum of 1 space for every 300 square feet of usable floor area. With a total sales floor area of 15,415 square feet, this amounts to 52 parking spaces being required. The maximum number of parking spaces is always 150% of whatever the minimum is, pursuant to *Section 1149.05(a)*; thus, the intended use can accommodate up to 78 total spaces before requiring special approval. The proposed site plan includes a total of 76 off-street parking spaces, staying just below the maximum by 2 spaces.
- **Utilities:** Comments on individual utility services are provided below.
 - **Garbage & Recycling Collection:** A dumpster enclosure sized 14-ft by 28-ft is included in the rear portion of the site, behind the fenced outdoor display area. Plans showing enclosure wall dimensions and details are expected to be submitted at the Building Permit stage, in order to verify complete compliance with applicable codes.
 - **Sewer and Water:** According to data maintained by the Service Department, water and sewer mains are located along College Corner Pike in relatively close proximity to the site. It is assumed that the builder will be able to tap in directly to these existing utility lines. The City Engineer awaits more definitive details on water and sanitary connections as part of future construction plans.

DECISION CRITERIA

- A. **The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.**
 Yes, *Section 1143.12(b)(2)(C)(10)* provides a “catch all” that any *combination of any retail, personal or public services that exceed 15,000 square feet of gross floor area* and proposed within the GB District may be approved via the Conditional Use process.
- B. **The use and site will satisfy the general intent of the Zoning Code.**
 Yes, *Section 1143.12(a)* provides that the GB General Business District is *intended to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood commercial district development. This district is only appropriate within areas that are presently served, or will be served upon development, with both central water and sewer.* A new outdoor-oriented retail store with pre-defined areas for outdoor storage of merchandise will be satisfactory to the general intent of the Zoning Code in this location of the city.
- C. **The use and site will be compatible with the general intent of the Comprehensive Plan.**
 Per the 2023 Oxford Tomorrow Comprehensive Plan, the site is positioned within the “Flex Industrial” Character Area, which the Plan defines as being *characterized by employment uses like light industrial, distribution, and logistics ... found on the outskirts of the community where sensitivity to preserving existing character is less relevant.* Although the GB General Business zoning does not most

directly align with the Character Type (LI Light Industrial zoning would have the most direct alignment), staff believes the development of a Tractor Supply store in this location would not be contradictory to the general intent of the Plan.

D. The use and shape of the site are sufficient for the proposed use.

Yes, the size of the site is more than sufficient to accommodate the proposed Tractor Supply store. If the Conditional Use is successful, a required follow-up step would be to submit for approval of a Preliminary Subdivision in order to subdivide the property into multiple parcels, dedicate right-of-way, and establish access, utility and drainage easements as necessary to support this development as well as any future development on the remaining vacant land (totaling 9.46 acres).

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

The Code has a built-in protection against abnormally large “big box” style retail uses within the GB District, by requiring Conditional Use approval for such uses. Apart from size and outdoor storage of goods/merchandise, retail usage is otherwise permitted and encouraged to be established within this particular type of setting. The addition of a Tractor Supply store would be no less hazardous or disturbing than its neighboring uses, inclusive of Gillman Home Center, Koenig Equipment and Walmart, among others.

F. 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.

This standard is generally intended for industrial operations and generally does not apply to this proposal, sparing perhaps consideration for future traffic impacts. The additional traffic volume that would be generated by the future Tractor Supply store is expected to be lower than other types of retailers.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.

Included as part of the proposal is a fenced outdoor display area, within which will be a propane pad as well as a garden center. A metal canopy structure is proposed over the garden (“live goods”) center portion of the fenced-in area. These uses are clearly accessory and incidental to the proposed principal use. It should be noted that the applicant is requesting an additional waiver to the usual maximum fence height of 12 feet, as normally applies in commercial districts. The applicant requests that fence height be increased to 16 feet, noting the following as their reasoning: *a 16-foot fence is required to provide adequate storage space for fixtures in the Live Goods Center. There is a pallet racking that starts at 10’ and the additional space is needed for storage. A lower fence height would impact storage capacity and potentially lead to stockouts of items.*

H. 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.

Based on details and information available at the present time, it appears that the site can be adequately served by City services including water, sewer, refuse, police, and fire/EMS protection. The latest plan has satisfied the Fire Chief’s solitary design-related concern for the moment, through the inclusion of a secondary access point off Todd Road. The Police Chief did not return any immediate concerns with the proposal. It appears the applicant is thinking through the City Engineer’s comments by revising the plan to include a rain garden to provide drainage functions. The developer will be required to provide utility connection information as part of a future Building Permit submittal.

- I. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
The developer/applicant will be financially responsible for all improvements necessary in order to establish the new retail use, inclusive of providing infrastructure connections and extensions as appropriate. The proposed plan also should not unreasonably hinder the City's ability to realize any future transportation enhancements or improvements for this area of the city, in accordance with currently adopted plans and policies. One question that remains is whether now is an appropriate time to require construction of sidewalk infrastructure along Todd Road, or perhaps come to some other alternate agreement.
- J. **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.**
Staff is of the opinion that the use and site is proposed in a manner that will be harmonious in appearance and general character with existing/intended character.
- K. **The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.**
The City Engineer has asked for a traffic study to be completed for the project. The study should anticipate not only the immediate use planned (Tractor Supply), but also potential future usage on the remaining acreage of the property that will benefit from a shared private access easement. A traffic study will better determine what additional improvements may be necessary to US 27 and/or Todd Road to better facilitate traffic flow.
- L. **Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**
Staff is currently not aware of any notable natural, scenic, or historic feature of major importance that is worth preserving or protecting.
- M. **Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from the existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.**
Very little mature vegetation is present on the site. What little vegetation exists is mostly scrub, with some wetland-type plants (cattails) along Todd Road where drainage flow remains stagnant. To this end, staff views much of this site as a "tabula rasa" in terms of potential for earth movement and/or other disturbances in order to accommodate future development.
- N. **All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.**
The site is already located within City corporate limits, so no annexation action is required. At a minimum, the applicant (with owner's participation as necessary) will need to obtain approval of a Preliminary Subdivision, Final Subdivision, and Building Permit prior to construction.

STAFF RECOMMENDATION

Based upon a review of the relevant Decision Standards, staff recommends **approval** of the Conditional Use request subject to the following conditions:

1. The proposed plan associated with this Conditional Use necessitates submission of Preliminary Plat and Final Subdivision Plat applications for consideration by Planning Commission and Council as appropriate. Such applications shall be approved, and the corresponding record plat recorded, prior to approval of any Building Permit.
2. Oxford Zoning Code **Section 1147.02(c)(2)(A)** stipulates that *an approved Conditional Use must be substantially operational within 2 years of its approval. Applications for any construction permits necessary for the operation of the Conditional Use must be filed within 1 year of approval.* These timing provisions shall be automatically extended to begin on the date Council approves a Final Subdivision Plat pertaining to this site. If no Final Subdivision Plat has been approved within 1 year of Conditional Use approval by Council, the Conditional Use shall be considered expired.
3. An additional 10-foot wide accessway shall be established between the proposed College Corner Pike multi-use path and the front entrance of the new store, to allow for a more direct connection for pedestrian & bicycle traffic emanating from the south.
4. Public sidewalk shall either be provided along the west side of Todd Road, or payment provided to the City of Oxford in-lieu of constructing the improvement at the present time. If the second option is selected, funds shall be held by the City until a more appropriate moment when they can contribute toward pedestrian-related improvements within vicinity of the site.
5. Building architecture and signage shall substantially conform to the submitted elevation drawings, inclusive of proposed exterior materials and glazing.
6. A traffic impact study shall be completed and submitted as part of a future subdivision application for review by the City Engineer. Staff reserves the right to request additional improvements to public infrastructure to address impacts attributed to the development of the future retail use (Tractor Supply), as well as any additional future uses on the overall site.
7. Stormwater management systems shall be addressed to the City Engineer's satisfaction in accordance with the City of Oxford Stormwater Management Design Manual.
8. Fire hydrants shall be installed as necessary per the request of the Oxford Fire Chief.
9. Outdoor display/storage of merchandise shall be restricted only to areas shown in green, yellow, or purple on the submitted Preliminary Site Plan.
10. As required by **Section 1143.12(d)(7)(B)**, the dumpster enclosure shall be relocated to a location that is outside of any front yard.
11. A waiver to **Section 1141.01(c)(4)(B)(2)** is hereby granted to accept fence heights of sixteen (16) feet as presented in submitted plans, contingent on being composed of black vinyl-coated chain-link or another more aesthetically pleasing design as approved by the Zoning Administrator.
12. A waiver to **Section 1148.05** is hereby granted to accept the proposed landscaping plan and relieve the developer from the Tree Survey requirement. This waiver is contingent upon the landscaping plan being fulfilled as submitted.

SUBMITTED BY:



Zachary Moore, AICP
City Planner / GIS Coordinator

DATE: May 8, 2024

APPENDIX A

RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, *Section 1143.12* provides the base zoning standards for the GB General Business District. *Section 1147.02(c)-(d)* governs the Planning Commission's decision making process on Conditional Uses. *Section 1147.03(b)(37)* provides standards specific to retail uses exceeding 15,000 sq ft GFA that should be reviewed during the Conditional Use process.

1143.12 – GB General Business District.

- (a) Purpose.

This district is intended to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood commercial district development. This district is only appropriate within areas that are presently served, or will be served upon development, with both central water and sewer.
- (b) Uses.
 - (1) Permitted uses.
 - A. Retail services. (Not to exceed 15,000 square feet of total gross floor area)
 - 1. Apparel and jewelry.
 - 2. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 - 3. Department stores.
 - 4. Drug stores selling health and personal care aids.
 - 5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
 - 6. Flowers, potted plants, and garden supplies.
 - 7. Hardware, paint, home furnishings, and other home improvement products.
 - 8. Optical aids.
 - 9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
 - 10. Restaurants, not including drive-in or fast food.
 - 11. Sales of new and used motor vehicles by dealerships holding franchises authorized by manufacturers for the sale of new vehicles.
 - B. Personal and professional services. (Not to exceed 15,000 square feet of total gross floor area)
 - 1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
 - 2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
 - 3. Barber and beauty shops.
 - 4. Cleaners, including dry cleaning and Laundromats.
 - 5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
 - 6. Offices for nonprofit, charitable, labor, and other service organizations.
 - 7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold and repair work is done inside).
 - 8. Theaters, not including drive-ins.
 - 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
 - C. Accessory buildings incidental to the principal use.
 - (2) Conditional uses.

The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

- A. Retail services.
 - 1. Automobile service stations selling gasoline.
 - 2. Bars and establishments serving alcohol.
 - 3. Banks with drive-through facilities.
 - 4. Building supplies, garden supplies.
 - 5. Drive-in and fast-food restaurants.
 - 6. Sales of motorcycles and used motor vehicles, rental and service of motor vehicles, sales and rental of boats and marine equipment, and sales and rental of trailers.
 - 7. Temporary or outdoor sales of plants and garden supplies.
- B. Personal and public services.
 - 1. Animal hospitals or kennels.
 - 2. Bowling alleys.
 - 3. Cultural institutions, including libraries, art galleries and museums.
 - 4. Hotels and motels.
 - 5. Places of worship.
 - 6. Funeral homes.
 - 7. Indoor skating rinks, arcades, and similar recreational uses.
 - 8. Instructional studios.
 - 9. Night clubs, discotheques, and other entertainment facilities.
- C. Other uses.
 - 1. Community-Oriented Residential Social-Service Facilities (CORSSF's).
 - 2. Shared Housing and Congregate Housing for the elderly.
 - 3. Government owned and/or operated parks and recreational facilities.
 - 4. Bed & Breakfasts.
 - 5. Publicly owned and operated neighborhood recreation centers.
 - 6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
 - 7. Schools: primary, intermediate, and secondary, both public and private.
 - 8. Mini-warehouse (Self-Storage Units)
 - 9. Business Incubator
 - 10. Any permitted or combination of any retail, personal or public services that exceed 15,000 square feet of gross floor area

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

(1) Lot requirements.

- A. Minimum lot frontage and width: 100 feet
- B. No minimum lot size is specified; however, the lot size shall be adequate to provide for parking, access drive spacing, yard space and screening requirements.

(2) Yard requirements.

- A. Minimum setbacks.

Front yard	Rear yard	Side yard
35 feet	25 feet	0 feet

When a side or rear lot line abuts residential district lot lines, the minimum side or rear transitional setback distance shall be 25 feet in depth and shall be screened from the residential district by a dense evergreen hedge a minimum of 6 feet tall at planting and that will maintain at least 90 percent opacity over time. Existing vegetation may be considered as long as the anticipated overall opacity effect can be achieved. Alternatively, different types of screenings may be utilized subject to review and approval by the Zoning Administrator if the alternative material can achieve the overall 90% opacity effect.

- B. Maximum front yard setback.

A maximum front yard setback of 150 feet; and at least 75% of the façade of the principal building must be setback no more than 150 feet from the front lot line.

(3) Structural requirements.

- Maximum building height 45 feet
- (d) Supplementary Regulations.
- (1) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building. Displays of boats, automobiles, tractors, recreational trailers and/or mobile homes shall conform to the requirements as defined in Section 1141.03 (e)
 - (2) Landscaping:
Landscaping of the site shall comply with the requirements of Chapter 1148.
 - (3) The building should be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. The entrance must be connected to the street and adjacent parking with clearly marked sidewalks/walkways. The building façades facing the street must adhere to the façade treatment as outlined in the following sections. In no instance, shall the rear of the building face the public right-of-way.
 - (4) Building facades that are oriented toward a right-of-way shall be provided for visual relief as follows:
 - A. Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front façade. Glass block, opaque or darkly tinted glass is not considered to be transparent.
 - B. Building façades must have different articulation in height and setback. Different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than 14 feet. Preferred materials include brick, stone, glass or wood.
 - (5) Each development is required; where appropriate, to provide adequate space (including easements) for alternative modes of transportation such as bike paths, multi-use paths, bus stops and turnarounds. Each development is also required to provide bicycle rack space at a rate of 3 per 10,000 square feet of gross floor area.
 - (6) The front façade of the principal structure shall be finished, utilizing at least 50% natural materials including brick, stone, masonry, glass, or wood. No aluminum or vinyl siding shall be used in finishing or utilized on the front façade of the building.
 - (7)
 - A. All utility boxes must be screened with appropriate landscaping material such that they are not visible from a right-of-way or other publicly accessible area.
 - B. All refuse collection and recycling containers must be enclosed or screened so as not to be visible from a right-of-way or other publicly accessible area. The structure surrounding the container(s) must be enclosed on all sides, one of which includes a gate or door that can be secured. The enclosure may consist of wood or masonry walls. Containers shall not be located in any front yard. The exterior perimeter of the enclosure(s) must be landscaped, excluding the access point.

1147.02(c) – Planning Commission Review.

The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Burden of Proof.
 - A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.
- (2) General Decision Standards.
All Conditional Uses shall satisfy these General Decision Standards.
- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
 - B. The use and site will satisfy the general intent of this Zoning Code.
 - C. The use and site will be compatible with the general intent of the Comprehensive Plan.
 - D. The size and shape of the site are sufficient for the proposed use.
 - E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
 - F. 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.
 - G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
 - H. 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.
 - I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
 - J. 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.
 - K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
 - L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
 - M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
 - N. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

1147.02(d) – Action by Planning Commission.

