

JAY C. BENNETT
ATTORNEY AT LAW
Oxford Professional Building
5995 Fairfield Road, Suite #5
Oxford, Ohio 45056-1587
Telephone 513.523.4104
Fax 513.523.1525

August 4, 2015

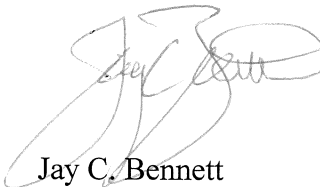
Jung-Han Chen
Director of Planning
City of Oxford
101 E. High Street
Oxford, Ohio 45056

Re: Trinitas Planned Unit Development Application dated 6/26/15

Dear Jung-Han:

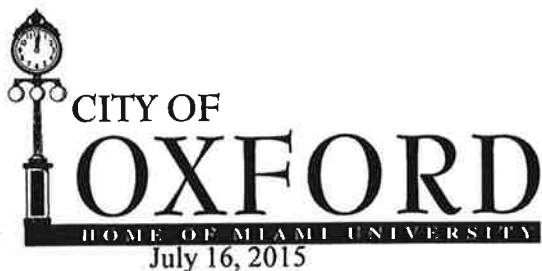
Please postpone consideration of the preliminary plan of the planned unit development of Southpointe Crossings from the August meeting of Planning Commission until the September meeting of Planning Commission scheduled for September 8th.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jay C. Bennett", is written over a large, stylized, light-colored circular mark or stamp.

Jay C. Bennett
Attorney at Law

JCB/da



Community Development Department
Phone: 513-524-5204

Mel Shidler
Holy Trinity Episcopal Church
25 East Walnut Street
Oxford, Ohio 45056

Re: PC-2015-20-ADM Minor Amendment to an approved Conditional Use
25 East Walnut Street – Holy Trinity Episcopal Church , Building Permit #15-169

Dear Mr. Shidler:

Your proposal to construct additional parking spaces along the north south alley was considered and determined by the Planning Commission, on June 9, 2015 to be a minor amendment to an approved Conditional Use Permit, subject to meeting the City parking standards. The attached drawing has been reviewed and approved administratively as directed by the Planning Commission.

The Minor Changes to the site include:

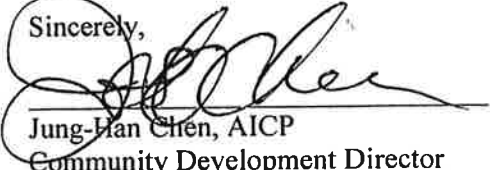
1. Constructing an approximate 48 foot long paved area between the new addition of the church and the north-south alley as shown on drawing.
2. Striping of two spaces as shown on drawing.

The Holy Trinity building expansion was originally approved by Oxford City Council in 2013 as a conditional use for a place of worship under Ordinance #3223. Therefore the Zoning Administrator reviewed the original plans and ordinance and administratively approved the proposed additional paved area based upon the following criteria being satisfied per Section 1145.10(a) of the City of Oxford Planning and Zoning Code:

- A. There is no change in use;
- B. The proposed construction is of a magnitude that will not substantially alter the appearance of the development from off of the site;
- C. The proposed construction will not substantially or detrimentally affect the provision of public services to the site or general vicinity;
- D. The proposed construction will not substantially or detrimentally increase potential demand on public or private utilities;
- E. The proposed construction is not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood; and
- F. The proposed construction is not contrary to and in no way diminish the intent of the originally approved permit.

If you have any questions or need additional information, please call 524-5204.

