

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 1, 2012

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

April 19, 2012

Date Prepared:

Agenda Title: PC-03-2012 CONDITIONAL USE - 301 E. Sycamore Street , to establish a fraternity house in an R2MS (Single- and Two-Family Residential Mile Square) District, James Clawson, Applicant; Scott Webb, Agent
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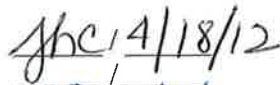
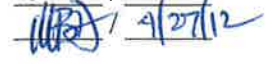
Recommendation: Approval with Condition
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Discussion:

The Planning Commission held a Public Hearing for this Conditional Use Application to establish a fraternity house in an R2MS District. It is a two-structure, three-story-in-height building with a common lobby connector. Until 1995, it was a fraternity house. The buildings are currently being used as a 12-unit dwelling complex.

The Applicant indicated that there would be no improvements or renovations proposed at this time other than a change in designation of use. The new fraternity chapter plans, if approved, to occupy six of the twelve units (front tower) for the 2012/2013 school term and take over the rest of the complex starting in the fall of 2013.

Discussion took place regarding fire suppression, common room needs, trash issues, and the timeframe of the fraternity to occupy the structures. The Planning Commission members reviewed the Decision Standards and voted 7-0-0 to recommend APPROVAL to City Council with the condition that the trash dumpster is enclosed.

Approved By:	Department Head:	
	City Attorney:	
	 City Manager:	

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A FRATERNITY HOUSE IN THE SINGLE & TWO-FAMILY MILE SQUARE RESIDENTIAL (R2MS) DISTRICT AT 301 E. SYCAMORE STREET, OXFORD, OHIO WITH ONE CONDITION.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on April 10, 2012 for the purpose of considering the request of Scott Webb, Agent, for a conditional use permit to allow a fraternity house in the Single & Two-Family Mile Square Residential (R2MS) District at 301 E. Sycamore Street, Oxford, Ohio with one condition.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow a fraternity house in the Single & Two-Family Mile Square Residential (R2MS) District at 301 E. Sycamore Street, Oxford, Ohio with the following condition:

- a. The refuse container shall be enclosed.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow a fraternity house in the Single & Two-Family Mile Square Residential (R2MS) District at 301 E. Sycamore Street, Oxford, Ohio with the one condition.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	May 1, 2012
<u>Case Number</u>	PC-03-2012
<u>Applicant Information</u>	CKC Rentals LLC/James Clawson Scott Webb, Agent
<u>Requested Action</u>	Conditional Use Permit
<u>Summary of Request</u>	To Establish a Fraternity House in an R2MS (Single and Two-Family Residential) District
<u>Public Hearing Information</u>	On April 10, 2012 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on March 9, 2012. Courtesy notices were mailed to adjacent property owners on March 6, 2012.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval of the Conditional Use Permit with one condition.
<u>Commission Findings and Conclusions</u>	At the April 10, 2012 Planning Commission meeting, the Commission, after hearing the Applicant and Staff findings, and reviewing the Decision Standards, voted to approve the Conditional Use with one condition, that the trash dumpster is enclosed.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated March 30, 2012 2. Letter to Applicant from City Staff Dated February 15, 2012 3. Current Floor Plans of Property 4. Interoffice Review Transmittal Sheets 5. Property Notifications Map 6. Citizen Review and Comment Form 7. Letter of Agency 8. Conditional Use Permit Application Dated April 10, 2012 9. Site Plan

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-03-2012

Date – April 10, 2012

APPLICATION

Applicant:	CKC Rentals LLC/James Clawson
Location:	301 E. Sycamore Street
Owner:	CKC Rentals
Agent:	Scott Webb
Action Request:	Conditional Use Permit Application- To establish a fraternity house in a R2MS (Single and Two-Family Residential) District
Current Use:	Multi-unit apartments
Surrounding Existing Land Uses:	Residential and fraternity houses

DESCRIPTION

The application is to request a Conditional Use Permit to establish a fraternity house in a R2MS District. It is a two-structure, three-story-in-height building with a common lobby connector. Until 1995, it was a fraternity house. The buildings are currently being used as a 12-unit dwelling complex.

The Applicant indicated that there will be no improvements or renovations being proposed other than a change in designation of the use at this time. The new fraternity chapter plans, if approved, to occupy six of the twelve units (front tower) for the 12/13 term and take over the rest of the complex starting in the fall of 2013.

The current occupancy is limited to 48 occupants, based on 4 occupants for each unit. Each unit is equipped with its own kitchen facility. The Applicant also indicated that the site can accommodate 19 parking spaces; 20 spaces are required.

SURROUNDING NEIGHBORHOOD

The property is surrounded by single-family residential units to the south, north and west. Another fraternity is located to the east.

SITE HISTORY

1986-Casae # 06-1986 Replat/Lot Consolidation- Kappa Alpha Housing Corporation

COMPREHENSIVE PLAN

There are no specific strategies or objectives; attributes of the Comprehensive Plan that are directly related to fraternity houses that are directly achieved. The Comprehensive Plan does locate this property in the Neighborhood Enhancement Program with the development intent to stabilize and enhance existing neighborhoods within the Mile Square; this should include the maintenance and improvements to public and private property that reflects the traditional neighborhood characteristics and commercial features that exist in the area. Housing diversity and improving the housing conditions in the Mile Square were

strategies much discussed in the Plan. While the Plan focuses more on trying to attract year-round residents, there was much concern raised over property maintenance issues with properties that are rented to students.

ZONING CODE REGULATIONS

Conditional Use

The purpose of Conditional Use regulations is at Section 1147.01(a):

“Purpose. Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design.”

§1143.05(b)(2)I.: Conditional Uses in R2MS:

STAFF FINDINGS: Fraternity and Sorority Houses are specifically listed as a Conditional Use in the R2MS District.

§1143.05(c): R2MS Site Development Regulations:

STAFF FINDINGS: All requirements pertaining to lot size, setbacks, and building height appear to be satisfied with the exception of potentially the total lot coverage. Since no changes are proposed for the site and/or buildings, the existing sidewalks, driveway, patio areas and original structure may remain as they are.

§1147.03(b)(19) Use Regulations & Potential Concerns:

(19) Fraternity and Sorority Houses

A. Potential Concerns

- (1) Aesthetic Concerns:
 - a. Historical characteristics of existing structures
 - b. Residential scale and character
 - c. Yards and landscaping
 - d. Walls and fences
- (2) Activities Areas:
 - a. Porches and patios
 - b. Locations of recreational areas and courts
 - c. Locations of accessory structures
- (3) Vehicle Management:
 - a. Site access
 - b. Required parking
 - c. Emergency access
 - d. Deliveries
 - e. Occasional and excess parking management
- (4) Adequate Public Utilities:
 - a. Water
 - b. Sewer
 - c. Storm water management
 - d. Other services
- (5) Nuisance:
 - a. Waste/trash management
 - b. Noise and off-site impact
 - c. Lighting and off-site impact

B. Requirements:

- (1) New Structures: Building shall be of a size and scale that approximates neighboring structures.
- (2) Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details, materials and ornamentation.

- (3) Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
- (4) Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
- (5) Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.
- (6) Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and shall be properly designed, screened and maintained.

STAFF FINDINGS: As indicated previously, nothing is proposed to change on the site; hence, many concerns and regulations are not applicable.