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

1147.03(b)(37) – Floor Area Exceeding Maximum Allowable Square Footage

- A. Potential Concerns

1. Adequate lot size
 2. Adequate design of vehicle management area
 3. Setback from residential zoning setback and public streets
 4. Buffering and screening
 5. The hours of operation
- B. Regulations
1. The building exterior shall be compatible with the characteristics of neighboring structures.
 2. Parking shall not be in the front yard
 3. Other vehicular related concerns, i.e. ingress and egress, etc.

PC-2024-01

**Surrounding
Property Owners
Notifications Map**

Legend

-  Subject Area
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  16.5' Vacated ROW
-  Building Footprint



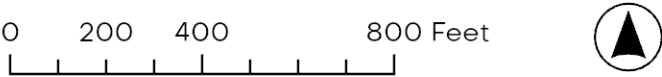
1 inch = 300 feet

Prepared on Tuesday, March 12, 2024

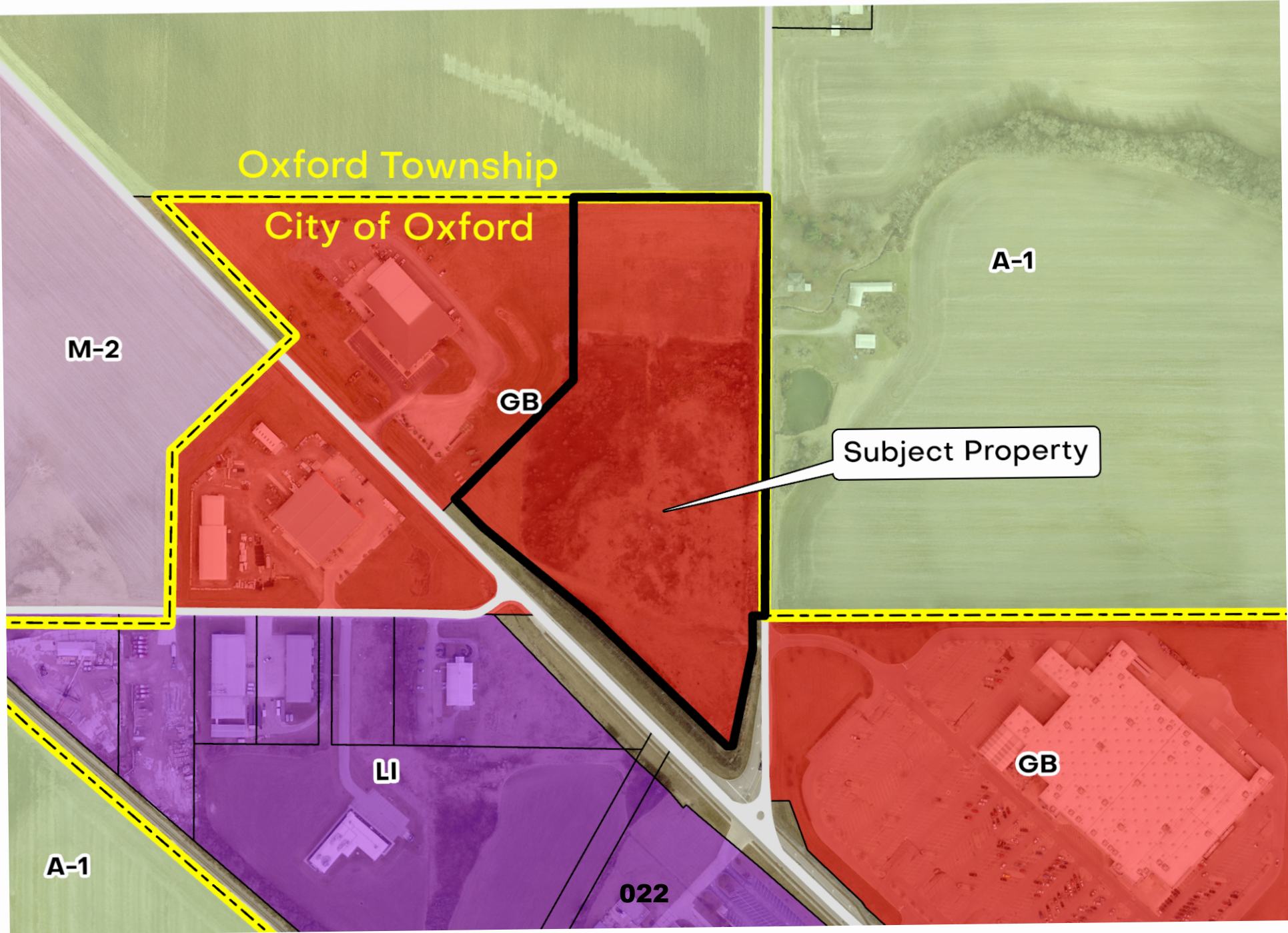
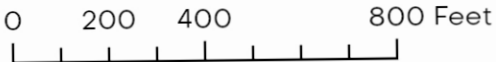
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.



Aerial Map



Zoning Map





Memo
Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2024-01
5728 College Corner Pike – Conditional Use: Tractor Supply Store

DATE: March 13, 2024

The Engineering Division offers the following comments:

- A traffic impact study is needed.
- No storm water management is shown, show area allocated for storm water detention or retention. Site development must follow requirements of the City of Oxford Storm Water Management Design Manual.
- The existing roadside ditch along the west side of Todd Road is nearly flat and does not drain well. Site improvements will need to make improvements for proper drainage as much as possible, especially the proposed 0.855 acre residual lot that has ongoing standing water.
- Provide 10' wide asphalt multi-use path along College Corner Pike and Todd Road in conformance with Oxford Bike and Pedestrian Safety Improvement Plan. Provide crosswalk and curb ramp at Todd Road and sidewalks along the proposed public street to provide pedestrian connectivity and follow the vision of the Complete Streets Policy.
- The Oxford Transportation Thoroughfare Plan identifies a proposed roadway through this site as part of a future connection between Ringwood Road and Brown Road.
- Proposed public street will need to meet minimum requirements of the City of Oxford Codified Ordinance Chapter 1101 - Street Typical Sections including right-of-way width, curb, gutter, and sidewalks.
- Verify the proposed public street will meet requirements of the Ohio Department of Transportation Location and Design Manual, especially minimum horizontal curve radius requirements.
- The plan sheet with truck turning movements shows conflicts with a proposed sign, curbs, and display areas. Also provide truck turning movement analysis for the proposed public street.

- No planned water or sanitary sewer connections are shown.
- Further review of detailed construction plans may result in additional comments and requested plan revisions.

**Internal Use Only:**Case No. PC-2024-01Date Filed 2/27/2024

Conditional Use Permit Application

Applicant Information

Attach a Letter of Agency if the Applicant is not the property owner.

Name * MSP Properties of Ohio L.P.

Mailing Address * P.O. Box 2280

City, State & Zip Code * Cranberry Twp., PA 16066

Telephone Number(s) * (724) 630-6448

Email Address mitchol@mspdevelopment.com

Owner Information

Name * 5278 College Corner Pike, LLC

Mailing Address * 3116 W Montgomery Rd

City, State & Zip Code * Mainville, OH 45039

Telephone Number(s) * n/a

Email Address tim@teamworkpg.com

Location and Lot Information

Location of Property * 5728 College Corner Pike

Legal Description * See attached legal description and property survey.

Zoning District * GB - General Business

Total Area * 13.71 → Check One * Acres ☒ Square Feet ☐

Existing Use Description * Undeveloped. Land use code 100A - Vacant agricultural land

Proposed Use Description * Develop site into a Tractor Supply Co. store

Submission Requirements and Documentation

From Section 1147.02(a)¹.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

A. Application Fee.

B. Description of Use and Site.

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. The name, mailing address, and telephone number of the applicant and the property owner.
2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
3. A legal description of the site, including all separate lots.

4. A description of the existing uses of the site.
 5. The zoning district in which the site is located.
 6. A description of the proposed use.
 - a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
 - b. The hours of operation.
 7. A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
 - a. How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses.
 - b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 - d. How any potential negative effects on adjacent land will be mitigated.
 8. A statement about why the location proposed is more appropriate for the use than other locations.
 9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
 10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.
 11. A list of the names and mailing addresses of all land owners within 200 feet of the site (see [next section](#)).
 12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.
- C. Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
1. North arrow.
 2. Scale.
 3. Vicinity map.
 4. All existing and proposed lot lines within the site.
 5. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
 6. Location, height, and use of all proposed and existing structures.
 7. Location and design of all proposed vehicle management areas.
 8. Location, size, and type of all proposed signs.
 9. Location, height, and type of all proposed screening and landscaping.
 10. Distances to residential zoning districts if within 1,000 feet.
 11. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 12. Other information as required by the Planning Commission.
- D. Landscape Plan. The plan shall demonstrate compliance with the requirements of Chapter 1148.
- E. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- F. Other. Photographs of the existing use and its surroundings.

See Chapter 1147, Conditional Uses, for the full text, particularly 1147.03 for use-specific regulations¹.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Planning Commission Review

From Section 1147.02(c)¹.

The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

From Section 1147.02(c)(2) General Decision Standards¹. All Conditional Uses shall satisfy these General Decision Standards.

- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. 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.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. 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.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. 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.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
- N. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Fees & Receipt

The required fees are \$525.00 plus \$10.00 for postage. You may write a \$535.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *



Date *

2-23-24

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

Direct questions to the Community Development Dept. at (513) 524-5204. The application will be placed on the next possible agenda.

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the Planning Commission meeting on which the action is requested. City Staff will place a public hearing sign on the subject property. **The Applicant is responsible for removing the signage at the completion of the hearing(s).**

For Staff Use Only

Fee Paid Date *

Receipt Number *

¹ City of Oxford Codified Ordinances: <http://www.cityofoxford.org/fees-ordinances-and-charter/>

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>



Statement Regarding Authorization to Apply

To whom it may concern,

I 5278 College Corner Pike, LLC authorize MSP Development, LLC to apply for conditional use on my behalf.

The Landowner is only authorizing MSP Development, LLC to apply for conditional use for the contracted portion of the total parcel.

In the case that the conditional use negatively impacts or causes the Landowner to be obligated to additional costs, MSP Development, LLC will take responsibility for any such expenses to remedy.

In the case that conditional use is granted, but MSP Development, LLC later determines not to purchase the property, MSP Development, LLC agrees to bear the expense of returning the property to its original zoning status.

A handwritten signature in black ink, appearing to read "Timothy C. Macy", is written over a horizontal line.

Signature

Timothy C. Macy, Managing Member

Name (print)

February 23, 2024

Date

Conditional Use Permit Application

Description of Use and Site

1. **Applicant Info:**

MSP Development of Ohio, LP

P.O. Box 2280

Cranberry Twp., PA 16066

(724) 630-6448, mitchol@mspdevelopment.com

Property Owner Info:

5278 College Corner Pike, LLC

3116 W Montgomery Rd, STE C-287

Mainville, OH 45039

tim@teamworkpg.com

2. *See attached statement from owner.*

3. *See attached legal description of site and property survey*

4. The site at 5728 College Corner Pike (PIN H4100028000031, Land use 100A – vacant agricultural land) is currently vacant land with some small brush and a few periodically mown access paths. There is a small existing gravel access onto Todd Rd, but there is no other development on the site.

5. This property is zoned as General Business (GB); retail services, including department stores, are permitted in the GB district if not exceeding 15,000 SF of gross floor area (G.F.A.). Permitted retail service exceeding 15,000 SF of G.F.A. is listed as a conditional use (Sec 1143.12(b)(2)c.10).

6. The proposed development will be a 21,930 SF Tractor Supply Co. store. Nearby businesses are shown on google to have business hours of 7am-7pm, 8am-5pm, and 6:30am-11pm. Tractor Supply Co. operates from 8am-8pm. They receive a delivery truck once per week, usually after hours. Services offered include retail, indoor pet services, an outdoor garden/live goods center, an outdoor fenced equipment display & propane refill service.

7. The proposed Tractor Supply Co. will be of similar land use as adjacent properties. Within the City of Oxford, the property is surrounded by similar commercial properties including a Walmart supercenter (150,000 SF), a tractor dealership, and a hardware box store. Properties are zoned either GB or Light Industrial (LI). The nearest structure is 1st Baptist Church, 200' away on the opposite side of College Corner Pike (US Rt. 27). Koenig Equipment is 500' from where the Tractor Supply will be. Two agricultural properties in Oxford Twp. abut the existing property lines as well, though the nearest structure here is greater than 500' away from the proposed

development. The regular store operations, listed in statement 6, should not cause any nuisance such as excessive noise, lighting, vibrations, odors/fumes, emissions, etc. Stormwater management practices will be implemented so as to cause zero net increase in runoff to neighboring properties.

8. *See attached statement from MSP Development LLC*

9. *See attached statement from MSP Development LLC*

10. The City of Oxford Codified Ordinance gives the following potential concerns for buildings with floor areas exceeding the maximum allowable square footage (1147.03(b)(37)). These concerns are each addressed in the italicized statements below:

1. Adequate lot size. *At 13.71 acres, there is adequate lot size. The proposed development includes subdivision into a 3.570 acre lot, a 0.855 acre residual lot, and an 8.406 acre residual lot.*
2. Adequate design of vehicle management area. *Following design standards in the City of Oxford codified ordinance, 73 parking spaces are required. 74 spaces will be provided, as well as 2 trailer equipment display areas equivalent to 15 additional spaces.*
3. Setback from residential zoning setback and public streets. *Required setbacks are shown on the site plan. No parking spaces or buildings project into these setbacks. There are no residential properties near this site.*
4. Buffering and screening. *Buffering and screening will be provided as required. See attached landscape plan for proposed locations of trees along property.*
5. The hours of operation. *Hours of operation (8am-8pm) are similar to those of surrounding businesses.*

Specific regulations for this conditional use are also listed:

1. The building exterior shall be compatible with the characteristics of neighboring structures. *The Tractor Supply exterior will have a similar appearance as neighboring structures (Tractor Dealership, Walmart supercenter, Hardware store, various warehouses)*
2. Parking shall not be in the front yard. *No parking spaces are within the required front yard.*
3. Other vehicular related concerns, ie. Ingress and egress, etc.... *Truck turns are shown on attached plans, demonstrating sufficient space for weekly deliveries without causing traffic issues.*

11. Please see the chart on the following page for a list of property owners within 200' of the proposed site.

12. A new public road is proposed to connect the proposed site as well as the two residual parcels to both Todd Rd & College Corner Pike (Rt. 27). This can be made into a private road or even incorporated into the current parking lot drive aisle if this is preferred.



April 15, 2024

Zachary Moore, City Planner
City of Oxford
15 South College Avenue
Oxford, OH 45056

**Re: Zoning Waiver Request:
Oxford Tractor Supply
5728 College Corner Pike
Oxford, OH 45056
WEI Project No. 24045**

Dear Mr. Moore:

In conjunction with the preliminary plat submission/conditional use application for the project referenced above, the following waivers from zoning requirements are requested:

Tree survey for preservation and planting- We are requesting a waiver from the requirement to provide a tree survey for the existing site based on the fact that there is currently a limited amount of tree cover. Most of the vegetation in the project area is grass and low brush. The majority of that tree cover is located in the triangular portion of the property that is labeled to be dedicated to the city for roadway improvements and will not be disturbed in the proposed development.