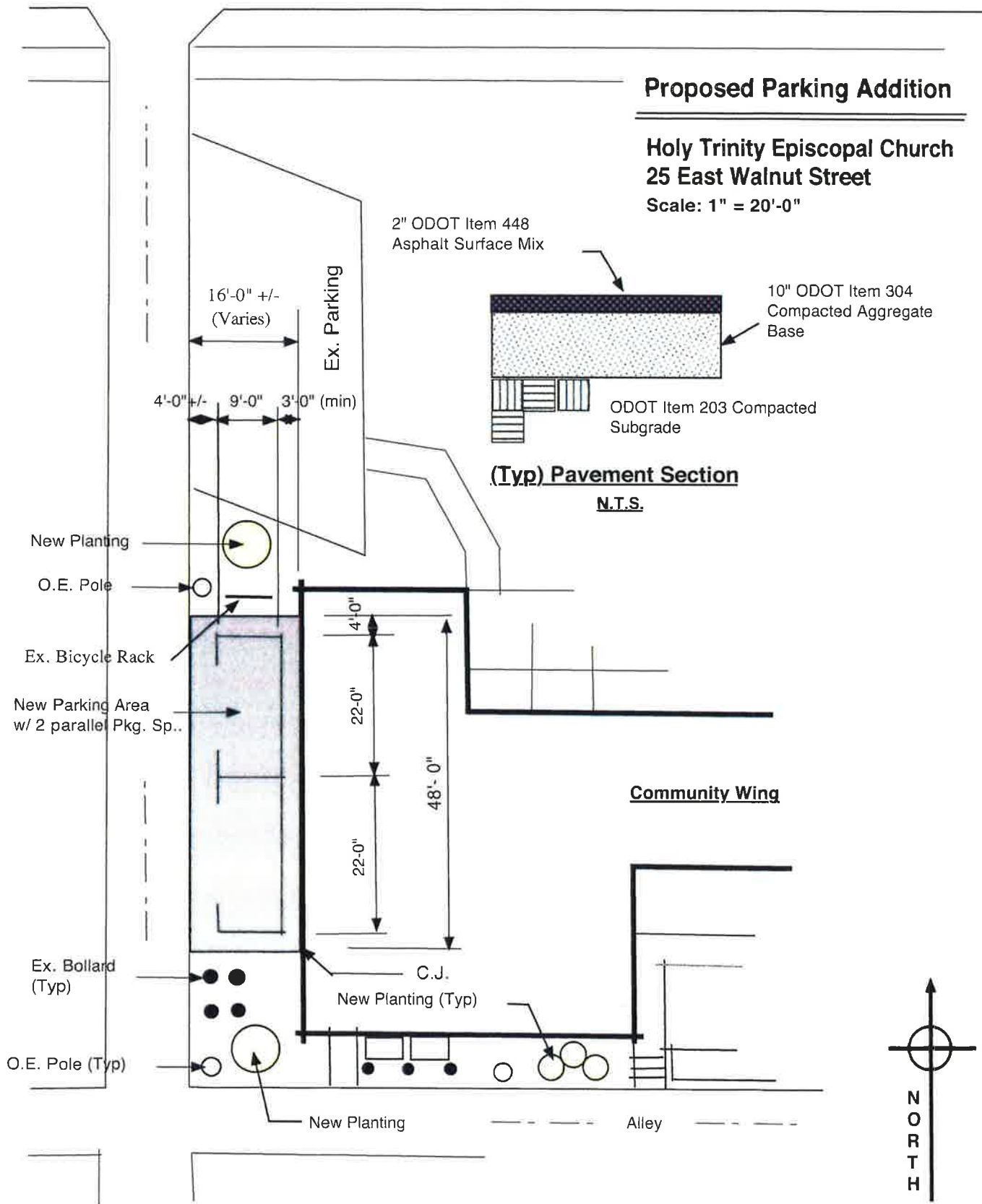
Sincerely,


Jung-Han Chen, AICP
Community Development Director

cc: File


David Prytherch
Planning Commission Chair

101 East High Street • Oxford, Ohio 45056-1887
Phone: (513) 524-5200 • Fax: (513) 523-7298 • www.cityofoxford.org



City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-16

Date –July 14, 2015

APPLICATION

Applicant:	Peter and Connie McCarthy
Location:	5990 Contreras Road
Owner:	Peter and Connie McCarthy
Action Request:	Zoning Map Amendment
Current Use:	Single-Family
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

The applicant is seeking a zoning map amendment of their property from the existing R1B (Single-Family Medium Density Residential) District to an R-3 (Multi-Family Residential) District.

The property is bordered by a multi-dwelling rental property to the east, single family to the south, north and west. This area is in proximity to Lynn Avenue where commercial activities are prominent. The site is not a true rectangle in shape and is approximately 200 feet by 205 feet. It is almost one acre in size.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received.

PROPERTY HISTORY

PC-2010-04 Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council

PC-2010-08-ADM- Lot Split (withdrawn)

PC-2010—09-ADM- Lot Split (Referred to BZA for adjudication hearing for not meeting certain underlying zoning requirement)

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned without comments.
Econ. Dev.:	Returned without comments.

COMPREHENSIVE PLAN REVIEW

A Comprehensive Plan is a broad policy document intended to guide decision-making on long-term physical development. The Ohio Planning and Zoning Law Handbook even provides a more rigorous legal definition of a Comprehensive Plan, which is a chief policy instrument for: (1) the administration of zoning and subdivision regulations; (2) the location and classification of streets and thoroughfares; (3) the location and construction of public and semi-public buildings and related community facilities and infrastructure.....etc.

It provides some frame work to be used on a daily basis as public and private decisions are made concerning development. Administrative and legislative approvals of development proposal, including

rezoning and subdivision plats, should be a central means of implementing the Comprehensive Plan. Decision by the Planning Commission should reference relevant Comprehensive Plan recommendation and policies.

Relevant information from the 2008 Comprehensive Plan is provided as follows for discussion:

Land Use Chapter:

The map titled "Conservation and Development Map" on page 3.19 showed the aspiration and choices that are expressed by the community in 2008.

The area considered for redevelopment is mainly defined between Lynn Avenue and Locust Street between College Avenue and McGuffey Avenue. The subject property is adjacent to this redevelopment area. The intent of this redevelopment is to create a mixture of small and medium sized commercial use with a well-defined landscape and public space; where residential uses shall also be integrated within the area to create a 24 hour district to create shopping and dining options within walking distance of surrounding neighborhoods.