§ 1159.07 (10) FRATERNITY/SORORITY HOUSE - A building that is occupied by a group of enrolled Miami University students who are active members of a fraternal organization recognized by Miami University. These organizations shall be limited to fraternities, sororities, and like approved by Miami University for communal off-campus living on that site. Occupancy exception: may include employees or agents of the organization not to exceed three (3) persons.(Ord. 3168 Passed 01-17-12)

STAFF FINDINGS: The current configuration of this complex is that each unit has its own kitchen facility and no other common rooms are provided.

COMMENT FORMS

No public comment forms have been received to date.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering & Economic Development Departments. The following comments have been received:

Police:	Returned without comment.
Fire:	Returned with comment: Is there Fire Suppression and a Fire Alarm System in this building? Cooking in each unit is also a concern.
Engineering:	Returned with comments attached.
Econ. Dev.	Returned without comment.

DECISION CRITERIA

A copy of the Conditional Use Permit Decision Standards is attached.

ANALYSIS

The site is at the southeast corner of East Sycamore and University Avenue and is zoned R2MS where a fraternity house is considered a Conditional Use. There are several fraternity houses already established on E. Sycamore Street. As stated by the Applicant in his narrative, the site used to be a fraternity until 1995. It would seem that a proposed fraternity house would be suitable due to its location to other fraternity chapters as well as the proximity to the campus.

There are no improvements being contemplated at this point of time that would cause any adverse impact to the government services or require any additional municipal service delivery. The building and site would seem to be able to accommodate a number of students based on the occupancy load.

There are some concerns that need to be addressed and clarified related to the proposed use and the sequence of occupying a portion of the complex. The Applicant indicates that the front tower (six of the twelve units) would be occupied, if approved by the fraternity, for school year 2012-13. The remaining

complex would be occupied by the Chapter in the fall of 2013. The issue of principal use in residential lot needs to be clarified, whether this is considered fraternity house or a multi-family unit.

The second issue is what constitutes communal off-campus living. It is commonly acknowledged that a fraternity house would have a common kitchen and some common meeting room. The current structure does not have either.

Aside from the issues above, the location would seem to be suitable for a fraternity since it is near the campus and is next to an existing fraternity. The existing site would also seem to be able to accommodate the proposed use.

RECOMMENDATION

SUBMITTED

BY: Jung Han Chen
Jung-Han Chen,
Community Development Director

DATE: March 30, 2012

ATTACHMENT

(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 public comment 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 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. 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.

February 15, 2012

Mr. Jim Clawson, President
CKC Inc.
125 W. spring Street
Oxford, OH 45056

RE: 301 E. Sycamore Street

Jim,

Please be advised that the above mentioned property is currently zoned R2MS (Single and Two-Family Mile Square Residential). A fraternity house is a conditional use in this district, which requires an approved Conditional Use Permit from City Council, after a recommendation from the Planning Commission. The deadline for submitting a conditional use application to the Planning Commission is February 24, 2012 for its regular meeting on April 11, 2012.

Chapter 1147 of the Oxford Zoning Code specifically outlines the process and submittal requirements for a proposed conditional use application. Specific concerns and requirements regarding a fraternity house are stipulated under Section 1147.03(19). A copy of this specific section is attached for your information as well.

Please let me know if you have any questions regarding this matter.

Sincerely,

Jung-Han Chen
Community Development Director

Chapter 1147 Conditional Uses
Section 1147.03(19)

(19) Fraternity and Sorority Houses.

A. Potential Concerns.

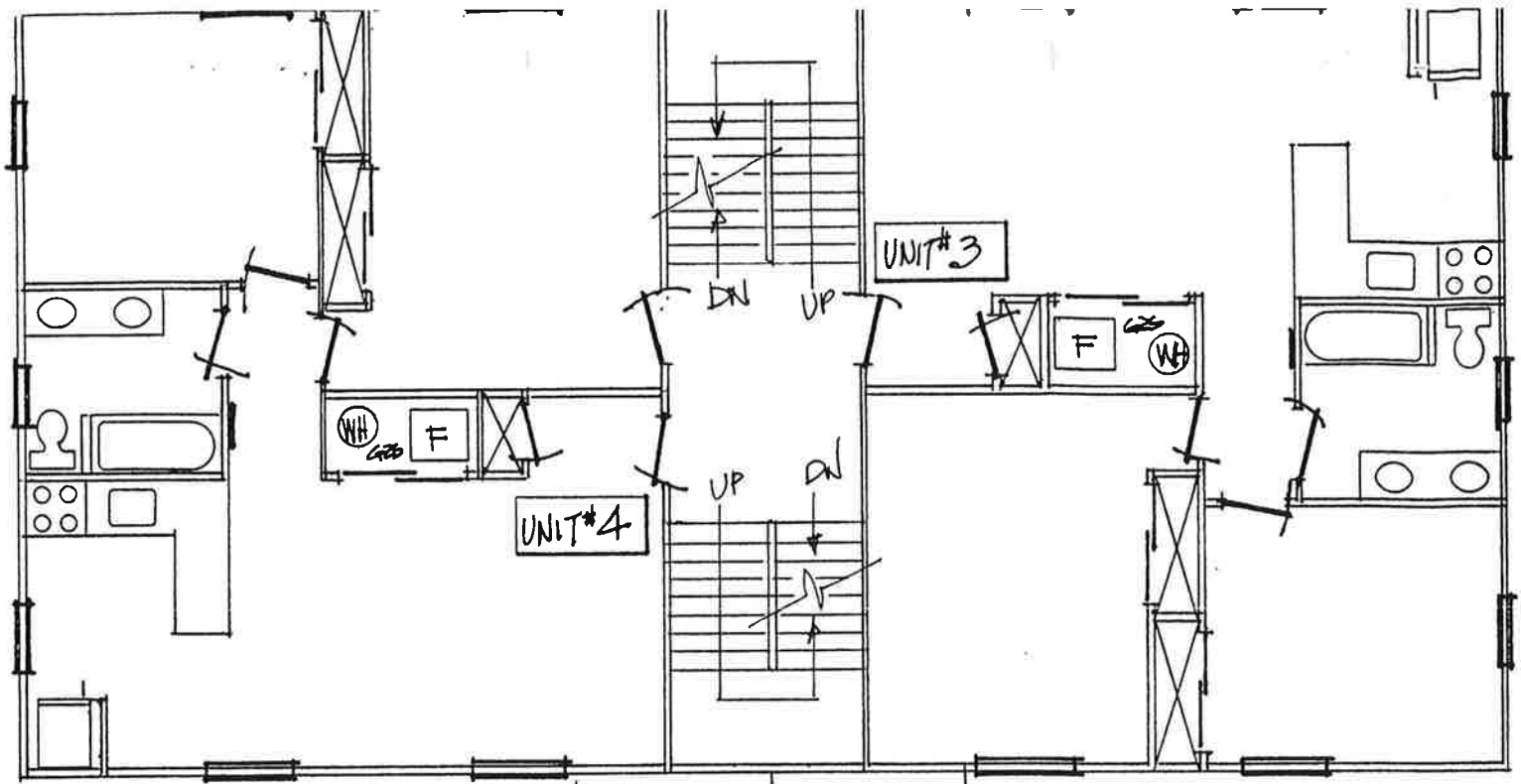
1. Aesthetic Concerns:
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 - b. Residential scale and character.
 - c. Yards and landscaping.
 - d. Walls and fences.
2. Activities Areas:
 - a. Porches and patios.
 - b. Locations of recreational areas and courts.
 - c. Locations of accessory structures.
3. Vehicle Management:
 - a. Site access .
 - b. Required parking.
 - c. Emergency access.
 - d. Deliveries.
 - e. Occasional and excess parking management.
4. Adequate Public Utilities:
 - a. Water.
 - b. Sewer.
 - c. Storm water management.
 - d. Other services.
5. Nuisance:
 - a. Waste/trash management.
 - b. Noise and off-site impact.
 - c. Lighting and off-site impact.