Sidewalk requirement along all roads- We have shown the multi-use bike/pedestrian trail along US 27 but are requesting a waiver from the requirement to provide a sidewalk along Todd Road. The reasoning for this is two-fold: 1) in order to provide a sidewalk along Todd Rd, the roadside ditch would have to be moved over by a minimum of 2 ft, and the flow path would go right by the existing utility poles. 2) If the city moves forward with their revision of the Todd Road/US 27 intersection, over 50% of the sidewalk would likely be torn out in order to make room for these improvements.

Currently, Todd Road is a two-lane road with roughly 4" of shoulder before turning into a grass embankment into the roadside ditch. If we were to construct the sidewalk along our frontage, it would end abruptly at our new subdivision line, with no other development along the road until the church located roughly 1500 ft away. Because the ditch would have to be pushed over and realigned in order to make room for the sidewalk, the end of the sidewalk would lead either onto the road which has no shoulders or into the roadside ditch.

Additionally, between the proposed secondary driveway onto Todd Rd and intersection with US 27, a sidewalk could feasibly be placed, however, this driveway leads into the loading

CONSULTING ENGINEERS

806 Lincoln Place Beaver Falls, Pennsylvania 15010 Phone 724/847-1696 Fax 724/847-0419
www.widmerengineering.com

area at the rear of the store and provides no designated pedestrian access (it is preferred that pedestrian access be encouraged to stay along the front and left sides of the building). This portion of the sidewalk would also likely be removed in the event that the intersection with US 27 were to be redesigned.

Due to both the current roadway conditions as well as the future planning for this area, we do not believe that it is wise to install the required pedestrian sidewalk along the frontage of Todd Road for this development project.

If questions arise, please do not hesitate to contact me at (724) 847-1696, extension 316.

Very Truly Yours,
WIDMER ENGINEERING INC.

A handwritten signature in black ink that reads "Sarah Ritsema". The signature is written in a cursive, flowing style.

Sarah Ritsema, EIT
Project Designer
(sritsema@widmerengineering.com)

CONSULTING ENGINEERS

806 Lincoln Place Beaver Falls, Pennsylvania 15010 Phone 724/847-1696 Fax 724/847-0419
www.widmerengineering.com

Zachary Moore

From: Nick Urbanowicz <nu@mspgeneralcontracting.com>
Sent: Monday, April 15, 2024 12:50 PM
To: Zachary Moore
Subject: Oxford, OH TSC- Fence Waiver

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Zach,

A 16-foot fence is required to provide adequate storage space for fixtures in the Live Goods Center. There is a pallet racking that starts at 10' and the additional space is needed for storage. A lower fence height would impact storage capacity and potentially lead to stockouts of items.

Thanks,

Nick Urbanowicz
MSP General Contracting, LLC.
Permitting Coordinator
Cell: (412)-780-8397

<http://mspdevelopment.com>





Statement of the Necessity/Desirability of the Proposed use to the Community

To whom it may concern,

Tractor Supply Company prides itself on positively impacting the communities that they elect to become a part of. Tractor Supply provides communities with products and services that allow their customers to continue benefiting their respective communities. Customers often send testimonials to the executive leadership explaining the impact that Tractor Supply has had on them specifically and how that impact has allowed them to better serve their communities.

The benefit a Tractor Supply store has on the community is multifaceted. Tractor Supply employs approximately 30-40 local individuals. The tax associated with sales provides an overall benefit to the community. The company offers a wide selection of products and creates competition with “bog box” stores, which ultimately drives prices down. Tractor Supply offers unique products tailored towards the maintenance of livestock and other non-domestic animals. It stocks products geared towards rural and agricultural maintenance, that can otherwise be difficult to find. Outside of agricultural and rural maintenance, Tractor Supply provides hardware and tools that can be used for a variety of purposes and allows businesses such as mechanic shops and other trades to have access to low cost and high-quality equipment.

Tractor Supply has proven to benefit countless communities and takes pride in its ability to do so. Incorporating a Tractor Supply into the community of Oxford, OH is sure to impact the community in a positive way.



Statement Regarding the Selection of the Proposed Location

To whom it may concern,

Tractor Supply Company considers various factors when selecting locations for their stores. One of the many factors considered by Tractor Supply is the size of their stores. Tractor Supply stores are on the larger side of retail stores and carries various products that are also large in size. Tractor Supply needs to make sure that they have storage facilities on site that are large enough to contain excess products. Additionally, Tractor Supply also sells machinery that is often used in connection with farming and outdoor maintenance. Such equipment is typically stored outside, which requires tractor supply to dedicate space to outdoor storage as well. The size of their stores requires Tractor Supply to focus on properties that are located towards the outskirts of municipalities as opposed to more densely packed space often found in the middle of municipalities.

Tractor Supply also considers the demographic of the municipalities they pursue. Tractor Supply pursues locations where there is a clear connection between the individuals inhabiting the municipality and their fondness of the outdoors. Tractor Supply stores thrive in rural municipalities where farming and outdoor leisure activities are embedded in the culture of the community. Additionally, Tractor Supply stores dedicate a significant portion of the store to pet care and pet focused products as well as products necessary to the care of non-domestic animals.

The location in Oxford, OH has been specifically selected by the Tractor Supply analytical team as it meets all of the requirements for the store to thrive and serve as a positive influence on the community.

P.O. BOX 2280, CRANBERRY TOWNSHIP, PA 16066

5728 College Corner Pike Adjacent Properties:

<u>Parcel #:</u>	<u>Owner(s):</u>	<u>Mailing Address:</u>	<u>Land Use:</u>
H4100028000016	Wal Mart Real Estate Business Trust	P.O. Box 8050 Bentonville, AR. 72716	422 C – Discount Stores & Jr Dept Stores
H3610016000003	Zehler, Diane et al.	1376 Trenton Oxford Rd. Hamilton, OH 45013	111 – Cauv Cash Grain or General Farm
H3510016000001	Summe, Carl Andrew & Herbert J.	3477 Millville Shandon Rd Hamilton, OH 45013	110 A – Cauv agricultural vacant land
H4100028000030	Koenig Equipment Inc.	P.O. Box 549 Botkins, OH 45306	454 C – Auto Car Sales & Services
H4100028000029	GHCOL LLC.	271 State Route 129 Batesville, IN 47006	429 C – Other Retail Services
H4000028000006	First Baptist Church of Oxford	6701 Ringwood Rd. Oxford, OH 45056	685 E – Churches etc., public worship private
H4000028000015	Ringwood Property Group, LLC.	1867 Millville Oxford Rd. Hamilton, OH 45013	429 C – Other Retail Structures
H4100028000013	Square D CO	1111 Pasquinelli Dr #100 Westmont, IL 60559	330 I – Manufacturing & Assembly Medium
H4100028000031 (this property)	5278 College Corner Pike LLC.	3116 W Montgomery Rd STE C-287 Mainville, OH 45039	100 A – Agricultural Vacant Land

040

PRELIMINARY PLAT PLAN				CITY/STATE - STREET: 5728 College Corner Pk- Oxford, O			
PROTOTYPE:	G+	DEVELOPER	DESIGNER	DATE:	COMPANY:	CONTACT	
BUDG/SALES SF: 21930/15415		MSP PROPERTIES			MITCHELL PAPPAN		
ACREAGE: 4.210		NAME:	SARAH RITSEMA				
PARKING SPACES: 75		PHONE #:	(724) 630-6448		PHONE #:	(724) 847-1696	

FACILITY NAME: OXFORD TRACTOR SUPPLY
FACILITY CONTACT: SAMUEL DUDLEY
P. O. BOX 2280
CRANBERRY, PA 16066
631-220-4837
SITE ADDRESS: 5728 COLLEGE CORNER PIKE,
OXFORD OH 45056
PARCEL ACREAGE: 4.210 AC

CARL ANDREW & HERBERT J. SUMME
PARCEL #H3510016000001
ZONING: A1
LAND USE: 110 A
(OXFORD TWP.)

5278 COLLEGE CORNER PIKE, LLC.
PARCEL #H4100028000031
ZONING: GB
LAND USE: 100 A
(CITY OF OXFORD)

KOENIG EQUIPMENT INC.
PARCEL #H4100028000030
ZONING: GB
LAND USE: 454 C
(CITY OF OXFORD)

RESIDUAL LOT
9.060 AC

RINGWOOD PROPERTY GROUP, LLC.
PARCEL #4000028000015
ZONING: GB
LAND USE: 429 C
(CITY OF OXFORD)

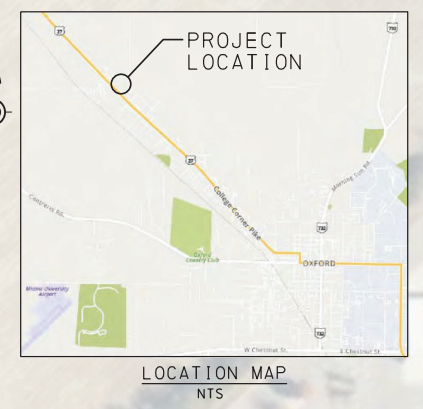
DIANA ZEHLER ET AL
PARCEL #H3610016000003
ZONING: A1
LAND USE: 111 A
(OXFORD TWP.)

FIRST BAPTIST CHURCH
OF OXFORD
PARCEL #4000028000006
ZONING: L1
LAND USE: 685 E
(CITY OF OXFORD)

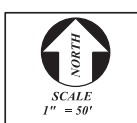
WAL MART REAL ESTATE
BUSINESS TRUST
PARCEL #4100028000016
ZONING: GB
LAND USE: 422 C
(CITY OF OXFORD)

SQUARE D CO
PARCEL #4100028000013
ZONING: L1
LAND USE: 330 I
(CITY OF OXFORD)

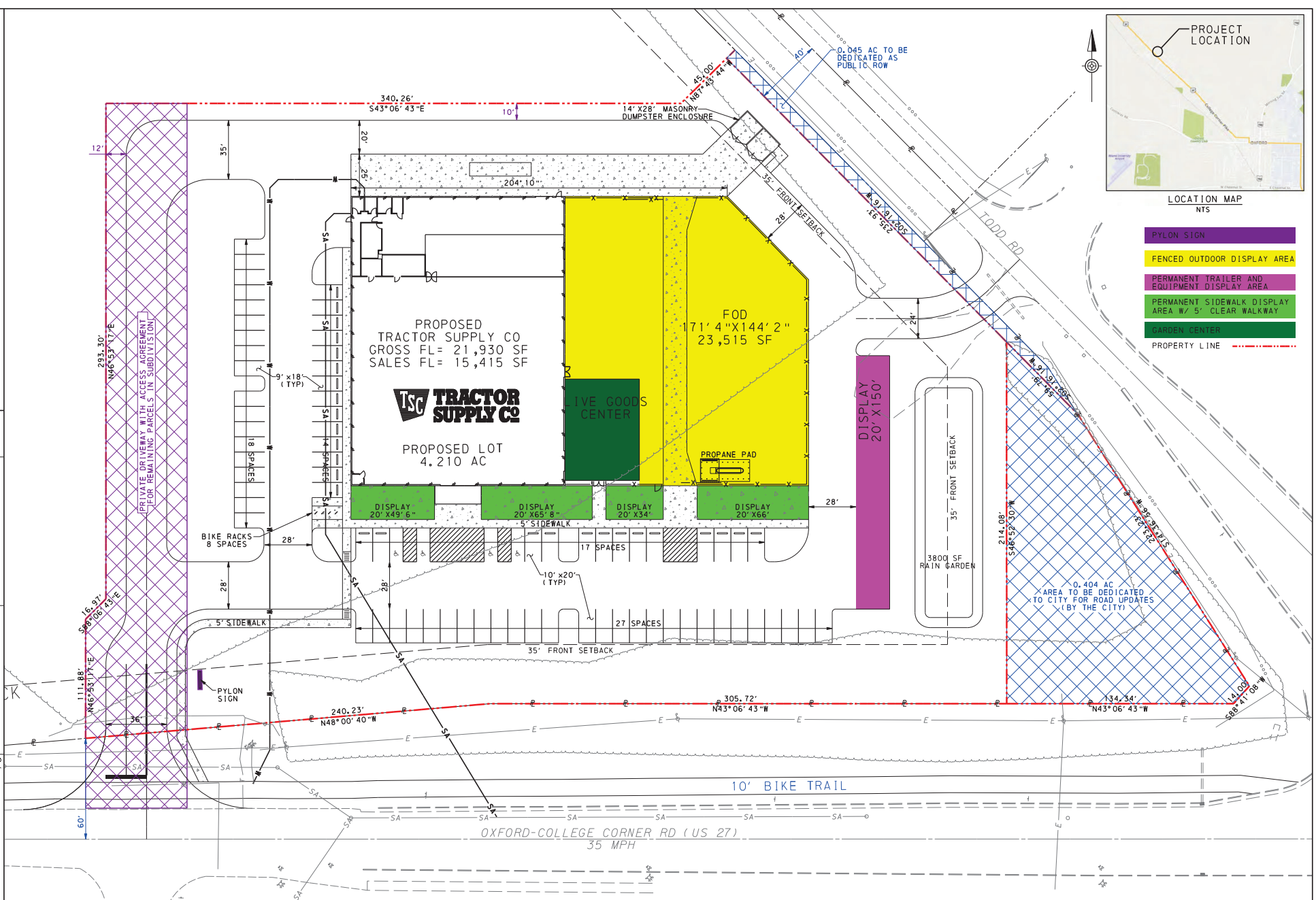
- LEGEND
- PROPOSED STRUCTURE
 - PROPOSED CONCRETE
 - LEGAL RIGHT-OF-WAY
 - EXISTING PROPERTY LINES
 - PROPOSED PROPERTY LINES
 - REQUIRED BLDG SETBACKS



CITY/STATE - STREET: 5728 College Corner Pk- Oxford, O



PROTOTYPE:	G+	DEVELOPER	DATE:
BLDG/SALES SF: 21930/15415		MSP PROPERTIES	DESIGNER
ACREAGE: 4.210		MITCHELL PAPPAN	CONTACT
PARKING SPACES: 76		PHONE #: (724) 630-6448	NAME: SARAH RITSEMA
			(724) 847-1696



LOCATION MAP
NTS

- PYLON SIGN
- FENCED OUTDOOR DISPLAY AREA
- PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA
- PERMANENT SIDEWALK DISPLAY AREA W/ 5' CLEAR WALKWAY
- GARDEN CENTER
- PROPERTY LINE

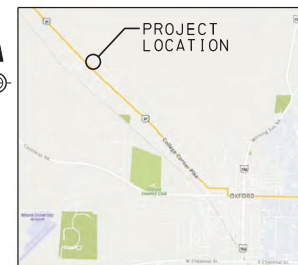


LANDSCAPED ISLANDS:
ALL INTERNAL PARKING LOT ISLANDS, AND OTHER LANDSCAPED AREAS, SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