The subject area is also considered Neighborhood General 3 under the Character Map Matrix on page 3.20, since the development of this area tends to be after WWII and does not share the same geographic configuration as the Mile Square. This character of the neighborhood is considered to be residential areas on the outskirts of the Mile Square with the lowest residential density.

Cultural Resources:

Enhance and improve the promotion and preservation of the City's historic and cultural resources. There is a large historic building located on the subject property that should be preserved.

There are also other chapters in the Comp Plan that may be relevant, but they are more specific in nature that would not be a good practice to speculate what might be happening on the site, since the request is only seeking rezoning of the property and no specific proposal has been submitted.

OXFORD ZONING CODE:

Chapter 1135 Code Amendment of the Oxford Zoning Code also provides guidance to the Planning Commission. Section 1135.02(c) (1) stipulates the Decision Standards for map amendment to be approved only if it meets at least one of the following criteria and if its benefits will likely outweigh any potential pitfalls:

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

ANALYSIS:

In reviewing the zoning map application, the Commission should consider both the Comprehensive Plan and the Decision Standards of the Zoning Code Map Amendment to determine the pros and cons of the request during its deliberation.

The 2008 Comprehensive Plan provides the Conservation and Development Map that favors redevelopment for the commercial corridor area generally known as Locust Street corridor, including Lynn Avenue. It resonated well with the general public at the time for redevelopment of this corridor, where there were multiple vacant commercial buildings, which was also identified to be the "weak" place. While the subject property is nearing this redevelopment area, it was not the focus of the Comp Plan to label this property for redevelopment purposes. Additionally, the Comp Plan is generally not to be parcel-specific.

The Oxford Zoning Code provides two-tier criteria of evaluation for considering a map amendment request; therefore it would be appropriate to begin to provide the review of each standard to evaluate the proposed request to determine how this application meets the standards. Related to the 2nd tier, the Commission should discern whether the benefit is likely outweighing any potential pitfalls.

Is there an error on the official Zoning Map or in the delineation between districts hereon? The applicant's narrative indicates that the zoning map was in error in changing the property from a two-family district to a single family in 2003. Reviewing the rental records of this property indicates that it was determined in 2004 that this property was used as a two-family, one in the main house and the other one is above the detached garage. Changing the zoning from a two-family to single-family in 2003 may have been incorrect, but the Planning Commission and the City Council approved the whole zoning map amendment at the time it appeared to believe that this property, along with other properties on the west side of Jacqueline should be a single-family district. It may also be the intent from the Planning Commission and the City Council to treat this property as a nonconforming use and with the hope that eventually the property could be turned back into a single-family dwelling.

Will the proposed amendment make the map conform more closely to the Comprehensive Plan? As indicated earlier that the Comprehensive Plan was contemplating the redevelopment of a commercial corridor on Locust Street, since the focus at the time was the vacant commercial buildings. Please note that there have been much redevelopment taking place since then, which has been consistent with the Comp Plan direction.

Has there been a substantial change in area conditions that necessitates the amendment? The conditions in the commercial corridor may have gone through some changes, but the neighborhood including this property has not gone through substantial changes.

Is there a legitimate need for additional land area in the zoning district that will be expanded? It is common that the needs for diverse housing, specifically senior housing, has been a long term desire for this community. There have been some developers with proposals for senior housing contacting the City to fulfill this much needed market segment. The applicant does reference the Comp Plan related to the housing component, but there is no specific project being proposed with this request.

The potential benefits of such change in land use classification could be to continue the use of this historic building as a multi-family dwelling unit, as the applicant indicates in the narrative. The potential pitfalls would be that the entire site could be redeveloped for multi-family dwelling units. Please be advised that multi-family allows for multi-family dwelling units should the site be large.

It may not be prudent to speculate the rationale on how the zoning map was amended for this parcel in 2003. But having no information on the rationale, we often need to refer back to the principals of land use/zoning practices. Therefore, there might be some possible reasons for such a change in 2003:

- a. the zoning boundary should follow the roadway;
- b. in certain instances, the boundary line would follow the parcel lines when circumstances warrant;
- c. the zoning classifications of those adjacent properties;
- d. the impact of different zoning classifications.

Please note that the subject property is larger than most of the properties in this area and has a significant large house on site that was at one point the house of the original farm. The original portion was approximately 3,700 square feet and subsequently increased to approximately 5,400 square feet. The size of the existing dwelling may be unique in Oxford, but not uncommon for today's standards. Contemporary new construction generally starts around 2,500 square feet and can go up, depending on the needs of the family.

The lot area is approximately one acre that is generally bigger than the surrounding properties. The properties to the west of the subject property are around half an acre.

Additionally, the consideration of a zoning map request should also take into consideration how the proposed zoning of this property is relative to the surrounding properties. There is R-3 (multi-family residential) District across the street, Jacqueline Drive to the east of this property that contains three-family dwelling units. The properties to the east of the subject property are single family dwellings.

It is also important to consider the decision that may impact the neighborhood in a holistic manner. The multi-family zoning, as requested, could accommodate multi-family dwellings for the subject property that may not be consistent with the general character of the neighborhood on Contreras Road and Jacqueline Drive.