B. Requirements:

1. New Structures: Building shall be of a size and scale that approximates neighboring structures.
2. Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details, materials and ornamentation.
3. Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
4. Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
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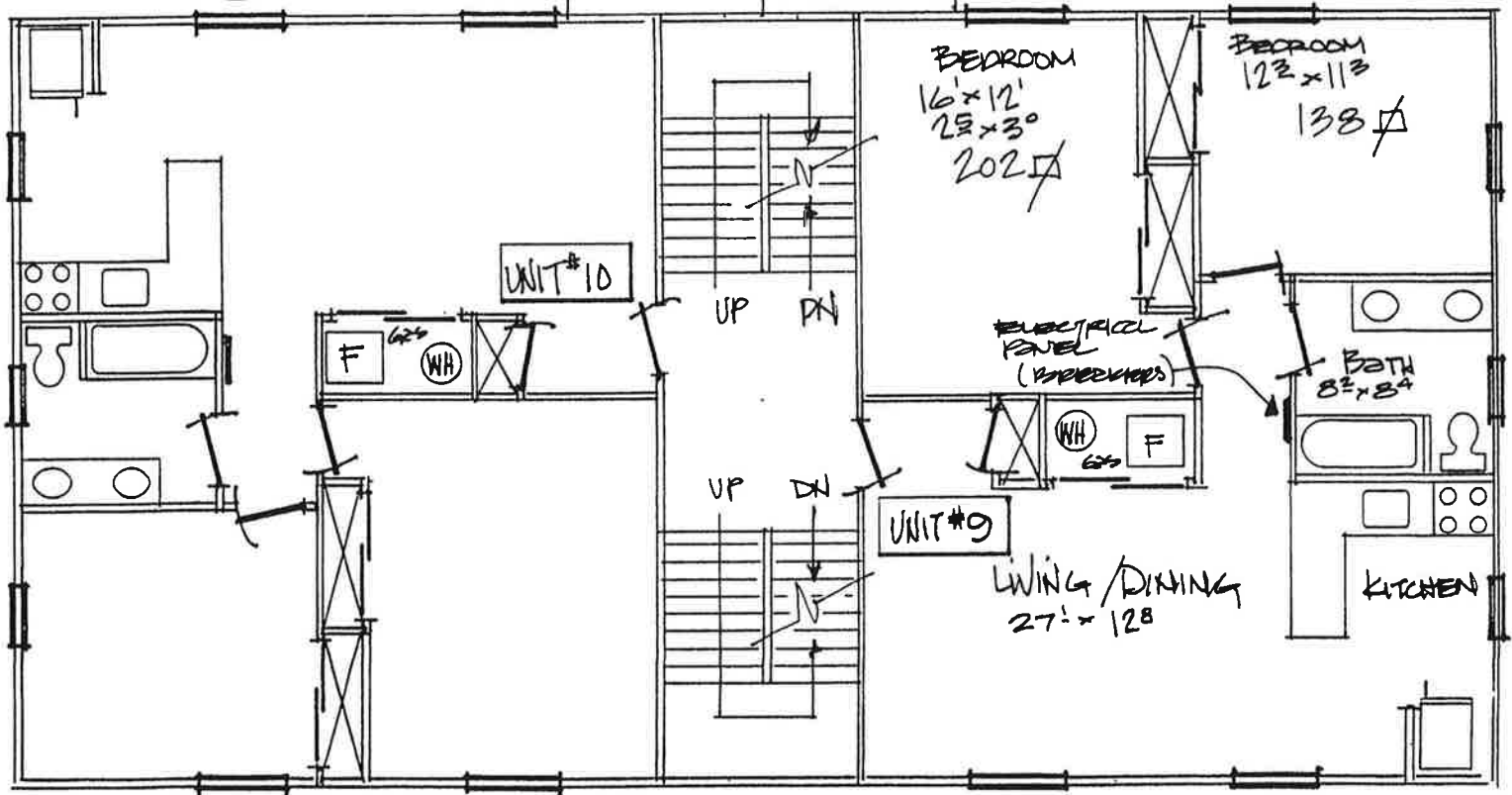
shall be properly designed, screened and maintained.