1. SHRUBS, VINES, AND GROUND COVER SHALL BE HEALTHY STOCK.	5. SYNTHETIC OR ARTIFICIAL LAWNS OR PLANTS MAY NOT BE USED IN LUE OF PLANT REQUIREMENTS.
2. SHRUBS SHALL BE A MINIMUM OF ONE GALLON	6. CONCRETE AND ASPHALT SHALL NOT BE USED IN LANDSCAPED AREAS. DECORATION AGGREGATE AND OTHER PEROVIOUS SURFACES MAY BE USED IN LANDSCAPED AREAS IF APPROVED BY THE ZONING OFFICER
3. SHRUBS SHALL BE MAINTAINED SO THAT THEIR HEIGHT DOES NOT EXCEED 3' ABOVE THE ADJACENT PARKING SURFACE	7. ALL PROPOSED TREES WILL HAVE A MIN 2" CAL. AT THE TIME OF PLANTING. ALL TREES MUST BE CHOSEN FROM THE CITY OF OXFORD TREE LIST.
4. LAWN GRASS SHALL BE A SPECIES COMMON TO SOUTHWEST OHIO. SOD SHALL BE USED IN AREAS SUBJECT TO EROSION	

REQUIRED TREES:	REQUIRED	PROVIDED
TOTAL (1 / 10' FRONTAGE)	68	68
FRONT YARD (1 / 25' FRONTAGE)	27	28
PARKING AREA (2 / FACILITY & 1 / 5 SPACES)	17	18

 GROUND COVER
 SHRUB
 SHADE TREE
 STREET TREE



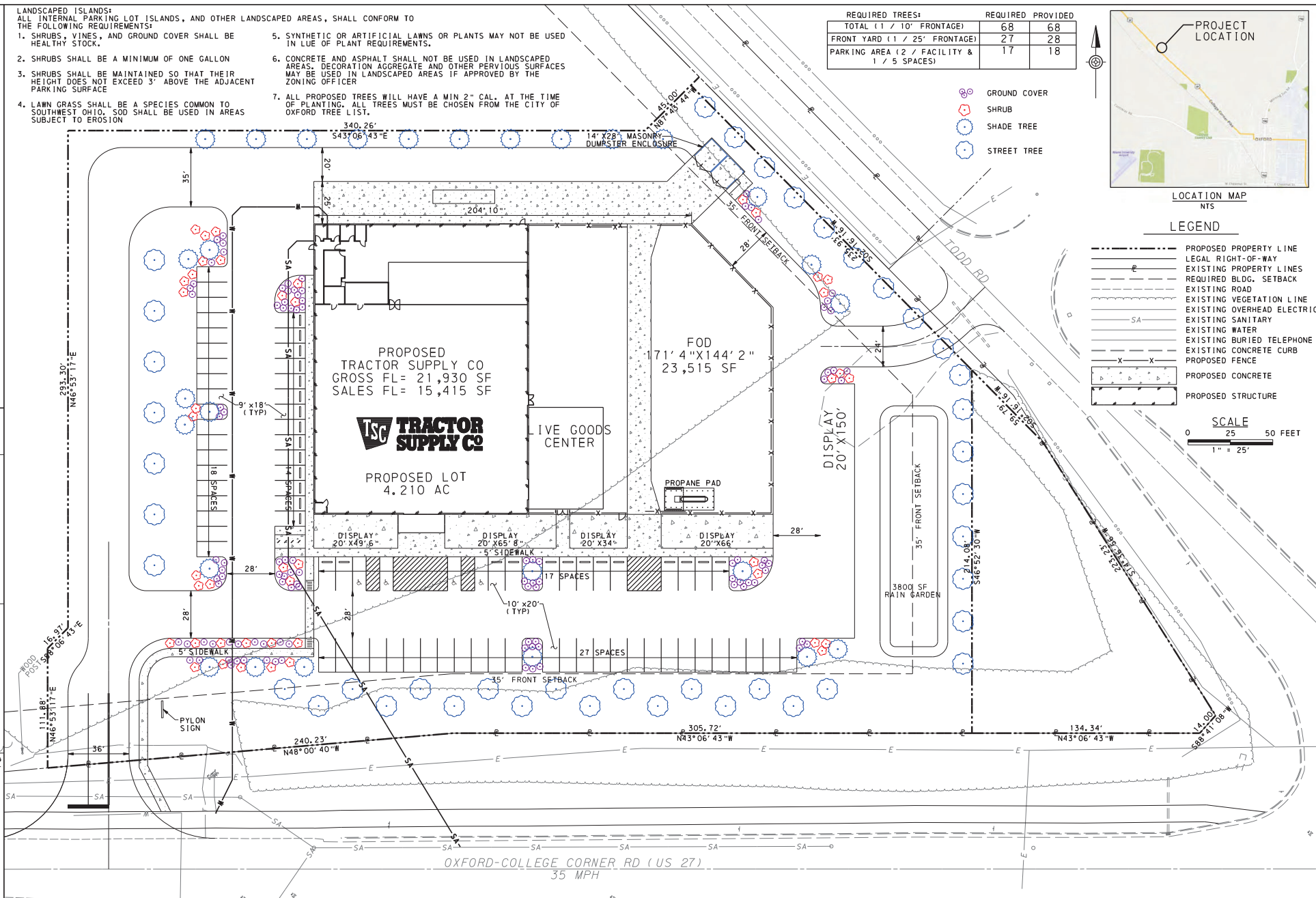
LOCATION MAP
NTS

LEGEND

-
- Diagram illustrating the layers and structures of a road cross-section:
- PROPOSED PROPERTY LINE
 - LEGAL RIGHT-OF-WAY
 - EXISTING PROPERTY LINES
 - REQUIRED BLDG. SETBACK
 - EXISTING ROAD
 - EXISTING VEGETATION LINE
 - EXISTING OVERHEAD ELECTRIC
 - EXISTING SANITARY
 - EXISTING WATER
 - EXISTING BURIED TELEPHONE
 - EXISTING CONCRETE CURB
 - PROPOSED FENCE
 - PROPOSED CONCRETE
 - PROPOSED STRUCTURE

SCALE
0 25 50 FEET
1" = 25'

DESIGNER	DATE:
	07/21/2023
SARAH RITSEMA	
(724) 847-1696	





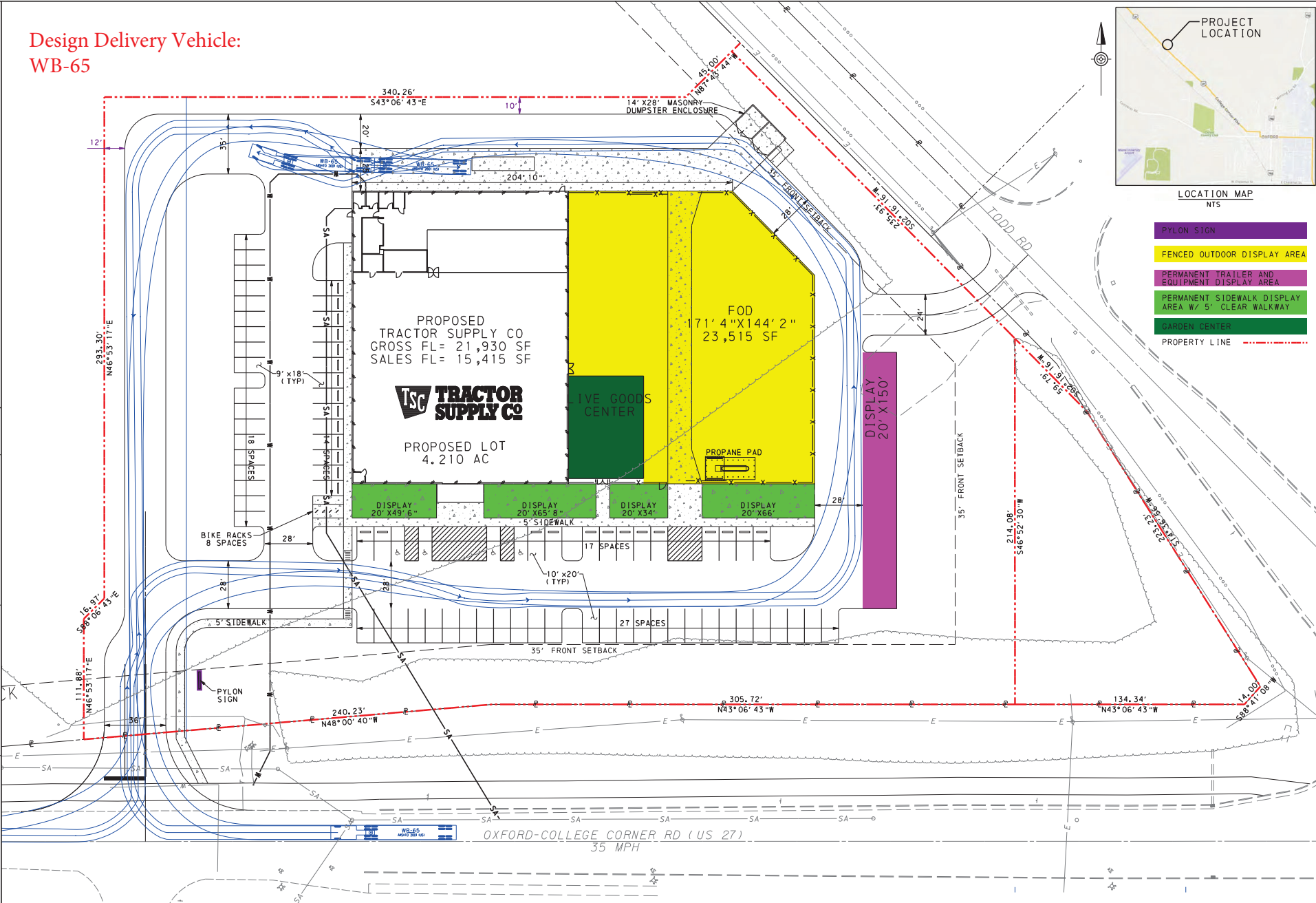
Design Delivery Vehicle:
WB-65



LOCATION MAP
NTS

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- GARDEN CENTER
- PROPERTY LINE

PRELIMINARY SITE PLAN			
CITY/STATE - STREET: 5728 College Corner Pk- Oxford, OH			
PROTOTYPE:	G+	DEVELOPER	DATE:
BLDG/SALES SF: 21930/15415	COMPANY: MSP PROPERTIES	CONTACT:	
ACREAGE: 4.210	NAME: MITCHELL PAPPAN	NAME: SARAH RITSEMA	
PARKING SPACES: 76	PHONE #: (724) 630-6448	PHONE #: (724) 847-1696	



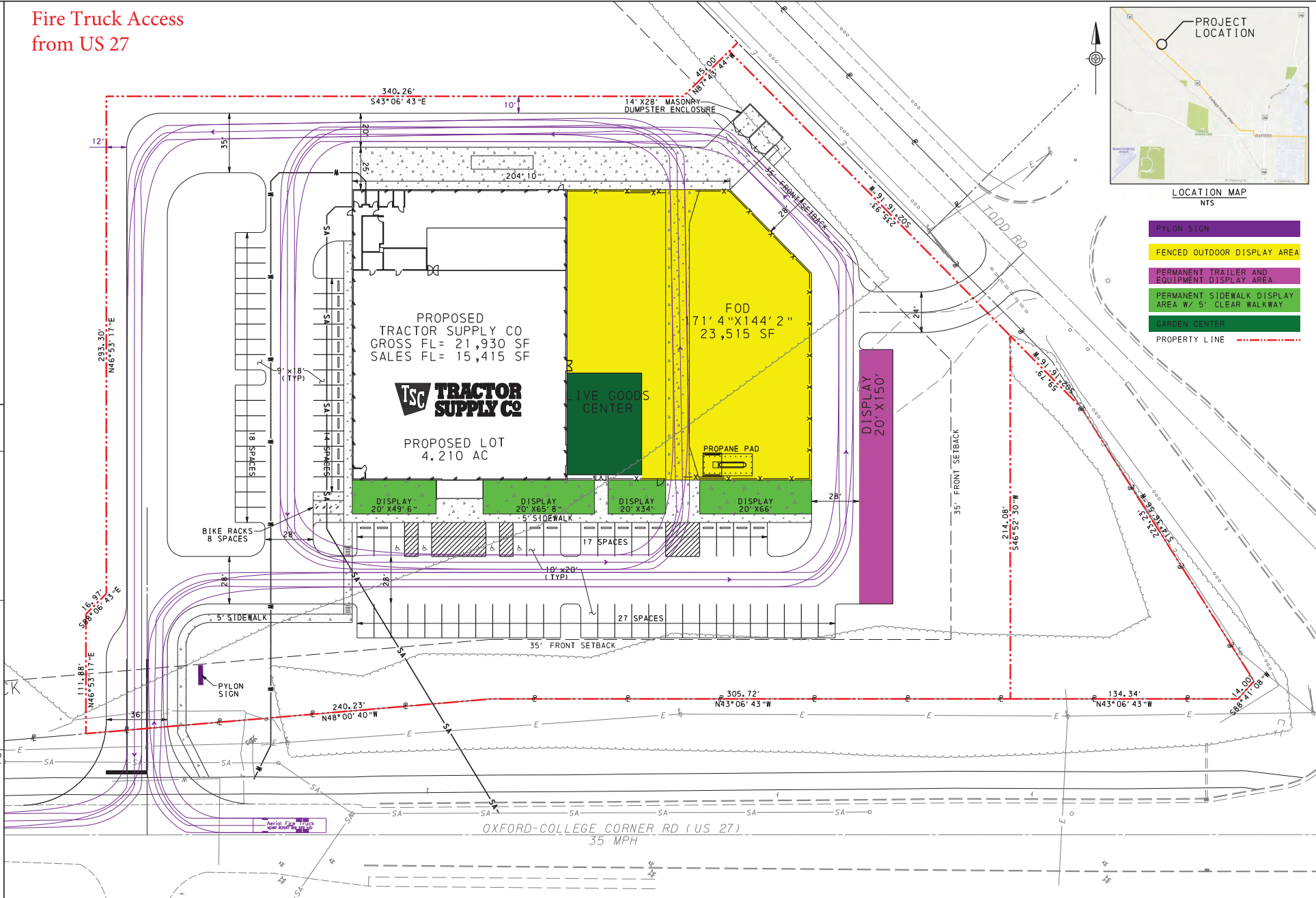


Fire Truck Access
from US 27

CITY/STATE - STREET: 5728 College Corner Pk- Oxford, OH

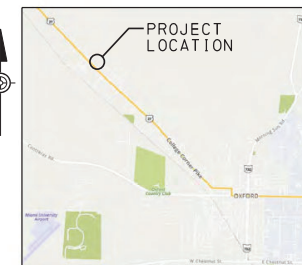
PRELIMINARY SITE PLAN

PROTOTYPE:	DEVELOPER	COMPANY:	DESIGNER	DATE:
BLDG/SALES SF: 21930/15415	MSP PROPERTIES	CONTACT		
ACREAGE: 4.210	NAME: MITCHELL PAPPAN	NAME: SARAH RITSEMA		
PARKING SPACES: 76	PHONE #: (724) 630-6448	PHONE #: (724) 847-1696		