It would be circumstantial to speculate what might happen if the property is rezoned, since the approval of a zoning map amendment would allow the subject property to be developed in accordance to the regulations of that district. As long as the uses and development regulations are being met for a development proposal, no further review by the Commission, other than staff review, would be needed.

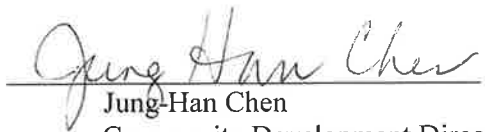
The Planning Commission and City Council in 2013 also approved a map amendment from a R1MS District to R2MS District due to the fact the predominant properties in the requested area were already two-family dwellings, accepting that the Zoning Map was in error for the area in the Mile Square. Please also note that the request contains multiple properties that were in a half a block of the Mile Square, while this property maybe unique in its size for being larger than the properties in the neighborhood, but it is a single property.

RECOMMENDATION

Reviewing the requested zoning change based on the Comp Plan and the Zoning Code's Decision Standards, an argument might be made that there was an error on the Zoning Map since the property has been used as a two-family dwelling unit. It is unclear what the rationale was when this property was rezoned to a single family in 2003. A two-family residential might be the extent of what could be supported due to the "alleged" error on the Zoning Map. Any zoning district with higher density than a two-family could not have been substantiated or supported by the analysis, unless the applicant could provide additional evidence why an R-3 District could be supported.

SUBMITTED

BY:


Jung-Han Chen
Community Development Director

DATE: July 8, 2015

(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.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

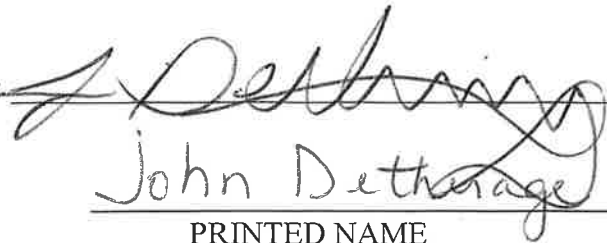
PC-2015-16 ZONING MAP AMENDMENT 5990 Contreras Road, to rezone the subject property from R1B (Single-Family Medium Density Residential) District to R3 (Multi-Family Residential) District, **Peter and Connie McCarthy, Applicants**

 X Review Revisions Other

Please return no later than: **7/7/2015** 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:


John Detharage
PRINTED NAME

Date:

6-19-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

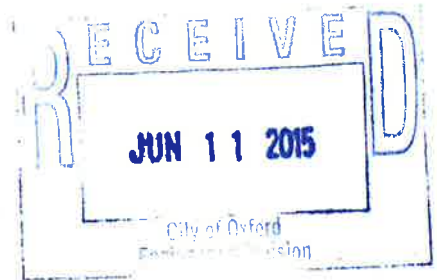
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 X Review Revisions Other

Please return no later than: **7/7/2015** 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: _____

[Handwritten Signature]

Date: _____

6-15-15

VICTOR POPESCU

PRINTED NAME

62

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

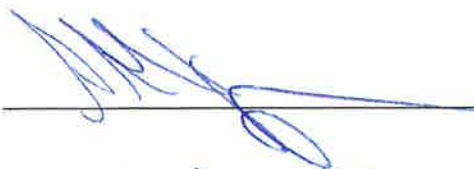
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Please return no later than: **7/7/2015** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:  Date: 7-7-15

G. ALAN KITCHIN

PRINTED NAME

PC-2015-16 Surrounding Property Owners Map

Legend



1 inch = 100 feet

Prepared on Wednesday, June 17, 2015

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.



LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb has permission to represent our interest with the City of Oxford and act on our behalf at the Planning Commission hearing 7/14/2015 date at property located at 5990 Contreras Road

Thank-you.

Signed:



5-28-15
DATE



Internal Use Only:

Case No.

Date Filed

PC-2015-16

5/29/15

Zoning Map Amendment Application

Applicant Information

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

Name * Peter & Connie McCarthy

Mailing Address * 5990 Contreras Rd.

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-523-3541

Email Address pecomcc@gmail.com

Location and Lot Information

Location * Corner of Contreras Rd. & Jacqueline Dr. Parcel H4100016000047

General Description of Proposed Amendment * Zoning Change from R1B to R3 (see narrative for further information)

Current Zoning * R1B

Proposed Zone(s) * R3

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

- A. Application Fee.
- B. The name, mailing address, and telephone number of the applicant.
- C. A general description of the proposed amendment.
- D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- E. A statement that identifies potential negative consequences of the proposed amendment.
- F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
- G. A legal description of the area to be rezoned.
- H. The proposed zoning of the area.
- I. The current zoning of the area.
- J. A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

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. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

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

Fees & Receipt

The required fee is \$150.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *

Peter McCarthy
5/29/15

Carmel McCarthy

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 documentation as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, 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 proposed 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 *

5/29/15

Receipt Number *

150-46156

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/>

³ The United States Postal Service: <http://www.usps.com/>

Description of the Proposed Amendment

The proposed map amendment would change the lot known as 5990 Contreras Rd. from R1B to R3.