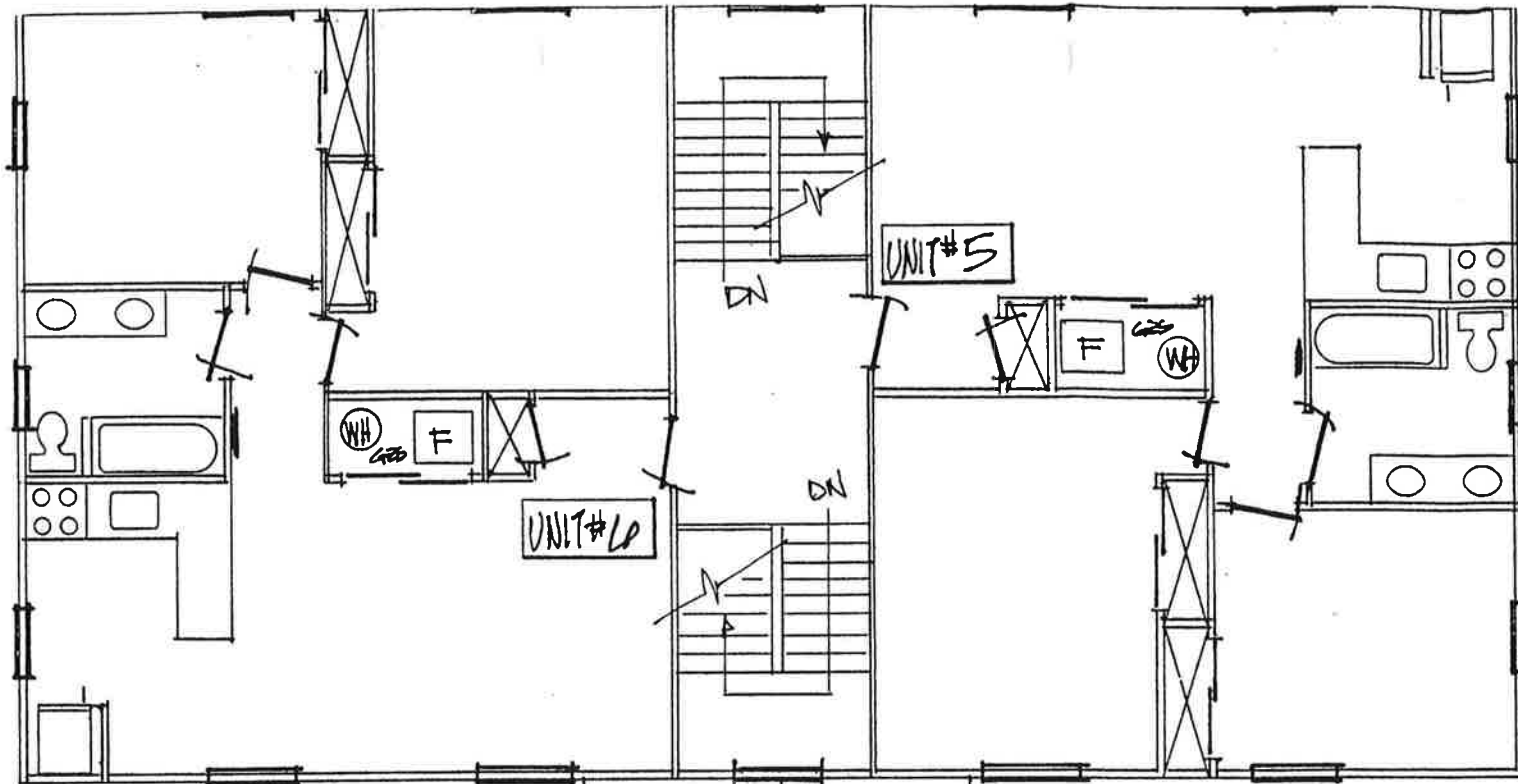
KITCHEN



301 EAST SYCAMORE
INSPECTED 8.2.96
JMK

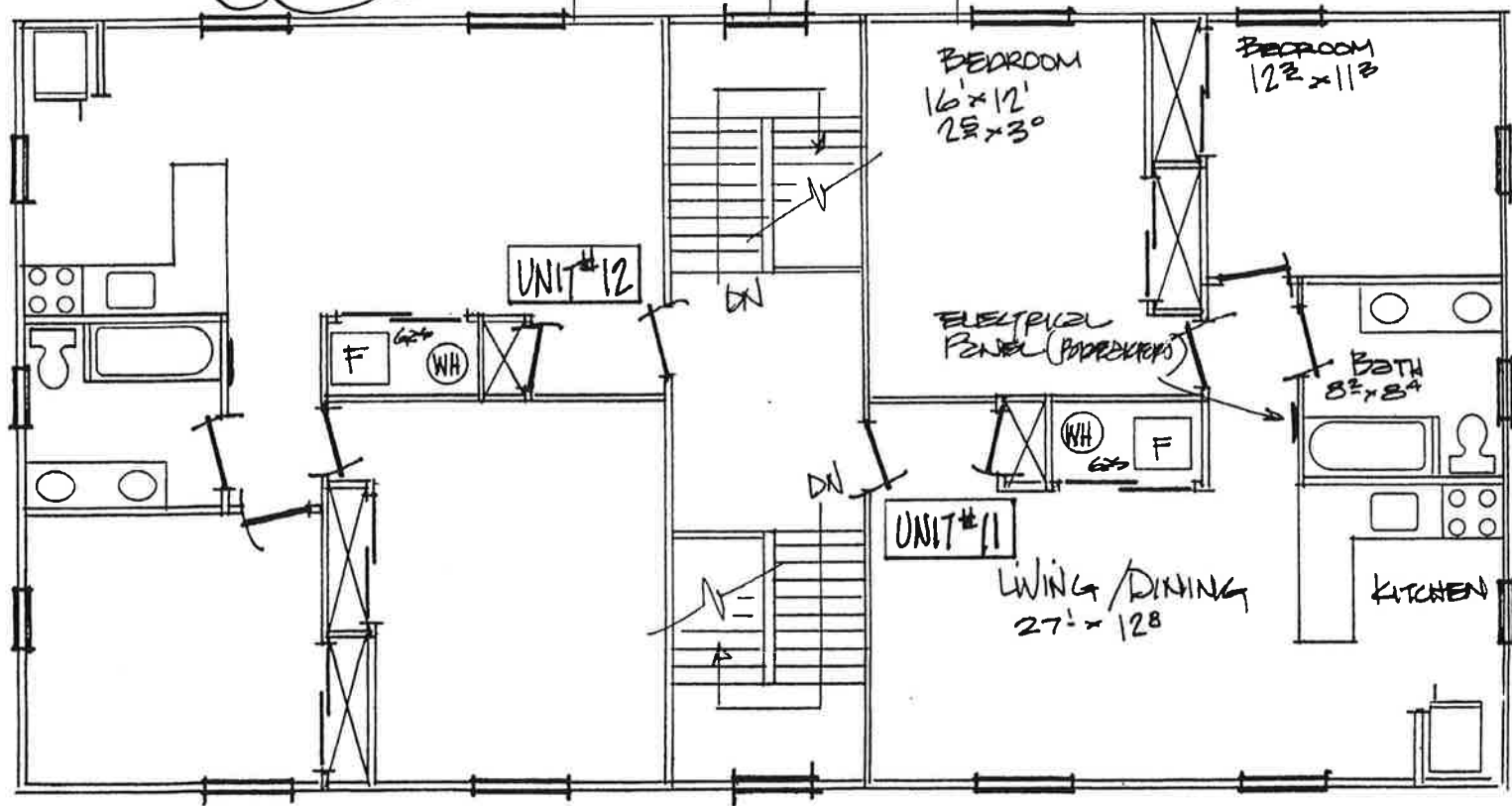
SECOND FLOOR

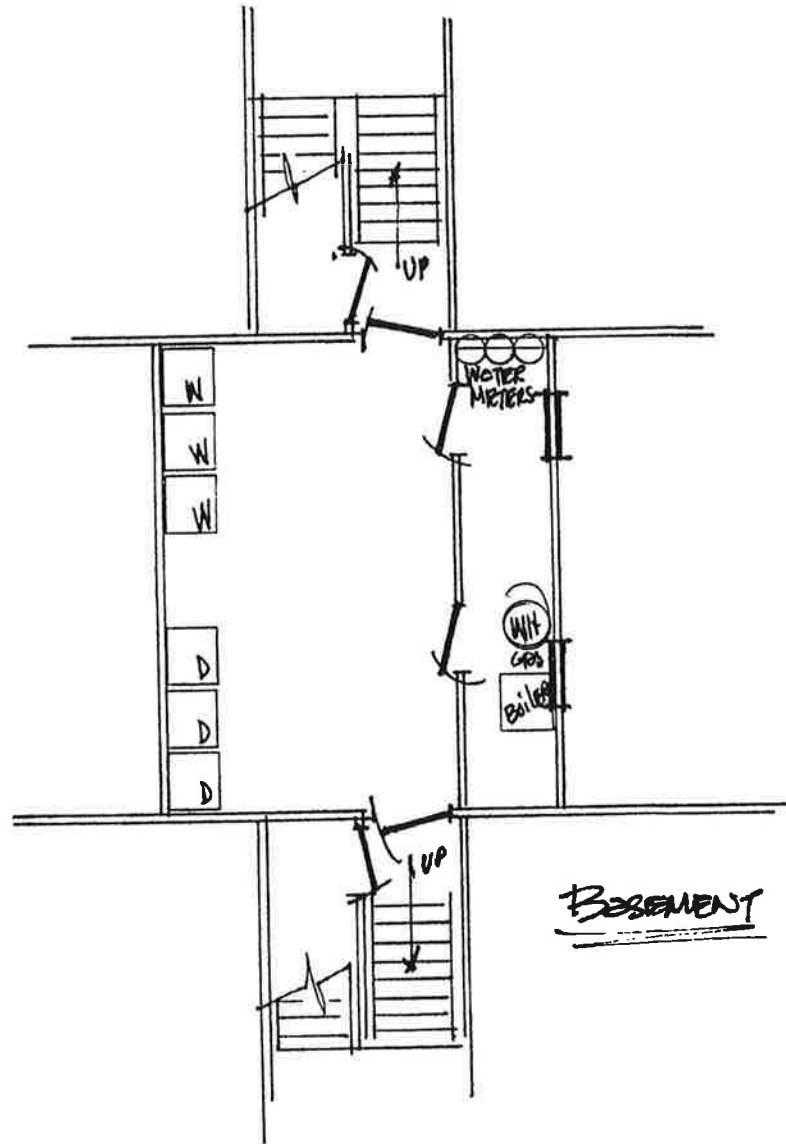




301 EAST SLOANMORE
INSPECTED 8.2.96

THIRD FLOOR





301 EAST SYCAMORE STREET
INSPECTED 8.2.96 JMK

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/7/ 2012

To: ~~Fire Department~~ Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-03-2012**

Description:

CONDITIONAL USE, 301 E. Sycamore Street, to establish a fraternity house in an R2MS (Single- and Two-Family Mile Square Residential) District, **CKC Rentals, LLC, Applicant; Scott Webb, Agent**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/30/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Is there fire suppression and a fire alarm system in this building? Cooking in each unit is also a concern.

Drawings reviewed by:



Date: 3-13-12

Date: 3-14-12



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # PC-03-2012
301 E. Sycamore Street - Conditional Use

DATE: March 14, 2012

The Engineering Division has reviewed the subject case.

The submitted documentation states that "... the existing building does not have a communal kitchen." However, since it is proposed to use the existing building, in part, as a fraternity, the possibility of a future communal kitchen exists.

Thus, a condition for the approval of this case must be that a "grease trap" be part of the communal kitchen construction.