LOCATION MAP
NTS

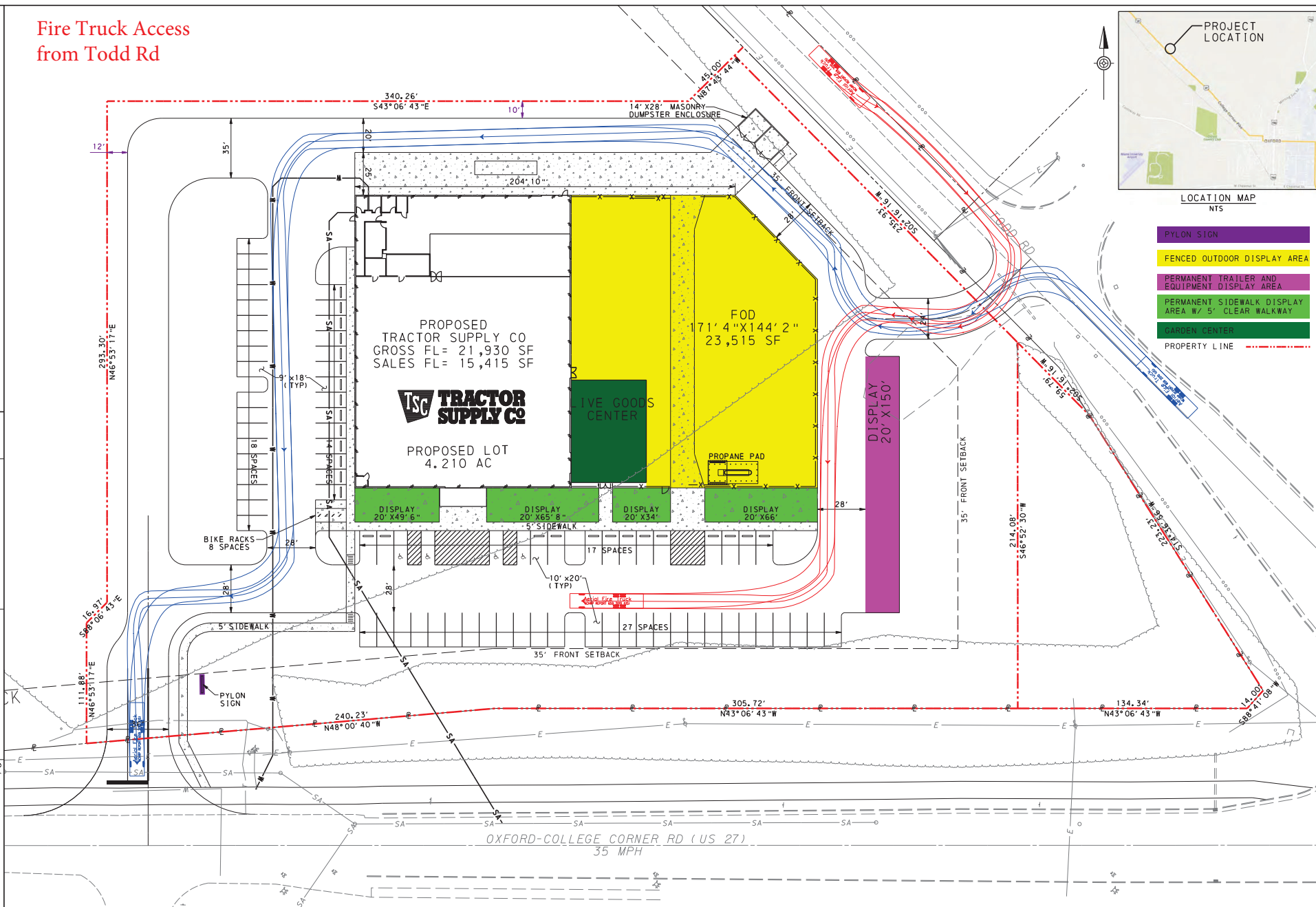
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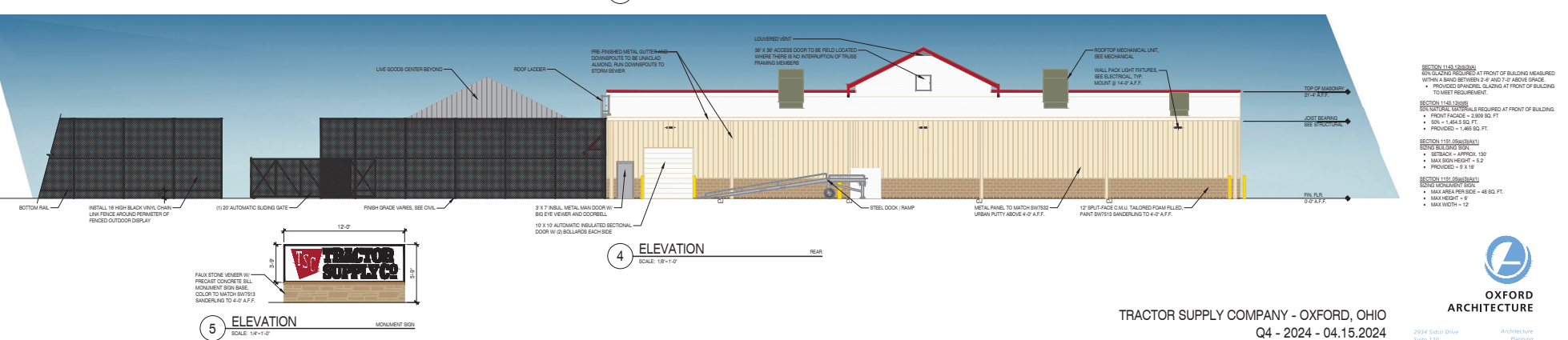
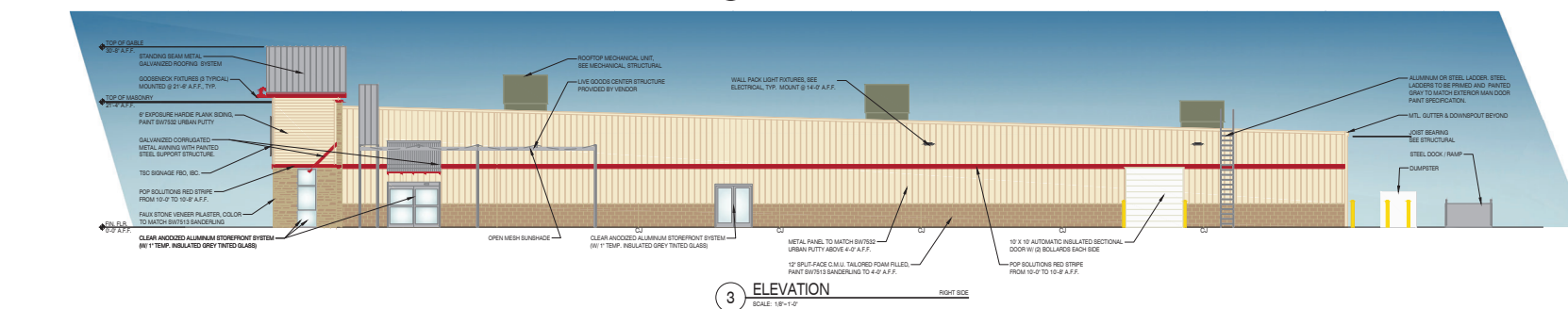
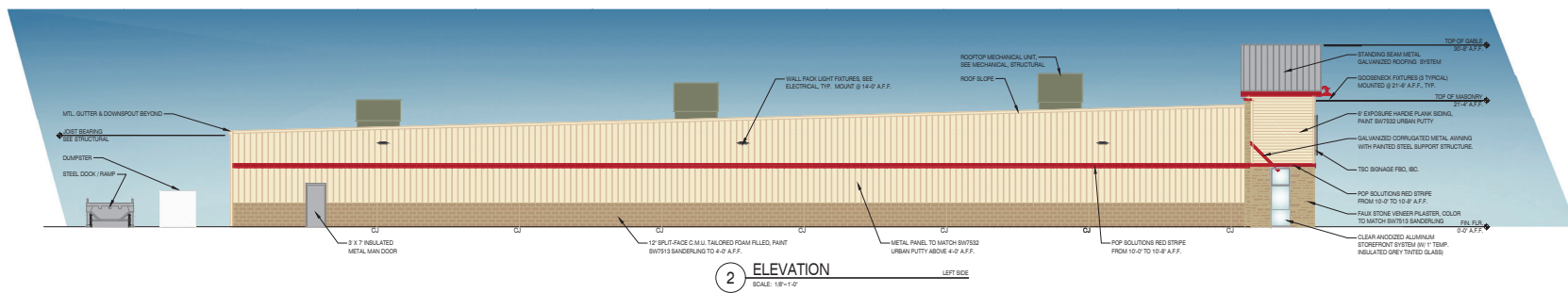
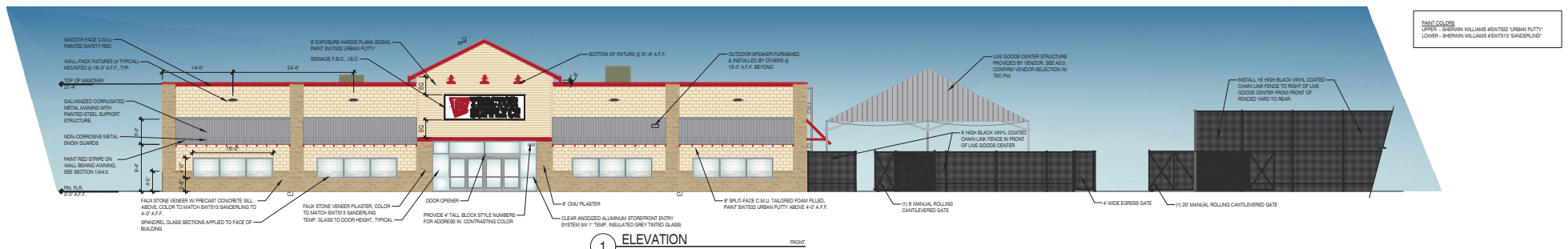


LOCATION MAP
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 GARDEN CENTER
 PROPERTY LINE

CITY/STATE - STREET: 5728 College Corner Pk.-Oxford, OH		DATE:	
PRELIMINARY SITE PLAN		DESIGNER	
PROTOTYPE: BLDGS'SILES SF: 21930/15415	G+ 4,210	COMPANY: MSP PROPERTIES	CONTACT
ACREAGE: PARKING SPACES: 76	NAME: PHONE #: (724) 630-6448	MITCHELL PAPPIN	NAME: SARAH RISEMA PHONE #: (724) 847-1696







Community Development Department
Preliminary Zoning Review
513-524-5204

April 10, 2024

Mitchol Pappan
MSP Properties of Ohio L.P.
P.O. Box 2280
Cranberry Township, PA 16066

VIA EMAIL:

mitchol@mispdevelopment.com
sritsema@widmerengineering.com

RE: Preliminary Zoning Review for 5728 College Corner Pike – New Tractor Supply Store & Subdivision

Dear Mr. Pappan:

I have reviewed your latest plans received April 5, 2024 for a new Tractor Supply store proposed to be located at 5728 College Corner Pike in Oxford, Ohio. This letter contains comments pertaining to review of the plans for compliance with the [Oxford Planning and Zoning Code](#), constituting Part Eleven of the Oxford Codified Ordinances. The site is currently zoned GB General Business District.

A Conditional Use application intended to support the establishment of a future Tractor Supply location was submitted to our office on February 27, 2024 and is currently in-process. Based on initial discussions with your team, it appears Major Subdivision applications will also later be required in order to subdivide the site appropriately so as to “set the stage” for the future store. In light of these details, this review attempts to anticipate as many future review procedures and standards as possible that could become applicable throughout the course of the project.

This is only a preliminary review based upon the plans and details currently provided. This review only observes compliance with respect to the Oxford Planning and Zoning Code, and not to any other codes or regulations, inclusive of the 2024 Ohio Building Code (OBC). A [Commercial Building Permit application](#) is required to be submitted and approved by the City prior to commencement of any construction. Any differences in plans that may later be submitted as revisions to the Conditional Use, Subdivision applications, or at the time of Building Permit review, may reveal new or revised comments different than those appearing below. Lastly, the latest plans are still pending review with City departments, so additional and/or revised comments may be forthcoming in the coming week or so.

This letter is not intended to be as exhaustive, or as summarizing, as a Planning Commission staff report which provides recommendations in a more holistic manner. The primary purpose of this review is to cite various Code standards/sections where a lack of compliance seems to be apparent, or where staff feels commentary is warranted at this time.

Keep in mind that Conditional Use reviews in Oxford are considered discretionary, meaning waivers (i.e., variations) to Code standards may be entertained, so not all of the issues cited here may end up actually necessitating plan revisions. Additionally, the discretionary nature of this review means various changes may eventually be requested that are not directly associated with specific Code standards, but rather are based on applicable decision criteria.

With the parameters and limitations as previously mentioned in mind, comments are as follows:

1. Pursuant to [Chapter 1101](#) of the Planning and Zoning Code, the proposal will require approval as a major subdivision. Approval of a major subdivision entails three key steps: (1) [Preliminary Subdivision](#); (2) [Construction Drawings](#); and (3) [Final Subdivision](#). The first step entails a recommendation from the Planning Commission, followed by two “readings” at City Council. The second step involves an administrative (staff) review of infrastructure improvements (utilities, sidewalks, paths, etc.) planned to support the future subdivision as a whole. The last step involves preparation of a plat instrument that will depict the intended division of land, as well as dedicate right-of-way and establish easements (for access, drainage, utilities, etc.) as are necessary; Council is the approving authority for all Final Subdivisions. It is recommended, if possible, that a Conditional Use request run concurrently with an eventual Preliminary Subdivision request, so that all pertinent plan-related details may

be considered together rather than separately. Staff may be open to discussing other potential procedural options with your team as well.