The one-acre lot contains a 5400 SF non-conforming duplex and an accessory 500 SF detached garage. Prior to 2003 this lot was zoned One and Two Family Residential and conformed to that district. In 2003 the area was rezoned as R1B, Medium-Density Residential, which forced the property into a non-conforming use. The lot size, structure size, multi-family configuration, and the architectural characteristics of the historic structure make it unique and outside the norm of the R1B district. Minimum lot size for R1B is 7500 square feet. In its existing state the property can legally be subdivided into 3 separate lots. If the principal and accessory structures were removed, the acre lot could be subdivided into five lots. The lot is on the edge of the R1B district and is in view of multi-family and commercial zones. It is a transitional zone between a commercial district to the east and a single family residential zone to the west. A 50-yard radius around the property includes four zoning districts – R1B, R1A, R3 and GB. The proposed map amendment would be contiguous with the R3 zone adjacent to the east side of the property. Lot size, structure size, and lot coverage are well within the R3 requirements with no renovation required. The amendment would restore the property back to a conforming use. It is the applicant's position that forcing this lot into a non-conforming use as part of the 2003 zoning change was inequitable and an error. The property should have been allowed to maintain a conforming use through incorporating it into the adjacent R3 zone.

Comprehensive Plan Narrative

The proposed amendment supports the following strategies of the Comprehensive Plan:

H1.4 Encourage the development of housing that is accessible to community resources such as employment, bicycle and pedestrian infrastructure, public transit, open space, and commercial districts.

Although no increase is planned, this proposal contains the potential for development of the acre lot to provide additional housing units within walking distance of employment areas such as the Locust St. Corridor, Rt. 27 Corridor, the Uptown District, and Miami University. The BCRTA has a stop very close by at Arby's.

H2.5 Incorporate a variety of housing types and prices as part of mixed-use development.

CR 4.5 Encourage the preservation, restoration, rehabilitation and reuse of historic structures and sites.

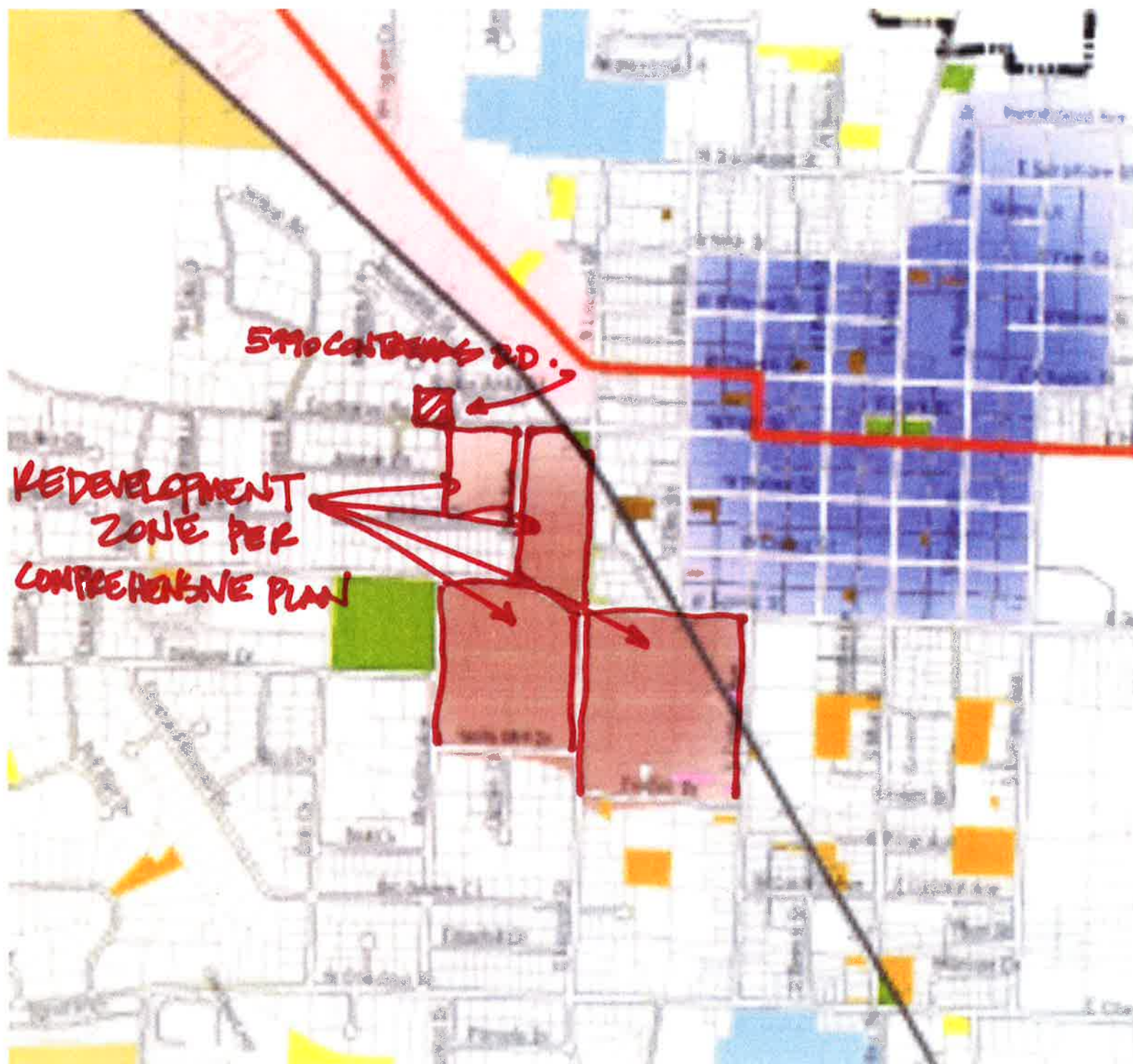
R3 could provide an income producing function and allow funding for maintaining this historic structure. Federal and state tax credits require the property to be income producing. The current zoning restricts the ability to acquire tax credits and provide revenue for maintenance.