The Engineering Division recommends that the approval of the subject case include the above stated condition.

If there are questions, please contact the Engineering Division at 513-524-5208.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/7/ 2012

To: Fire Department Engineering Division ~~Police Department~~ Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-03-2012**

Description:

CONDITIONAL USE, 301 E. Sycamore Street, to establish a fraternity house in an R2MS (Single- and Two-Family Mile Square Residential) District, **CKC Rentals, LLC; Applicant; Scott Webb, Agent**

☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/30/2012** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

Date: 3/20/2012

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 3/7/ 2012

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: **PC-03-2012**

Description:

CONDITIONAL USE, 301 E. Sycamore Street, to establish a fraternity house in an R2MS (Single- and Two-Family Mile Square Residential) District, **CKC Rentals, LLC, Applicant; Scott Webb, Agent**

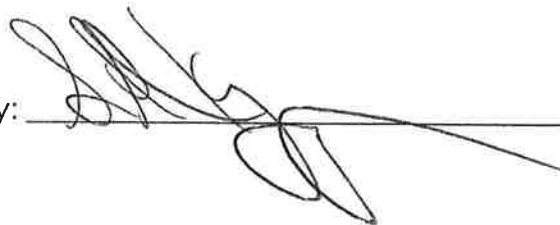
☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **3/30/2012** Note: If no comments are received, we will assume the project meets your department's standards.

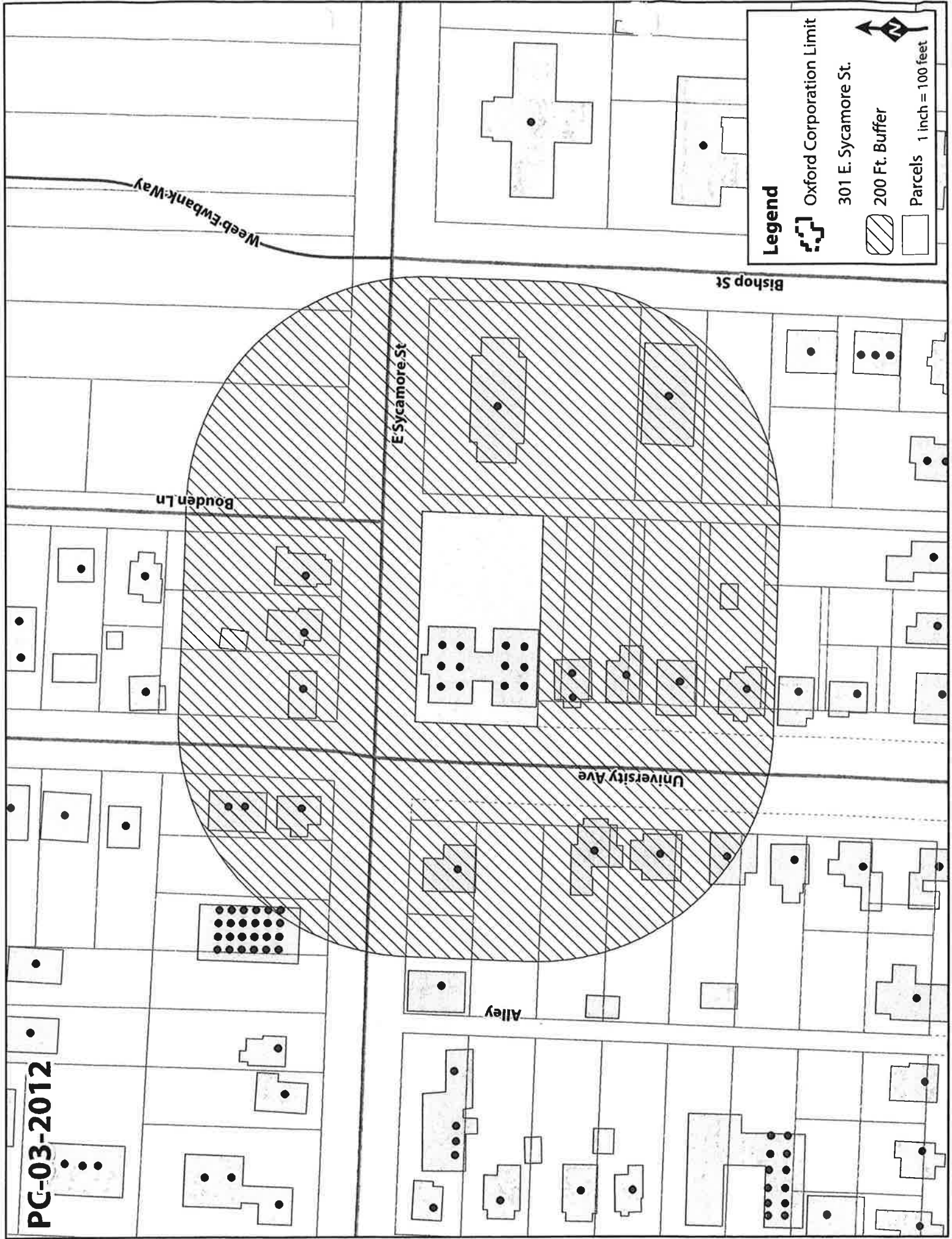
Drawings are returned: w/comments without/comments

Drawings reviewed by:



Date: 3-20-12

PC-03-2012





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-03-2012

DATE OF HEARING: April 10, 2012

CONDITIONAL USE, 301 E. Sycamore Street, to establish a fraternity house in an R2MS (Single- and Two-Family Mile Square Residential) District, **CKC Rentals, LLC, Applicant; Scott Webb, Agent**

If you cannot attend the public hearing on this conditional use being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by April 2, 2012 to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: ROBERT WOLFE

Address: 418 BOUDEN LN

OXFORD OHIO 45056

Telephone: Home: 1812 701 0572 Work: —

COMMENTS: I OWN THE PROPERTIES ACROSS SYCAMORE FROM 301. A FRATERNITY WOULD CREATE GREATER CONGESTION A NOISE. AND THAT DESIGNATION WOULD DECREASE THE VALUE OF THE PROPERTY I OWN WHICH I USE AS SINGLE FAMILY RESIDENCES. I LIVE NEARBY ON BOUDEN AND I WOULD PERSONALLY BE AFFECTED

Robert Wolfe
Signature

April 2, 2012
Date

CKC Rentals, LLC
125 West Spring Street --- Oxford, OH 45056
(513) 523-7263 / FAX (513) 523-9415

February 23, 2012

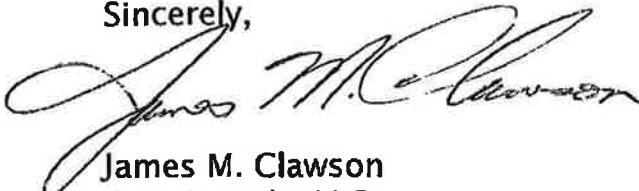
City of Oxford
Planning Commission and City Council
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb is permitted to act on our behalf for all matters related to the Conditional Use Permit Application specific to the allowing Fraternity Housing at 301 East Sycamore Street in Oxford, Ohio. Scott is authorized to speak and act on our behalf before the Planning Commission and City Council.

Should you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,



James M. Clawson
CKC Rentals, LLC

Conditional Use Permit Application
City of Oxford, Ohio

Case No.:
Date Filed:

PC-03-2012
2/24/12
4/10/12 mtg

REQUIRED INFORMATION (print clearly)

Name of Applicant: CKC Rentals, LLC
(Attach a letter of agency if the Applicant is not the property owner)
Mailing Address: 125 West Spring Street
Oxford, Ohio 43056 Email Address: pam@hoteldevelopment.net
Telephone Number(s): 513-523-7263
Name of Property Owner (if other than Applicant): _____
Location of Property: 301 East Sycamore
Legal Description: 2587 ENT
Zoning District: R2MS
Total Area: _____ Acres / Square Feet (circle one)
Existing Use Description: 12 unit Student Rental with rental permit of 4/unit.
Proposed Use Description: Fraternity Housing

SUBMISSION REQUIREMENTS

The required fee of \$400.00 plus actual postage, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

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. Elevations of proposed structure, 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
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a Narrative Statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. The proposed use is in fact a Conditional Use 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. All necessary permits and licenses for the Conditional Uses and its operation have been or can be obtained for the use at the proposed location.

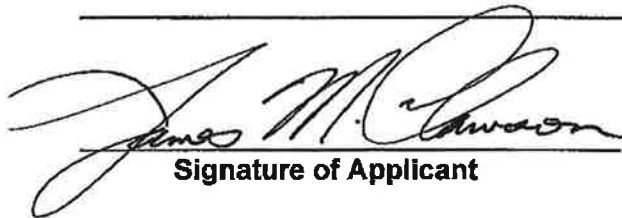
On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. *Property Owner names will not be included in the agenda packet.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.



Signature of Applicant

James M. Clawson

Printed Name

Date: 2/23/12

FEE / RECEIPT

\$400 Fee plus Postage Paid / Receipt Number:

17363.11

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056

Re: Application for Conditional Use
Proposed Fraternity Housing
301 East Sycamore Street

February 24, 2012

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for a new Fraternity in the R2MS District on East Sycamore Street.

The attached proposal has been prepared for and with the help of the following:

Property Owners:

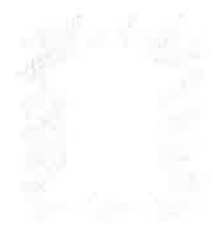
CKC Rentals LLC
125 West Spring Street
Oxford, Ohio 45056

Architect:

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

Surveyor:

Bayer Becker, Engineers & Surveyors.
318 South College Avenue
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Narrative Statement describing how the proposed Conditional Use meets the following decision standards of the zoning district in which it is located.

In response to the decision standards outlined in the application, we offer the following:

- A. *The proposed use is in fact a Conditional Use in the Zoning District in which it is proposed;*

Fraternities are specifically listed as a conditional use in the R2MS district.

- B. *The use and site will satisfy the general intent of the Zoning Code;*

R2MS and R3MS are the only Zoning Districts in the entire City that allow Fraternity Houses. The existence of Fraternity houses in this area predates our Zoning Code. The Zoning Code was drawn to include these fraternity houses these houses and to establish the limits of where they could go.

- C. *The use and site will be compatible with general intent of the Comprehensive Plan;*

The Comprehensive Plan encourages the enhancement of the "Town & Gown" relationship. Fraternity association is recognized as an important component of the student experience, and Miami is known as the "Mother of Fraternities", with many National Headquarters located here. The proposed location for this fraternity is adjacent to other fraternities, Millett Hall, the Football Stadium, etc. and is an ideal location for a new fraternity at Miami. Until 1995, this building operated as the fraternity house of the Kappa Alpha fraternity.

No change in occupancy is contemplated in this application. This is an existing multi-family building. The conditional use will not affect the number of occupants, but only permit the designation of a fraternity to allow Miami students the opportunity to live in an approved Fraternity house.

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

No increase in occupancy is contemplated in this application. The size and shape of the property is well suited for the proposed use, providing off street parking, and was in fact, previously used as a fraternity house.

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

The proposed Fraternity house is surrounded by other fraternities and student housing, and will not be hazardous to its neighbors.

- 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.*

The operation of the proposed fraternity will not be detrimental to any person, property or the general welfare.

- 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.*

There is only one proposed use of the property. No incidental uses are proposed or anticipated.

- 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.*

All utilities are available at the proposed location. No special provisions are required.

- I. *Development of the site and operation of the use will not require substantial public expenditure for infrastructure or services.*

No public expense is anticipated by this project, as the building and site are existing.

- 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*

The existing building is of character that is harmonious to the neighborhood with materials, size and overall scale similar to its neighbors.

- 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 site has been operating as multi-family for nearly 30 years. No change is anticipated to traffic in the area.

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

No construction is proposed with this application, simply a change in designation of the use.

- M. *All Necessary permits and licenses for the Conditional Use and its operation have been obtained or can be obtained for the use at the proposed location.*

No construction is currently proposed, so no additional permits are required..

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

Scott Webb, Architect

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

A R C H I T E C T

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Fraternity Housing
301 East Sycamore Street

February 24, 2012

Dear Mr. Chen,

In addition to the narrative statement required on the Conditional Use Application, please accept this letter as the additional narrative statement required by Section 1147.02 of the Zoning Code.

In response to the items listed in 1147.02, we offer the following:

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 & service vehicles*

If approved, the fraternity, Zeta Beta Tau, plans to occupy six of the twelve units (front tower) for the 12/13 term and lease 100% of the property for a minimum of five years starting the fall of 2013. CKC Rentals, LLC is working with ZBT for approvals through Miami University to allow the sophomore members to live at 301 East Sycamore through the MU Second Year Exemption Program.