2. The [City of Oxford Thoroughfare Plan](#) classifies existing roadways according to whether they are arterials, collectors, or local streets, and also provides typical roadway sections for each. As seen in the plan, principal arterial roads require 120 feet of overall right-of-way width (i.e., 60 feet each side of the centerline), and minor collector roads require 80 feet of overall right-of-way width (i.e., 40 feet each side of the centerline). Therefore, the future subdivision must provide for at least 60 feet of right-of-way from centerline along US 27, and at least 40 feet of right-of-way from centerline along Todd Road. This will result in additional “strips” of right-of-way being dedicated along certain portions of US 27 and Todd Road; wherever the width already exceeds these figures, the requirement can be considered met.
3. The [City of Oxford Thoroughfare Plan](#) also identifies a future minor collector roadway (noted as “5B”), with two potential spans bisecting the site. One span connects directly to Ringwood Road, while another span leads further south thus suggesting a realigned & improved intersection between Todd Road and US 27. It is staff’s view that in considering a subdivision on this site, the City must consider both options and make a choice between one span or the other. The latter option would likely involve the least amount of improvements at this stage in this site’s development evolution, as dedicating additional right-of-way at the southernmost “pointed end” of the site may be found as a way of demonstrating adherence to the Thoroughfare Plan. A triangular hashed area totaling 0.404-acres in size is currently shown in this location, though the plan only identifies it as an “area reserved for updates to City road”; it is staff’s view that this triangle should, at the very least, be dedicated as right-of-way at this stage.
4. [Section 1141.01\(c\)\(4\)](#) provides that any non-residential fencing *shall generally improve the aesthetic of a site and may not exceed six feet in height in front yards or exceed twelve feet in height in side and rear yards*. It is staff’s opinion that galvanized chain link style fencing would not generally improve site aesthetics; therefore, a more enhanced style and/or material of fencing is recommended. Additionally, a significant portion of fencing is proposed at a height of sixteen (16) feet, which exceeds the Code’s limitation for no more than twelve (12) feet in side and rear yards.
5. [Section 1141.04\(j\)](#) provides a series of standards pertaining to trash/recycling collection facilities. Key requirements for facilities include: (1) having gates and walls constructed of durable materials [e.g. masonry walls & metal gates]; (2) having an exterior appearance which is compatible with the principal structure; (3) providing adequate area for storage of *both* trash and recycling receptacles; and (4) providing the ability for walk-in access without having to open main enclosure gates. A plan demonstrating enclosure dimensions and materials is needed in order to verify compliance with these requirements. The City contracts with Rumpke for trash collection services; a copy of Rumpke’s trash facility specifications is attached for your benefit.
6. [Section 1143.12\(d\)\(1\)](#) provides that *all merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building*. An inventory of all potential merchandise to be displayed outdoors would be needed in order to completely verify compliance with this standard. This particular standard is one that applies generally to all land uses in the GB District, so naturally adjustments may be entertained as part of a Conditional Use request so that certain areas of the site may be officially recognized as being suitable for outdoor storage or display.
7. [Section 1143.12\(d\)\(3\)\(A\)](#) provides glazing standards specific to new buildings in the GB District. Any wall facing the street is required to have a minimum of 60% of the façade, measured within a band between 2.5 feet and 7 feet in height above grade, consisting of transparent windows & doors. The building as proposed does not comply with this standard. Seeing as how the proposed use follows a “big box” format that may not support a large degree of transparency across the width of the building, exterior materials along the front façade may be revised in a way that at least creates an “appearance” that windows are present; see sample images below:

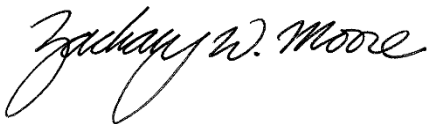


8. [Section 1143.12\(d\)\(3\)\(B\)](#) specifies that *building facades must have different articulation in height and setback, and that different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than fourteen (14) feet*. More architectural interest needs to be added to the front façade to make it less “flat.”
9. [Section 1143.12\(d\)\(6\)](#) requires the front façade of a new building to utilize *at least 50% natural materials including brick, stone, masonry, glass, or wood*. Fiber cement siding could be accepted in lieu of wood. Much of the façade currently proposed consists of corrugated metal and painted split-face concrete block, and therefore does not comply with this standard. Please revise the architectural elevations, and/or select a more architecturally exuberant design from the catalog of available Tractor Supply designs, to comply with our Code provisions.
10. [Section 1148.04\(d\)](#) provides that each planted tree *shall be a minimum two (2) inch caliper and must be a species that appears on the City’s Tree List (...)*. The submitted landscaping plan does not identify trees species or caliper inches. Please refer to the [City Tree List](#) in selecting an appropriate diversity of tree species. These details may be determined later during the Building Permit stage.
11. [Section 1148.05\(b\)\(2\)](#) requires a tree survey for all new nonresidential developments, for the sake of observing required preservation and replanting. A survey must document the location, DBH, and species for each individual tree, or employ sampling techniques to the discretion of the Zoning Administrator. In instances where sites have not possessed significant tree cover, it has not been uncommon for the survey requirement to be waived by Planning Commission and Council upon a recommendation from staff.
12. [Section 1149.07\(e\)\(4\)\(D\)](#) requires off-street parking areas to have a minimum security lighting level of 1 foot-candle, and also specifies a maximum light pole height of 16 feet from grade. While this level of detail does not need to be reviewed at the Conditional Use stage, please keep this standard in mind for an eventual Building Permit submission.
13. [Section 1149.07\(e\)\(4\)\(E\)](#) specifies that *all unpaved areas adjacent to an off-street parking area shall be raised, landscaped, and separated from the parking area by a minimum 6-inch high concrete curb*. Occasional openings would be permitted for stormwater management purposes. Please keep this standard in mind for an eventual Building Permit application.
14. [Section 1149.07\(e\)\(5\)](#) provides that bicycle rack space shall be provided at a rate of 1 per 10 on-site vehicle parking spaces. With a total of seventy-five (75) spaces proposed, this amounts to a minimum of seven (7) required bicycle parking spaces. This standard can be met by showing an appropriate number of bicycle racks installed on a paved pedestrian surface somewhere within reasonable proximity to the store entrance, but no closer than two (2) feet to any building wall.
15. [Section 1149.07\(e\)\(7\)\(A\)](#) requires five-foot wide concrete sidewalks along all portions of a parcel that front along a public street and are devoid of sidewalks. Such sidewalks shall be located within the right-of-way wherever possible; when the right-of-way width does not permit the installation of a sidewalk, a public access easement must be recorded to recognize public usage on private property. The City Engineer has commented that the Thoroughfare Plan also identifies a future multi-use path along US 27, and the Zoning Code allows for this feature to substitute for a sidewalk; thank you for including a 10-foot wide multi-use path along US 27 as part of your latest plan. However, the Zoning Code would also require sidewalk along Todd Road, unless a waiver is entertained.

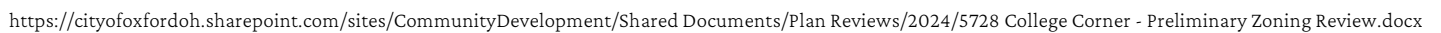
16. [Section 1149.07\(e\)\(7\)\(B\)](#) requires a paved pedestrian walkway connection at least five (5) feet in width between a building's entrance and the public sidewalk. In the context of the present plan, this walkway would need to connect the front of the Tractor Supply store with the future bike path along US 27; this would require a crosswalk across the front parking lot drive aisle.
- a. [Section 1149.07\(e\)\(7\)\(B\)\(3\)](#) further provides that the *pedestrian walkway may consist of one or more crosswalks across drive aisles provided they are hard-surfaced with a material that differs from the drive aisle by composition, texture, or through the use of differing color that is integral to the material*. Applicants typically meet this standard by having a concrete walkway crossing an otherwise asphalt paved parking area.
17. [Section 1151.05\(a\)\(3\)\(A\)\(1\)](#) specifies a maximum limit of *no more than a total of 2 wall or freestanding signs* for a single-tenant site in the GB District. With proposed plans depicting 1 wall sign on the front face of the building, 1 wall sign on the Garden Center canopy, and 1 freestanding pylon sign situated near US 27, the number of permanent signs exceeds the maximum limit for no more than 2. Please also be aware of the following additional standards related to signage:
- a. For **wall signage**, the maximum height is no more than 3 feet tall when the average building setback is less than 100 feet. When an average setback is greater than 100 feet, the maximum height of the sign is limited to the average setback times 0.04, though capped at no more than 12 feet. Staff estimates the average building setback proposed to be 130 feet; therefore, the maximum sign height is 5.2 feet. The submitted elevation depicts the height of the main wall sign at 6.2 feet, which exceeds the max; the Garden Center sign, however, is compliant with the height restriction.
- b. For **freestanding signage**, the max sign face area is no more than 48 square feet per side, and no overall sign structure shall be higher than 6 feet or wider than 12 feet. Furthermore, per [Section 1151.03\(e\)\(1\)](#), *no freestanding sign shall be closer to a lot line or the public right-of-way than the height of the sign (...)*. Plans for the proposed pylon sign are needed in order to verify compliance with these provisions.

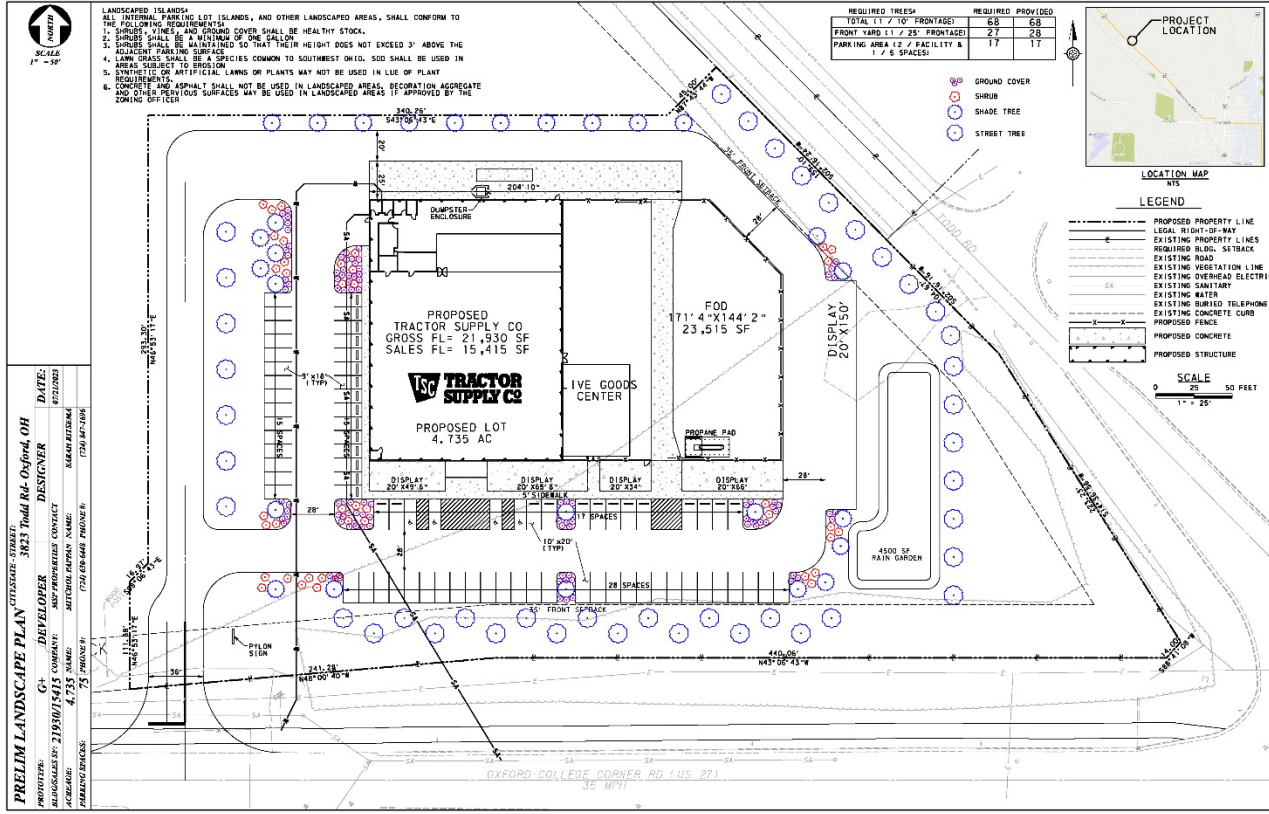
Please feel free to contact me if you have any questions. We look forward to working with you to bring this project to fruition.

Respectfully,



Zachary Moore, AICP
City Planner / GIS Coordinator
zmoore@cityofoxford.org
513-524-5204

[illegible]





April 15, 2024

Zachary Moore, City Planner
City of Oxford
15 South College Ave
Oxford, OH 45056

**Re: Oxford Tractor Supply Land Development
Preliminary Zoning Review
Response to Zoning Review Comments
WEI Project No. 24045**

Mr. Moore:

The following is our response to the Zoning Plan Review dated April 10, 2024:

Zoning comments:

Comment 1: Pursuant to Chapter 1101 of the Planning and Zoning Code, the proposal will require approval as a major subdivision. Approval of a major subdivision entails three key steps: (1) Preliminary Subdivision; (2) Construction Drawings; and (3) Final Subdivision. The first step entails a recommendation from the Planning Commission, followed by two “readings” at City Council. The second step involves an administrative (staff) review of infrastructure improvements (utilities, sidewalks, paths, etc.) planned to support the future subdivision as a whole. The last step involves preparation of a plat instrument that will depict the intended division of land, as well as dedicate right-of-way and establish easements (for access, drainage, utilities, etc.) as are necessary; Council is the approving authority for all Final Subdivisions. It is recommended, if possible, that a Conditional Use request run concurrently with an eventual Preliminary Subdivision request, so that all pertinent plan-related details may be considered together rather than separately. Staff may be open to discussing other potential procedural options with your team as well.

Response: *Noted. The submitted plans are intended as the preliminary plats prior to the development of construction plans and any final approvals.*

Comment 2: The City of Oxford Thoroughfare Plan classifies existing roadways according to whether they are arterials, collectors, or local streets, and also provides typical roadway sections for each. As seen in the plan, principal arterial roads require 120 feet of overall right-of-way width (i.e., 60 feet each side of the centerline), and minor collector roads require 80 feet of overall right-of-way width (i.e., 40 feet each side of the centerline). Therefore, the future subdivision must provide for at least 60 feet of right-of-way from centerline along US 27, and at least 40 feet of right-of-way from centerline along Todd Road. This will result in additional “strips” of right-of-way being dedicated along certain portions of US 27 and Todd Road; wherever the width already exceeds these figures, the requirement can be considered met.

CONSULTING ENGINEERS

806 Lincoln Place Beaver Falls, Pennsylvania 15010 Phone 724/847-1696 Fax 724/847-0419
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Response: Noted, the entire ROW fronting US 27 is greater than 60' along our intended parcel. However, the ROW on Todd Rd was measured to be 33' to the centerline, so additional ROW will be dedicated to make this 40'.

Comment 3: The City of Oxford Thoroughfare Plan also identifies a future minor collector roadway (noted as "5B"), with two potential spans bisecting the site. One span connects directly to Ringwood Road, while another span leads further south thus suggesting a realigned & improved intersection between Todd Road and US 27. It is the staff's view that in considering a subdivision on this site, the City must consider both options and make a choice between one span or the other. The latter option would likely involve the least amount of improvements at this stage in this site's development evolution, as dedicating additional right-of-way at the southernmost "pointed end" of the site may be found as a way of demonstrating adherence to the Thoroughfare Plan. A triangular hashed area totaling 0.404- acres in size is currently shown in this location, though the plan only identifies it as an "area reserved for updates to City Road"; it is staff's view that this triangle should, at the very least, be dedicated as right-of-way at this stage.

Response: Noted. The property lines have been adjusted to show this as an area to be dedicated as City ROW as part of this project.

Comment 4: Section 1141.01(c)(4) provides that any non-residential fencing shall generally improve the aesthetic of a site and may not exceed six feet in height in front yards or exceed twelve feet in height inside and rear yards. It is the staff's opinion that galvanized chain link style fencing would not generally improve site aesthetics; therefore, a more enhanced style and/or material of fencing is recommended. Additionally, a significant portion of fencing is proposed at a height of sixteen (16) feet, which exceeds the Code's limitation for no more than twelve (12) feet inside and rear yards.

Response: TBD by architect.

Comment 5: Section 1141.04(j) provides a series of standards pertaining to trash/recycling collection facilities. Key requirements for facilities include: (1) having gates and walls constructed of durable materials [e.g. masonry walls & metal gates]; (2) having an exterior appearance which is compatible with the principal structure; (3) providing adequate area for storage of both trash and recycling receptacles; and (4) providing the ability for walk-in access without having to open main enclosure gates. A plan demonstrating enclosure dimensions and materials is needed in order to verify compliance with these requirements. The City contracts with Rumpke for trash collection services; a copy of Rumpke's trash facility specifications is attached for your benefit.

Response: The dumpster area has been relocated behind the fenced in area and will be a 14'x28' pad to accommodate trash and recycling facilities. The façade is assumed to be masonry walls, but exact materials TBD by architect.