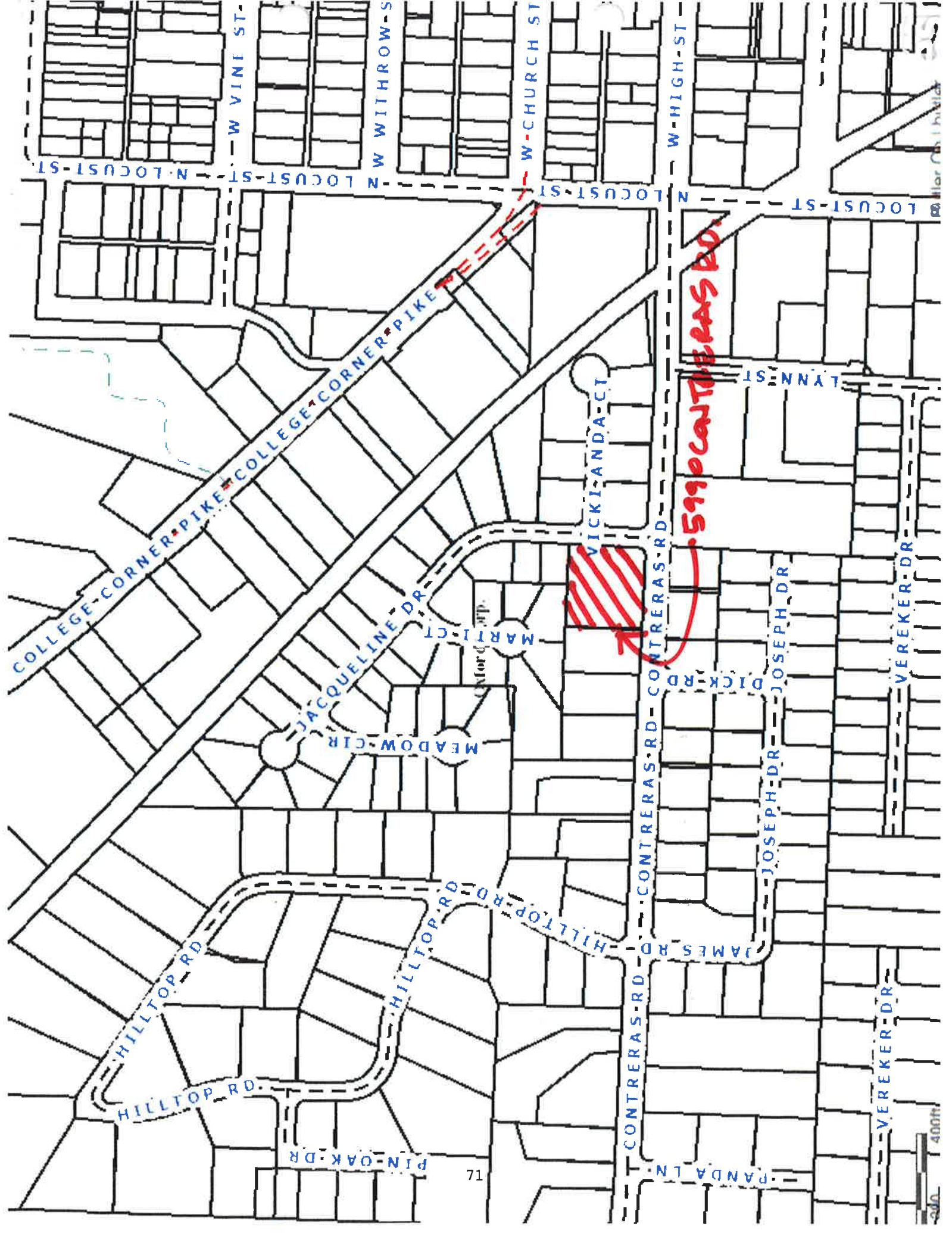
Potential Negative Consequences

The negative consequences are no greater than those that already exist within this family rental area.