This will be accomplished through a formal lease with CKC Rentals, LLC which manages many well maintained and operated properties in the Mile Square and Stewart Square. CKC Rentals, LLC does not expect the condition of this property to change (ie: cleanliness, landscaping, yard, etc.) with the tenancy of fraternity members

ZBT provided the following information on their members:

- Fraternity GPA was 3.02
- 75% of members in the business program
- The National philanthropy is "Getting on the Ball" benefiting Children's Miracle Network Hospitals. It raises thousands of dollars every year.
- Members of this fraternity include the student body secretary of Academics, President of Miami Students for Israel, and a Presidential scholarship recipient
- Volunteer at Hillel about 3 hours a week

- b. Hours of operation

The existing building will remain residential

- 7. *A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties;*

- a. *How is the use similar to or different from existing area uses and if there will be any interaction between the proposed and existing uses*

The use is similar to the other approved uses in this zoning district sitting directly adjacent to another fraternity house and surrounded primarily by student rentals..

- b. *How any existing structures, proposed structures, and the site design relate to adjacent structures and sites*

The original building was built in 1966 of similar size and scale to its neighbors, as well as its associated off-street parking.

- c. *If the use will involve any operations that create potential nuisances, such as excessive noise, lighting, odor, fumes, vibration, or emissions.*

As the building is currently multi-family with an allowable occupancy of 48, no change is anticipated with this conditional use. No additional lighting or site work will be required.

- d. *How any potential negative effects on adjacent land will be mitigated.*

The existing building is situated so that the parking, trash, and any outdoor activity will happen adjacent to another fraternity. This parking area is surrounded by mature trees and landscaping which will remain.

- 8. *A statement about why the location proposed is more appropriate for use than other locations;*

The property lies in one of only two zoning districts that allow fraternities as a conditional use. Until 1995, the building was the house of the Kappa Alpha Fraternity. In 1995 Kappa Alpha relocated to 314 East Church Street, taking over the house formerly occupied by ATO, when the building was converted to apartments.

The building is of sufficient size, on a lot of sufficient size for its use, and is directly adjacent to another fraternity.

- 9. *A statement of the necessity or desirability of the proposed use to the neighborhood or community.*

Fraternity association is recognized as an important component of the student experience, and Miami is known as the "Mother of Fraternities", with many National Headquarters located here. The City of Oxford recognizes this, and has designated this area of the Mile Square as the place where new Fraternities may locate.

The proposed location for this fraternity is in the correct zoning district, and is adjacent to other fraternities, Millett Hall, the Football Stadium, etc. and is an ideal location for a new fraternity at Miami.

- 10. *Separate detailed statements that individually address each of the items listed as potential concerns for the proposed use.*

From 1147.03 (19) *Fraternity and Sorority Houses*

A. *Potential Concerns:*

1. *Aesthetic Concerns*

a. *Historical Characteristics of existing structures*

The Existing building, built in 1966 is similar in scale and materials to the existing neighborhood.

b. *Residential Scale and Character*

The existing building fits into the neighborhood. No change to the building is proposed with this application.

c. *Yards & Landscaping*

Existing mature yards & landscaping to remain

d. *Walks & Fences*

No change to existing walks or fences are proposed.

2. *Activities Areas*

a. *Porches & Patios*

The Existing building provides a small patio to the East, between the building and the parking lot, facing the adjacent fraternity

b. *Locations of recreation areas and courts*

There are currently no existing recreation areas or courts, and no new areas are part of this application.

c. *Locations of Accessory Structures*

There are no accessory structures on the site.

3. *Vehicle Management*

a. *Site Access*

The existing private parking lot is accessed from East Sycamore Street.

b. *Required Parking*

Per 1149.03 (c), (2) parking spaces are required for each (5) beds permitted by a valid City of Oxford Rental Permit. The building is currently permitted for (48), requiring (19-20) parking spaces. The current parking lot holds (19) cars.

c. *Emergency Access*

Emergency access is available from the front of the building on University Avenue, and rear of the building from its parking lot.

d. *Deliveries*

Since the existing building does not have a communal kitchen, deliveries will be minimal. If required, they will be made from the parking lot entrance

e. *Occasional and excess parking requirement*

The existing building sits on (2) public streets, and is diagonally across from the Millett Hall parking lot.

4. *Adequate Public Facilities*

a. *Water*

The building is currently served by City Water, and will remain so without change.

b. *Sewer*

The building is currently served by City Sewer, and will remain so without change.

c. *Storm Water management*

Storm sewers are provided in the area. No change to paved areas causing a change in storm water management will be necessary by this use.

d. *Other Services*

5. *Nuisance*

a. *Waste/Trash Management*

The Existing building is adequately served by a dumpster. No increase in occupancy, and subsequently, no change in trash is anticipated.

b. *Noise and off-site impact*

The existing building is surrounded by other fraternities and student rentals. The building orientation is such that potential outdoor activity areas are to the east, facing another fraternity

c. *Lighting and off-site impact*

No change in lighting is proposed.

B. *Requirements:*

1. *New Structures: Buildings shall be of a size and scale that approximates neighboring structures*

Not Applicable

2. *Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details. Materials and ornamentation.*

The existing building requires no exterior renovation

3. *Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building*

Not Applicable

4. *Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be adequately screened from adjacent properties.*

The small existing patio area is ideally situated to the rear/East side of the existing building. A rock retaining wall and dense natural landscape buffer exists to the North

5. *Waste Facilities: Trash and recycling containers and material shall be stored in a fully enclosed area, properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.*

The existing dumpster is not currently provided with an enclosure. Such an enclosure will be constructed surrounding the existing dumpster as required.

6. *Parking and Transportation Demand Management: Parking shall meet the requirements of the Zoning Code Chapter 1149 and shall be properly designed, screened, and maintained.*

Existing parking on the site is adequate for the Fraternity designation, and is screened by a continuous hedge

Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a light blue horizontal line.

Scott Webb, Architect

VACATED 5-11-1853 ORD. #103

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 1, 2012

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

April 17, 2012
Date Prepared

PLANNING COMMISSION MEETING REPORT – April 10, 2012

Communication:

It was reported that the Environmental Commission continues with their collection of data for a Oxford storm water management study.

A work session took place before this meeting to hear a presentation on the Oxford Bike/Pedestrian Plan, presented by Ms. Anna Dragovich, an IES Graduate Student.

Public Hearing:

CONDITIONAL USE, 301 E. Sycamore Street, to establish a fraternity house in an R2MS (Single- and Two-Family Mile Square Residential) District, **CKC Rentals, LLC, Applicant; Scott Webb, Agent**

The application is to request a Conditional Use Permit to establish a fraternity house in an R2MS District. It is a two-structure, three-story-in-height building with a common lobby connector. Until 1995, it had been a fraternity house. The buildings are currently being used as a 12-unit dwelling complex.

The Applicant indicated that there were no improvements or renovations being proposed at this time other than a change in designation of use. The new fraternity chapter plans, if approved, to occupy six of the twelve units (front tower) for the 2012/2013 school term and take over the rest of the complex starting in the fall of 2013.