Comment 6: Section 1143.12(d)(1) provides that all merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building. An inventory of all potential merchandise to be displayed outdoors would be needed in order to completely verify compliance with this standard. This particular standard is one that applies generally to all land uses in the GB District, so naturally adjustments may be entertained as part of a Conditional Use request so that certain areas of the site may be officially recognized as being suitable for outdoor storage or display.

Response: A list of merchandise in the outdoor areas will be obtained to verify, but generally it all falls under the exceptions listed above.

Comment 7: Section 1143.12(d)(3)(A) provides glazing standards specific to new buildings in the GB District. Any wall facing the street is required to have a minimum of 60% of the façade, measured within a band between 2.5 feet and 7 feet in height above grade, consisting of transparent windows & doors. The building as proposed does not comply with this standard. Seeing as how the proposed use follows a “big box” format that may not support a large degree of transparency across the width of the building, exterior materials along the front façade may be revised in a way that at least creates an “appearance” that windows are present; see sample images below:

Response: TBD by architect

Comment 8: Section 1143.12(d)(3)(B) specifies that building facades must have different articulation in height and setback, and that different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than fourteen (14) feet. More architectural interest needs to be added to the front façade to make it less “flat.”

Response: TBD by architect

Comment 9: Section 1143.12(d)(6) requires the front façade of a new building to utilize at least 50% natural materials including brick, stone, masonry, glass, or wood. Fiber cement siding could be accepted in lieu of wood. Much of the façade currently proposed consists of corrugated metal and painted split-face concrete block, and therefore does not comply with this standard. Please revise the architectural elevations, and/or select a more architecturally exuberant design from the catalog of available Tractor Supply designs, to comply with our Code provisions.

Response: TBD by architect

Comment 10: Section 1148.04(d) provides that each planted tree shall be a minimum two (2) inch caliper and must be a species that appears on the City’s Tree List (...). The submitted landscaping plan does not identify trees species or caliper inches. Please refer to the City Tree List in selecting an appropriate diversity of tree species. These details may be determined later during the Building Permit stage.

Response: Noted. The submitted landscape plan was intended to show quantities and general locations of trees. The final landscape plan will include these details.

Comment 11: Section 1148.05(b)(2) requires a tree survey for all new nonresidential developments, for the sake of observing required preservation and replanting. A survey must document the location, DBH, and species for each individual tree, or employ sampling techniques to the discretion of the Zoning Administrator. In instances where sites have not possessed significant tree cover, it has not been uncommon for the survey requirement to be waived by the Planning Commission and Council upon a recommendation from staff.

Response: A waiver is requested from this requirement since there is no significant tree cover, and the majority of the established tree cover is located in an area that will be dedicated to the city and not disturbed as part of this project.

Comment 12: Section 1149.07(e)(4)(D) requires off-street parking areas to have a minimum-security lighting level of 1 footcandle, and also specifies a maximum light pole height of 16 feet from grade. While this level of detail does not need to be reviewed at the Conditional Use stage, please keep this standard in mind for an eventual Building Permit submission.

Response: Noted. A lighting plan will be provided with the construction plans to ensure that this requirement is met.

Comment 13: Section 1149.07(e)(4)(E) specifies that all unpaved areas adjacent to an off-street parking area shall be raised, landscaped, and separated from the parking area by a minimum 6-inch high concrete curb. Occasional openings would be permitted for stormwater management purposes. Please keep this standard in mind for an eventual Building Permit application.

Response: Noted. These requirements will be reflected on the construction plans.

Comment 14: Section 1149.07(e)(5) provides that bicycle rack space shall be provided at a rate of 1 per 10 on-site vehicle parking spaces. With a total of seventy-five (75) spaces proposed, this amounts to a minimum of seven (7) required bicycle parking spaces. This standard can be met by showing an appropriate number of bicycle racks installed on a paved pedestrian surface somewhere within reasonable proximity to the store entrance, but no closer than two (2) feet to any building wall.

Response: A bicycle rack has been added at the front left corner of the building. The designated area will include racks for 8 bicycles.

Comment 15: Section 1149.07(e)(7)(A) requires five-foot wide concrete sidewalks along all portions of a parcel that front along a public street and are devoid of sidewalks. Such sidewalks shall be located within the right-of-way wherever possible; when the right-of-way width does not permit the installation of a sidewalk, a public access easement must be recorded to recognize public usage on private property. The City Engineer has commented that the Thoroughfare Plan also identifies a future multi-use path along US 27, and the Zoning Code allows for this feature to substitute for a sidewalk; thank you for including a 10-foot wide multi-use path along US 27 as part of your latest plan. However, the Zoning Code would also require sidewalk along Todd Road, unless a waiver is entertained.

Response: A waiver for the sidewalk along Todd Road is requested.

Comment 16: Section 1149.07(e)(7)(B) requires a paved pedestrian walkway connection at least five (5) feet in width between a building's entrance and the public sidewalk. In the context of the present plan, this walkway would need to connect the front of the Tractor Supply store with the future bike path along US 27; this would require a crosswalk across the front parking lot drive aisle.

a. *Section 1149.07(e)(7)(B)(3) further provides that the pedestrian walkway may consist of one or more crosswalks across drive aisles provided they are hard-surfaced with a material that differs from the drive aisle by composition, texture, or through the use of differing color that is integral to the material. Applicants typically meet this standard by having a concrete walkway crossing an otherwise asphalt paved parking area.*

Response: A 5' concrete sidewalk has been added along the driveway and crosses at the front left corner of the proposed building. The parking lot crossing will be constructed of concrete to designate the pedestrian access.

Comment 17: Section 1151.05(a)(3)(A)(1) specifies a maximum limit of no more than a total of 2 wall or freestanding signs for a single-tenant site in the GB District. With proposed plans depicting 1 wall sign on the front face of the building, 1 wall sign on the Garden Center canopy, and 1 freestanding pylon sign situated near US 27, the number of permanent signs exceeds the maximum limit for no more than 2. Please also be aware of the following additional standards related to signage:

a. For wall signage, the maximum height is no more than 3 feet tall when the average building setback is less than 100 feet. When an average setback is greater than 100 feet, the maximum height of the sign is limited to the average setback times 0.04, though capped at no more than 12 feet. Staff estimates the average building setback proposed to be 130 feet; therefore, the maximum sign height is 5.2 feet. The submitted elevation depicts the height of the main wall sign at 6.2 feet, which exceeds the max; the Garden Center sign, however, is compliant with the height restriction.



- b. For freestanding signage, the max sign face area is no more than 48 square feet per side, and no overall sign structure shall be higher than 6 feet or wider than 12 feet. Furthermore, per Section 1151.03(e)(1), no freestanding sign shall be closer to a lot line or the public right-of-way than the height of the sign (...). Plans for the proposed pylon sign are needed in order to verify compliance with these provisions.

Response: TBD by architect.

Fire Chief review comments:

Comment 1: [The] revised plan [is good] as long as they put the Todd Rd. access back in and add a fire hydrant near that entrance.

Response: *A revised version of the Todd Rd access has been put back in at existing field access location (across from the Walmart access). This will be a 24' wide access intended to be a convenient access to the store from Todd Rd. The radii shown are only 15' to discourage throughway and delivery traffic from Todd Rd, but truck movements for the fire truck have been provided to demonstrate that emergency vehicles can use the access without running off of the pavement.*

Regarding the fire hydrant, it appears that the waterline runs along the northeast side of US 27, but it is currently unknown if there is a waterline running along Todd Rd. The water authority will be contacted with regard to this request.

Please contact me at 724-847-1696, ext. 316 or at sritsema@widmerengineering.com with any questions or comments or if additional information is required.

Very Truly Yours,
WIDMER ENGINEERING INC.

A handwritten signature in black ink that reads "Sarah Ritsema".

Sarah Ritsema, EIT
Project Designer

Enclosures:

- 2024-04-15 Prelim Plat
- 2024-04-15 Prelim Site Plan
- 2024-04-15 Prelim Landscape Plan
- 2024-04-15 Delivery and Emergency vehicle movements
- 2024-04-15 Zoning Waiver Request letter

24045-0002

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**OXFORD
ARCHITECTURE**

*Architecture
Planning
Interior Architecture*

April 16, 2024

ATTN: Zachary Moore, City Planner
City of Oxford
15 South College Avenue
Oxford, OH 45056

RE: Tractor Supply Company – Oxford, OH

Mr. Moore,

The proposed Tractor Supply Company store as shown in the provided colored elevations offer various upgrades from a standard TSC building to meet city requirements.

Section 1141.01(c)(4) enhances the style fence to a black vinyl coated chain-link fence. The front fence remained 8' which is the preferred minimum fence height for TSC and theft prevention. The side and rear maintain 16' due to racking in the side yard and to help screen those racks.

Section 1143.12(d)(3)(A) adds glazing to meet the 60% requirement. Calculations are provided in the lower right-hand corner.

Section 1143.12(d)(3)(B) adds stone base and pilasters to the building with a fiber cement siding in lieu of corrugated galvanized metal panel at the entry gable. Calculations are provided in the lower right-hand corner.

Section 1149.07(e)(4)(D) will be met. Our lighting vendor will produce a photometric site plan with city lighting ordinances in mind and place lighting as necessary to meet TSC and city requirements.

Section 1151.05(a)(3)(A)(1) eliminates the sign over the live goods center and reduces the main building sign area to meet city ordinance. A monument sign elevation provided with elevations to show compliance.

Sincerely,

2934 Sidco Drive
Suite 120
Nashville, TN 37204
ph 615 256 3455
fax 615 256 3404

Bradley Matuzak, Sr. Project Manager, Oxford Architecture



MEMORANDUM
Community Development Department
513-524-5204

TO: Oxford Planning Commission

FROM: Sam Perry, AICP | Community Development Director

MEETING DATE: May 14, 2024

RE: **PC-2024-03, Zoning Text Amendment, adding primary residence requirement for Short Term Rentals**

Zoning Text Amendment Case PC-2024-03 is in response to City Council concerns regarding conversion of single-family homes to stand-alone Short Term Rental properties. A goal of City Council is to improve housing affordability and supply. Conversion of existing homes to short-term lodging would be contrary to this housing goal in the current housing market. On March 5, 2024, City Council adopted a moratorium prohibiting new short term rental permits from being approved by the City. Since 2022, City staff have contracted with GovOS software services to implement the 2020 Short Term Rental Ordinance requirements. This software service has not been successful in identifying all active short-term rentals, therefore in 2024, the City purchased a subscription to AirDNA, which monitors transactions from AirBnB and VRBO.

The proposed text amendment seeks to prohibit new stand-alone short term rentals outside the Mile Square. Existing short term rentals that have a valid permit would be allowed to continue.

City staff are currently comparing data between four data sources in order to affirm if the data supports the proposed text amendment as the best mechanism to address Council's concern. The four data sources being compared are:

1. BS&A Community Development - the City's permit tracking system database
2. GovOS lodging tax remittal system – currently in use by active STR owners
3. AirDNA dashboard –short term lodging transaction monitoring
4. Butler County Auditor – property values

This comparison analysis has not been completed yet, therefore, staff are recommending that this item be tabled to the June 11 meeting. The June meeting date would still allow time for a decision to be made and a new ordinance in effect prior to the expiration of the 6-month moratorium period.

Though the item may be tabled with no discussion, the proposed zoning text amendment language as well as the March 5 moratorium are attached for general public information.

RESOLUTION NO. 7577

A RESOLUTION PLACING A MORATORIUM, NOT TO EXCEED SIX (6) MONTHS, ON NEW SHORT-TERM RENTALS WITHIN THE CITY OF OXFORD, OHIO.

WHEREAS, pursuant to the Ohio Constitution and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort, and peace of the citizens of the municipality; and

WHEREAS, the City of Oxford ("City") has set goals to increase the supply of housing units within the City of Oxford; and

WHEREAS, the 2020 Housing Needs Assessment identified a critical need for housing units for household incomes that are below 80% of the Area Median Income; and

WHEREAS, the City of Oxford adopted new regulations for short-term rentals in 2019, 2020 and 2021; and

WHEREAS, there are approximately 380 hotel rooms currently within the City of Oxford; and

WHEREAS, there are 178 new hotel rooms planned for construction within the City of Oxford; and

WHEREAS, there are approximately 75 short-term rentals within the City of Oxford; and

WHEREAS, short-term rentals provide supplementary income to home owners and a lodging service to visitors during high-demand times; and

WHEREAS, the City has observed homes being purchased for the sole purpose of short-term rental usage; and

WHEREAS, the City will research and develop regulations, including, but not limited to a primary-residency-only requirement; and

WHEREAS, the City Staff shall make periodic reports to Council regarding the status of the regulations and the impact on the supply of housing units within the City of Oxford; and

WHEREAS, the Moratorium will expire automatically after six (6) months unless extended for good cause by Council.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, THAT:

SECTION 1: Oxford City Council hereby approves the moratorium, not to exceed six (6) months.

SECTION 2: No new short-term rentals shall be permitted or licensed within the City of Oxford.

SECTION 3: It is hereby found and determined that all formal actions of this Council relating to the adoption of this Resolution have been taken at an open meeting of this Council; and that any and all deliberations of this Council and of any of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution is hereby declared to be a measure immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Oxford and shall be in full force and effect immediately upon adoption.


MAYOR

ADOPTED: MARCH 5, 2024

ATTEST:


CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: COUNCILOR DAVID PRYTHERCH

PREPARED BY: COMMUNITY DEVELOPMENT (STAFF)

CHECKED BY: LAW (STAFF)

Chapter 1141 – Accessory, Temporary, Supplemental and Environmental Regulations

1141.01 – Accessory regulations.

This section shall apply to accessory uses and structures in all zoning districts, unless otherwise provided for in the development requirements of the district in which the property is located or the respective planned development text.

(a) Permitted Accessory Uses and Structures in Residential Districts.

The following provisions pertain to accessory uses and structures when located in Residential Districts. Unless otherwise stated in this Section or exempted below, detached accessory buildings and uses shall be located in the rear yard.

(1) Accessory Buildings

- A. No accessory building shall be used as a dwelling unit, sleeping quarters, or business, except as may be allowed in the R-3MS District.
- B. There shall be no more than two detached accessory buildings on a lot in a Residential Zoning District. Only one of these accessory buildings can be a garage.
- C. The total square foot area of all accessory building on a lot shall not exceed 1,000 or 50% of the footprint of the principal structure whichever is smaller.
- D. A detached accessory building shall be at least ten feet from any dwelling or other accessory building or structure situated on the same lot or abutting.
- E. A detached accessory building shall not exceed 20 feet in height or the height of the principal structure whichever is less.
- F. All parts of a detached accessory building shall be at least three feet from all lot lines.
- G. Accessory buildings are not permitted in front of the principal structure or within a front yard.
- H. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(2) Swimming pools, hot tubs, and Private Residential Recreational Facilities.

A. Swimming Pools & Hot Tubs.

- 1. The pool and hot tub is to be used only by the occupants and guests of the principal use on the property.
- 2. The pool, including any ancillary sidewalk or decking surrounding said pool, shall be no closer to the side lot line than the side yard requirement for the district in which it is located; and may encroach into the rear yard setback but in no instance shall be closer than ten feet to the rear property line.
- 3. A swimming pool located closer than 50 feet to a property line shall be screened by an obscuring fence, wall, hedge, or building not less than six feet in height and maintained in good condition.

4. A pool is exempt from the lot coverage regulations, except that an above ground pool shall not exceed 50% of the rear yard area.
5. No private swimming pools, including inflatable pools, shall be located in the front yard.
6. A hot tub shall not be located in a front yard and shall set back from the side and rear property lines in accordance with the district requirements.

B. Private Residential Recreational Facilities. (i.e. tennis courts, baseball field, skate ramps, basketball court)

1. May only be used by the occupants and guests of the principal use on the property.
2. May be located only in the rear yard.
3. A fence is permitted in accordance to Sub-section (c)(4) below, except the fence shall be located no closer than five feet of any property line.
4. Such courts may be fenced with a chain link fence located around the perimeter of the court, except as regulated in the Mile Square, and any fence over six feet in height shall be planted with large shrubs in sufficient quantities to screen and filter the view.
5. A fence or wall shall not exceed eight feet in height.
6. No special lighting shall be erected for the recreational facility other than standard lighting typical for residential use.
7. A portable basketball hoop may be located off of a driveway in the front yard, but such hoops shall not be positioned in such a way that participants are playing in the public street.

(3) Porches, Stoops and Decks

- A. All porches, stoops and decks, inclusive of those attached to the principal structure or detached, shall meet the setback requirements for the district in which it is located except when affiliated with a pool as regulated in Section 1141.01(a)(2) above.
- B. Properties in the Mile Square are subject to the Mile Square Design Guidelines.

(4) Exemptions.

- A. The following items are permitted in the side or rear yards, and do not require a permit:
 1. Swings or play sets.
 2. Sandboxes.
 3. Gardens with garden type fencing.
 4. Clotheslines.
 5. Inflatable pools of less than 2 feet in depth.
 6. Trellises.
 7. Outdoor fire pits or chimneys.

8. Wood piles.

B. The following items are permitted in any yard, and do not require a permit:

1. Birdbaths or Fountains.

2. Flagpoles.

3. Statues.

(b) Accessory Use Provisions in Business and Industrial Districts.

Permitted accessory uses in a Business or Industrial District include any use which is customarily found in conjunction with and required for the utilization and economic viability of the principal use, which meets the definition of accessory use as stated in this Ordinance, and which complies with the applicable standards of the district in which it is located.

(1) Accessory Buildings.

A. The total square foot area of all accessory buildings on a lot shall not exceed 1,000 or 10% of the footprint of the principal structure whichever is greater.

B. A detached accessory building shall be at least ten feet from any other building or structure situated on the same lot or abutting.

C. A detached accessory building shall not exceed the height of the principal structure.

D. All parts of a detached accessory building shall be at least 10 feet from all lot lines.

E. Accessory buildings are not permitted in front of the principal structure or within a front yard.

F. On a corner lot all accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

(2) Outdoor Vending Machines, Facilities for Recycled Goods or Materials, Display and Storage Areas, etc.

A. As used in this subsection, the term "vending facilities" includes:

1. Self-service mechanical dispensers such as but not limited to soft drink machines, candy machines, news racks, movie kiosks, mechanical rides; and

2. Freestanding container racks from which customers pick up merchandise to be purchased inside the buildings such as, but not limited to ice coolers/freezers, propane tanks, mulch, and;

3. Dumpster styled containers for recycling materials or clothing donations; but

4. Excludes motor fuel pumps.

B. These facilities may be permitted in all business and industrial districts.

C. Such facilities shall not occupy the following unless designated on a site development plan.

1. Private sidewalks that impede pedestrian traffic.

2. The public right-of-way,

3. Within an interior drive or drive isles,
4. Landscape areas or required parking areas,
5. Any area that will interfere with required driveway sight distance,
6. The front yard setback or side yard setback adjacent to the public right-of-way, except when located against the building.

(c) Accessory Use Provisions for All Zoning Districts.

- (1) Handicap Ramps As regulated in the City of Oxford Buildings Codes.
- (2) Accessory building or use shall be erected on the same lot on which a principal structure already exists.
- (3) An accessory building or use which is attached to the main building shall comply with all the requirements of the zoning district regulations that are applicable to the principal building.
- (4) Fences, walls and hedges.

The intent of these provisions is to outline the regulations for accessory fences, walls and hedges. Such structures and plantings shall generally improve the aesthetic appearance of a site. Where buffer yard or other screening requirements pursuant to the provisions of this Ordinance differ from the provisions of this section, the more stringent requirements shall apply.

A. Residential fences, walls, and hedges:

1. May not exceed four feet in height in front yards.
2. Cannot exceed eight feet in height in side and rear yards.
3. Shall not obstruct visibility at intersections per Section 1141.03(e).
4. Shall be located at least two (2) feet from the property side of any sidewalk present and shall not be located in the public right-of-way.

B. Non-residential fences, walls, and hedges:

1. May not exceed six feet in height in the front yards or four feet in height in the Uptown "UP" Zoning District.
2. May not exceed twelve feet in height in side and rear yards.
3. Shall not obstruct visibility at intersections per Section 1141.03(e).
4. Must be located at least two (2) feet from the property side of any sidewalk present, except in the Uptown (UP) district.
5. Shall not be located in the public right-of-way.
6. If fencing or a gate blocks the access drive to the property, there shall be a sufficient queuing space provided.

C. Barbed wire and electrified fences are not permitted.

(5) Home Occupations.

A home occupation does not require a zoning permit. If the Zoning Administrator determines that a business is operating in a residential or commercial district and that it does not meet the

regulations of this section, the property owner of the property on which the business is operating shall be guilty of a violation of the Zoning Code. A home occupation shall:

- A. Have person(s) residing in the premises engaged in the business activity.
- B. Be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.
- C. Occupy a maximum of 25 percent of the floor area of the residence and/or enclosed accessory structure, including all operations and storage.
 - 1. Attached garages as well as unfinished basements or attic areas shall not be counted towards the total floor area of the dwelling unit. In situations where there are two or more dwelling units attached, the calculation of the total floor area shall be limited to the area of the dwelling unit in which the operation will be located.
 - 2. Such accessory structure shall not be utilized for a home occupation if it is the required parking space for the principal use.
- D. Home Occupations located in the R1A, R1B, RO and GB zoning districts are permitted to have two (2) non-resident employees, however no more than one non-resident employee is permitted on the premises at one time. One (1) non-resident employee is permitted in the R1MS, R2A, R2MS, R3, R4 and R3MS zoning districts.
- E. Any nonconforming residential use in the GB zoning district that exceeds the requirements herein for a home occupation shall lose its nonconforming status.
- F. Not change the outside appearance.
- G. Have no deliveries or clients before 9 a.m. or after 9 p.m.
- H. Have fewer than 10 business visitors per week.
- I. Have no more than 1 business visitor at a time.
- J. Have only 1 non-illuminated sign a maximum of two square feet, mounted flat against the wall of the principal building.
- K. Not generate a greater volume of traffic or parking need than would normally be expected in a residential neighborhood.
- L. Not generate noise, vibration, fumes, odors, electrical interference, or other offensive effects and noxious omissions generated by the home occupation detectable outside of the dwelling unit (or off of the lot at single-family residences).
- M. Prohibited Home Occupations.
 - 1. Homes that serve as a gathering point for employees engaged in the business operation that takes place off the premises. This may include, but it is not limited to, landscape and/or lawn care business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation.
 - 2. Operations that require fire safety inspections.
 - 3. Operations involving biohazard materials or hazardous waste that poses substantial or potential threats to public health or the environment.

4. Operations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation; or
5. Operations that involve the use of controlled substances.
6. Any operation that is listed as a Conditional Use in Chapter 1147 of this Zoning Code.

(6) Transient Guest Lodging

- A. Transient Guest Lodging is allowed as an accessory use only in Single-, Two- and Three-Family Dwellings, including any that are condominiums. Transient Guest Lodging is prohibited for all other principal uses and building types, including Multi-Family Dwelling structures with four (4) units or more.
- B. The principal use to which the Transient Guest Lodging is associated must be one that is permitted by the underlying zoning district, unless the residential use is pre-existing and recognized as legally non-conforming. For example, a pre-existing single-family dwelling which is nonconforming in a commercial zoning district may be permitted for transient guest lodging as an accessory use.
- C. For Two- and Three-Family Dwellings, only one (1) unit at a time within a building may be used for Transient Guest Lodging.
- D. There shall be no more than one (1) Transient Guest Lodging Booking per dwelling unit at a time.
- E. ~~Transient Guest Lodging is permitted by right when the number of cumulative days booked per calendar year shall not exceed ninety (90) for the entire structure, inclusive of all dwelling units. The maximum number of days is cumulative across any one calendar year period. A Conditional Use Permit is required in~~ order to be potentially allowed more than ninety (90) total days per year, the use ceases to be considered an accessory use for Transient Guest Lodging; instead, a Conditional Use Permit must be sought for a principal use as a Bed & Breakfast.
- F. For Transient Guest Lodging accessory uses in the R-1A, R-1B, R-2A and R-3 districts, at least one (1) of the dwelling units within the structure must be the owner's primary residence. "Primary residence" is as defined in subsection (G) below. In order to demonstrate that a unit is a primary residence, owners shall provide to the Community Development Department a signed and notarized affidavit attesting to this fact. The Department also reserves the right at any time to request copies of one or more of the following documents to further assist in proving ownership and residency: (1) motor vehicle registration; (2) driver's license; or (3) voter registration.
- G. For purposes of applying the standards of this subsection (6), "primary residence" shall be defined as the main home of an individual. An individual has only one primary residence at a time. If an individual owns and lives in just one dwelling unit, then that dwelling unit is their primary residence. If an individual owns or lives in more than one dwelling unit, then the individual must apply a "facts and circumstances" test to determine which dwelling unit is their primary residence. While the most important factor is where the individual spends the most time, other factors are relevant as well. The more of these factors that are true of a home, the more likely that it is a primary residence. Factors include, but are not limited to, the address listed on an individual's Ohio-issued driver's license or identification card, voter registration, federal and state tax returns, and/or vehicle registration.

H.F. A Transient Guest Lodging use that cannot meet the standards provided above in subsections (A) – (G) may seek approval of a Conditional Use Permit for a principal use as a Bed & Breakfast in accordance with Chapter 1147.

I.G. All dwellings being utilized for Transient Guest Lodging shall be registered with the City pursuant to Chapter 743 of the Oxford Codified Ordinances.

(Ord. 3429. Passed 9-19-17. Subsection (6) added by Ord. 3582, passed 9-15-20. Subsections (a)(3) & (c)(4) amended by Ord. 3610, passed 1-19-21.

1141.02 – Temporary regulations.

(a) Purpose.

Temporary uses shall be permitted in applicable zone districts by the grant of a Zoning Permit issued by the Zoning Administrator in accordance with the requirements of this section. Failure to obtain a zoning permit shall be a violation of this Ordinance.

(b) General Provisions.

- (1) The duration of the temporary period is stated hereinafter, provided, however, renewal of such permit may be requested.
- (2) Temporary uses shall be subject to all site development regulations of the applicable zoning district.
- (3) No required off-street parking space(s) shall be occupied by the temporary use.

(c) Permitted Temporary Uses.

Permits shall be required, unless otherwise exempted, for the following temporary uses, provided that they meet these requirements:

(1) Construction Facilities.

- A. Construction trailer, shed or staging yard area incidental to a construction project.
- B. The trailer, shed or staging yard area shall be located on the lot on which construction takes place unless otherwise approved by the City Manager.
- C. The trailer, shed or staging yard shall not be located within twenty-five (25) feet of any abutting residential or non-residential structure and shall meet the setbacks of the district in which it is located.
- D. A trailer shall be limited to one (1) in a residential district and two (2) in a non-residential district and only be used for a field office and for the temporary storage of building materials and equipment necessary for the construction site.
- E. A maximum of an eight foot high temporary fence is permitted around the boundaries of the construction site.
- F. Such fencing, trailer, shed or staging yard shall be removed within thirty (30) days once that construction ceases.
- G. On-site sanitary facility shall not be located within ten (10) feet of any property line or right-of-way line.

(2) Temporary Shelter.



ZONING TEXT AMENDMENT APPLICATION

Please print legibly. To apply, email completed form and plans in PDF format to commdev@cityofoxford.org

BOX 1 | APPLICATION DETAILS

Section 1141.01 - Accessory, Temporary, Supplemental and Environmental Regulations	
List Affected Code Chapters/Sections	
Proposed Amendment Description	Require primary residency for Transient Guest Lodging in the R-1A, R-1B, R-2A and R-3 Districts.

BOX 2 | APPLICANT INFORMATION

Applicant Name	Sam Perry
Applicant Company Name	City of Oxford
Mailing Address	15 South College Ave.
Email Address	sperry@cityofoxford.org
Telephone Number	513-524-5204

BOX 3 | ATTACHMENT CHECKLIST

Submit all contents in **PDF format**. No printed copies are necessary.

☒ **Narrative Letter** addressing all components required by [Section 1135.02\(b\)\(1\)](#) – more information on Page 3

Note: Upon checking an application for completeness, staff may require additional information and/or materials above and beyond the items listed above in order to perform a complete evaluation for compliance with relevant Code provisions. You are welcome to contact Community Development at 513-524-5204 ahead of submission to determine whether additional items may be required.

BOX 4 | APPLICANT SIGNATURE

<i>As the owner or owner's agent, I hereby agree all information contained in this application is true, accurate, and complete to the best of my knowledge. I acknowledge the application will first be checked by City staff for completeness prior to determining a first meeting date with the Planning Commission.</i>	
Applicant Name (Print) Sam Perry	
Applicant Signature 	Date 3/27/24

Processing Fee

The appropriate processing fee amount will be determined during a completeness check by Community Development staff. It may take 1-2 business days for a completeness check to be performed. The applicant will receive a digital copy of a processing fee invoice via email once it is ready. Fees may be paid in-person by check or credit card at the Finance Department window on the first floor of the Oxford Municipal Building, 15 S College Avenue, Oxford OH 45056. For credit card payments, the City accepts Visa, MasterCard, or Discover, and such payments may also be taken over the phone by calling our Finance Department Utilities line at 513-524-5221, Option 1.

Narrative/Cover Letter Requirements

For source text see Oxford Zoning Code [Section 1135.02\(b\)\(1\)](#)

- A general description of the proposed amendment.
- A narrative statement that describes how the proposed amendment relates to the [Comprehensive Plan](#).
- A statement that identifies potential negative consequences of the proposed amendment.
- Any existing section number and text that is proposed to be deleted or amended.
- Any new or amended text as it is proposed to be codified including its proposed location in the Code (Section numbers).
- A narrative statement that describes the expected effects of the proposed text.
- A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.
- Such other information regarding the proposed amendment as may be pertinent to the application.

Decision Standards

For source text see Oxford Zoning Code [Section 1135.02\(c\)](#)

The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

A proposed amendment shall be approved if its benefits will likely outweigh any potential pitfalls, and if **at least one (1)** of the following criteria is met:

- A. The proposed amendment will make the Code conform more closely with the Comprehensive Plan.
- B. The proposed amendment will improve the health, safety, and general welfare of Oxford.
- C. The proposed amendment will clarify the intent of the Code.
- D. The proposed amendment will better implement the intent of the Code.
- E. The proposed amendment will improve enforcement of the Code.