Discussion was focused on fire suppression, common room needs, trash issues and the timeframe the fraternity chapter plans to occupy the building. No other major issues were identified. Following discussion, the Planning Commission unanimously voted 7-0-0 to recommend approval of the requested Conditional Use with one condition that the trash dumpster is enclosed.

New Business:

There was no new business.

Other Business:

There was no other business at this time.

Next Meeting:

The May 10, 2012 Planning Commission meeting has been cancelled; however, a work session will take its place beginning at 6:00 p.m. at the Courthouse.

Approved BY:

Department Head:

City Attorney:

A. City Manager:

Initial	Date
JHC	4/18/12
WCB	4/27/12

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: May 1, 2012

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

April 24, 2012
Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report – April 18, 2012
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Recommendation:	N/A
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Adjudication Hearing:

BZA-04-2012 15 S. Beech Street, Former Oxford Press Building, variance to Section 1141.03(b) to allow a principle entrance face an alley, **Scott Webb, Applicant, Agent**

The Applicant requested a variance to allow for a residential principle entrance of a mixed-used building face an alley. Section 1141.03(b) reads “every building hereafter erected, converted, enlarged, reconstructed or structurally altered shall be located on a lot of record, and shall have its principal entrance upon a street bordering such lot. For the purpose of this provision an alley is not considered as a street.”

Under the current design, only the entrances to the retail portion of the mixed-use building will face the street. The residential entrance for the upper floors will face the alley.

After considering and weighing the facts, circumstances and Decision Standards, the Board voted 4-1-0 to **APPROVE** the application as presented.

BZA-05-2012 35 E. Church Street, variances to Section 1151.05(a)(2)(A)(1) to allow a wall sign face the Municipal Parking Lot; and Section 1151.05(a)(2)(B)(1) to allow for a directly illuminated sign, **Jane Fiehrer, Sign Connection, Applicant, Agent**

The Applicant is seeking a variance to allow for the installation of a directly illuminated sign. The Applicant also has requested the sign be allowed to face the Municipal Parking Lot. The Oxford Zoning Code allows for one wall sign for each nonresidential occupant, and an additional wall sign, if a building is on a corner lot or the corner of an alley, face a secondary roadway. However, the Applicant desires to install the second wall sign on the side facing the Municipal Parking Lot, not the alley.

After consideration and weighing the facts, circumstances and Decision Standards, the Board voted 5-0-0 to **DENY** the application as requested.

New Business:

None

Old Business:

None

The May 16, 2012 BZA meeting has been cancelled since there are no applications for consideration. The next meeting will take place June 20, 2012.

Approved By:

Department Head:
City Attorney:
A. City Manager:

Initial	Date
<i>JHC</i>	4/24/12
<i>ABD</i>	4/27/12

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: May 1, 2012

Kim Newton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 26, 2012

Date Prepared

Agenda Title: Report regarding the April 25, 2012 Civil Service Commission Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, April 25, 2012 at 7:00 p.m. Those members present were: Phil Russo, Chair; Susan Lipnickey, Karen Martino, Mike Pavloff and Charles Crain.

Donna Heck, Human Resource Director and Kim Newton, Recording Secretary were in attendance for the City.

The Commission approved the State Personnel Board of Review, Report of Activities for 2011 and accepted the 2011 Human Resources summary report.

The Commission reviewed and discussed suggested amendments to their Rules and Regulations.

The next meeting is scheduled for Wednesday, May 23, 2012.

Approved By:

Department Head:

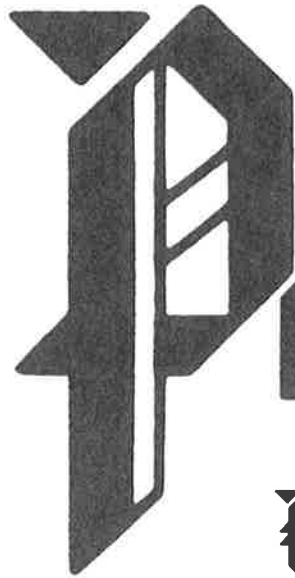
City Attorney:

A. City Manager:

Initial Date

[Signature] 4/26/12

[Signature] 4/27/12



Office of the Mayor

Proclamation

Whereas:

adults who provide alcohol to those below the legal drinking age of 21 are placing those youth at risk for health, safety and legal problems; and

WHEREAS, alcohol use by young people is dangerous, not only because of the risks associated with acute impairment, but also because of the threat to their long-term development and well-being; and

WHEREAS, it is illegal to give or allow your teen's friends to drink alcohol in your home, even with their parents' permission; and

WHEREAS, anyone found guilty of providing alcohol to youth can face up to a \$1,000 fine and six months in jail, in addition to any civil action that can be brought as a result of damages or injury related to the offense; and

WHEREAS, adults have the authority and responsibility to our youth to provide them with alternative opportunities by creating alcohol free activities; and

WHEREAS, Drug-Free Action Alliance, through *Parents Who Host, Lose The Most: Don't be a party to teenage drinking* provides the educational materials to raise community awareness regarding this illegal and unhealthy practice; and

WHEREAS, The City of Oxford encourages residents to refuse to provide alcoholic beverages to underage youth and to take the necessary steps to discourage the illegal and unhealthy practice, including the reporting of underage drinking by calling their local police; and

NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim the week of May 7, 2012:

"PARENTS WHO HOST, LOSE THE MOST: DON'T BE A PARTY TO TEENAGE DRINKING WEEK"

in the City of Oxford.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 1st day of May, 2012.


RICHARD A. KEEBLER, MAYOR



Office of the Mayor

Proclamation

Whereas:

the National Association of Letter Carriers have designated the day of May 12, 2012 as the twentieth annual "Stamp Out Hunger Food Drive" day; and

WHEREAS, the NALC Food Drive collected a record of 77.2 million pounds of food nationally and 52,094 pounds of food in Butler County in 2011; and

WHEREAS, thousands of families caught in the economic crisis will have access to this needed and nourishing food through Shared Harvest Foodbank's network of food pantries; and

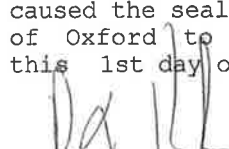
WHEREAS, the AFL-CIO, Shared Harvest Foodbank, United Way, Campbell's, Feeding America and countless community volunteers will lend assistance to this charitable endeavor with the United States Postal Service encouraging and supporting this one day drive.

NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, to assist public awareness of this nationwide endeavor to care for our own, do hereby proclaim Saturday, May 12, 2012 as:

**"THE NATIONAL ASSOCIATION OF LETTER CARRIERS
FOOD DRIVE DAY"**

FURTHER, on behalf of all Municipal Officials and Administration, do request all citizens of our community to support the efforts of this national annual drive by placing non perishable food by their mailboxes on May 12, 2012 to help meet the needs of our neighbors locally.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 1st day of May, 2012.



RICHARD A. KEEBLER, MAYOR





Office of the Mayor

Proclamation

Whereas:

historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, 'Discover America's Hidden Gems' is the theme for National Preservation Month 2012, cosponsored by the City of Oxford and the National Trust for Historic Preservation.

NOW, THEREFORE, I, Richard A. Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim May 2012 as:

'NATIONAL PRESERVATION MONTH'

and call upon the people of Oxford to join their fellow citizens across the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 1st day of May, 2012.



RICHARD A. KEEBLER, MAYOR