Legal Description

Parcel ID – H4100016000047





Enterprise Rent-A-Car

University Motor

Meadow Cir

Jacqueline Dr

Marti Ct

Jacqueline Dr

5990 Contreras Rd.

Jacqueline Dr

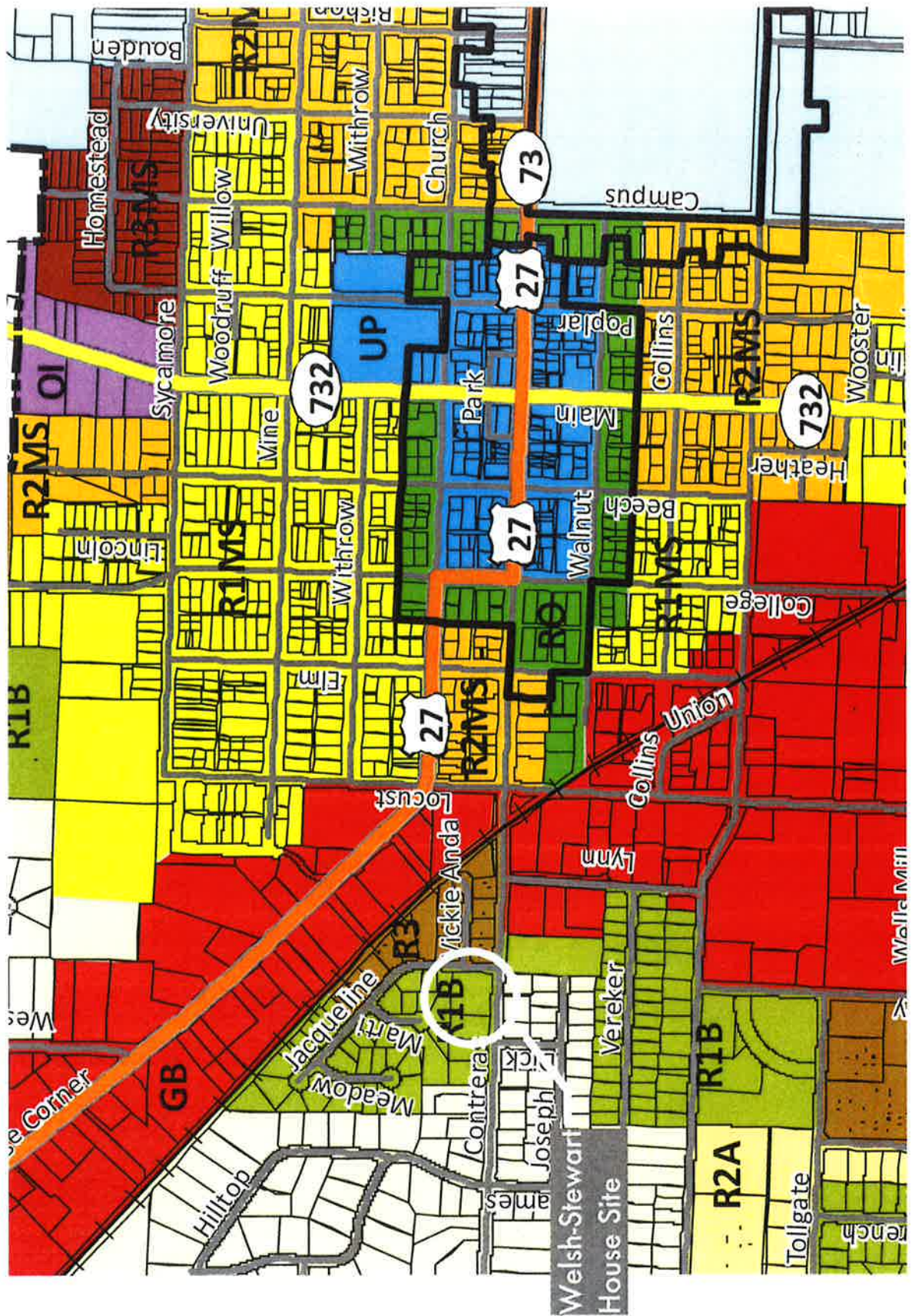
Vicki Anda

Contreras Rd

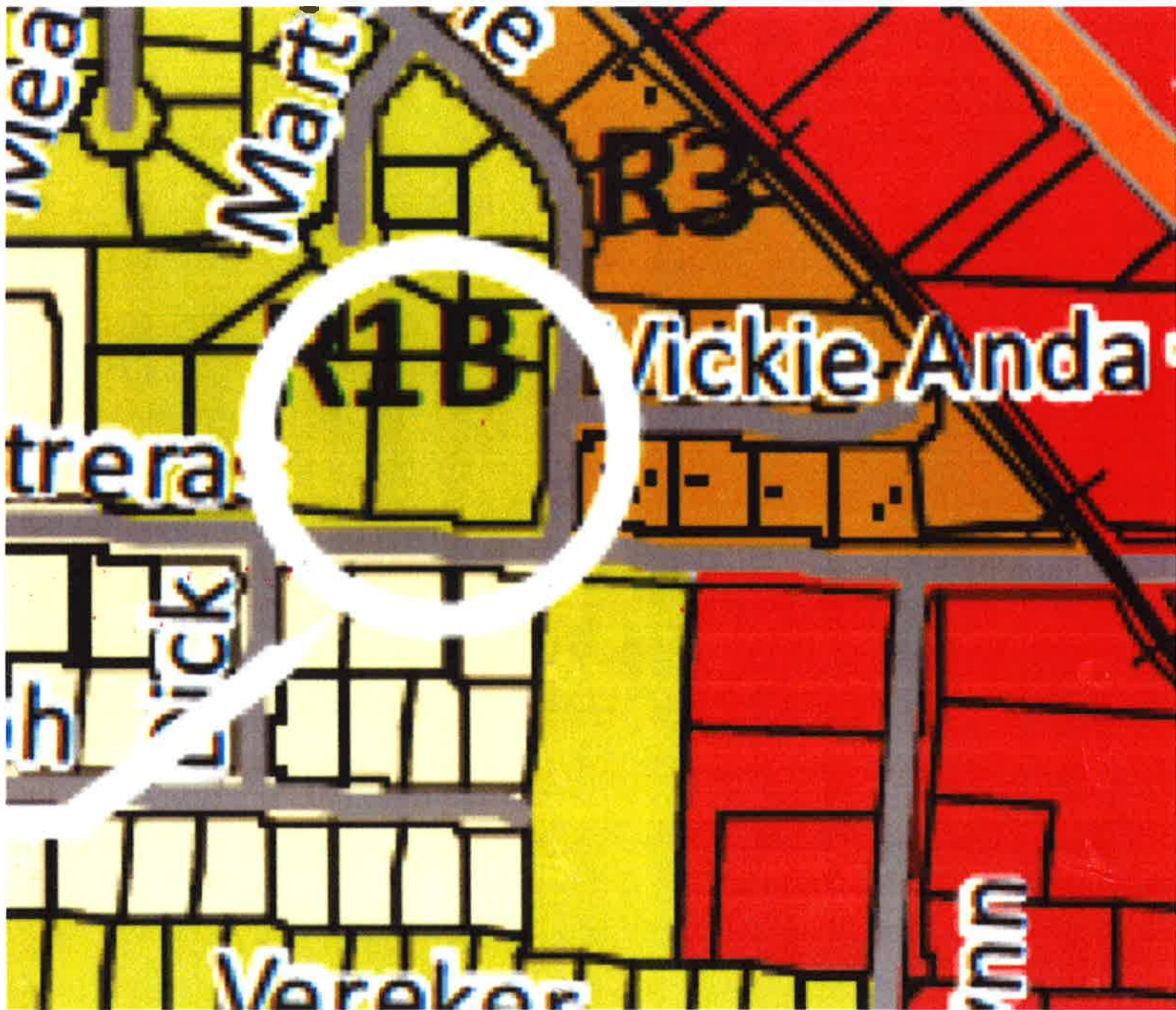
Contreras Rd

Contreras Rd

Contreras Rd



5990 CONTRERAS RD.



Memo



To: Planning Commission
From: Sam Perry, AICP, Planner, Community Development Department
Date: 8/6/2015
Re: 5990 Contreras Zoning Map Amendment

Since the time of the writing of the staff report, we have received public comments from Mr. Bill Fisher and Ms. Kathleen Zien. See attached emails.

Additionally, we prepared map graphics which depict the zoomed in area around the subject property showing the current zoning coloring/map compared to the proposed zoning coloring/map. See attached.

We also have added a spreadsheet of the list of owners within 200 feet who were notified in case there were any questions regarding the original error which resulted in the tabling of the case.

Other than those three items, the information from the tabled case from the July meeting has not changed.

Lynn Taylor

From: Fisher, William <fisherwf@miamioh.edu>
Sent: Tuesday, August 04, 2015 12:54 PM
To: Lynn Taylor
Subject: Rezoning 5990 Contreras

Ms Taylor,

I would appreciate it if you could get the comments below to Pete McCarthy. I have e-mail addresses for the other members on Planning Commission but not him.

Thank you,

Bill Fisher
4883 James Road, Oxford.

I'm writing regarding the request for rezoning by the McCarthys at 5990 Contreras. Inunderstand the change is different rezoning that would keep the property residential, but the change asked for would revisit the same issues addressed to deny the rezoning last time, dependent on the questions of what the multi-family numbers look like, whether three families can fit in (are we then at 8-12 people)? And just how unrelated students could be considered a family by city of state definition. I have the sense that property could become exactly what we in the nearby overlay district don't wish to have happen--loads of students and their cars in and out of a major east-west road. This traffic issue could be worse than that voiced as a concern by a number of people in our last meetings with Council about rezoning this lot.

Bill Fisher

Sam Perry

From: Kathleen Zien <zienkl@hotmail.com>
Sent: Monday, July 13, 2015 11:19 AM
To: Jung-Han Chen; Sam Perry; bob benson; David Prytherch; Richard Keebler; Kate Rousmaniere; Rich Daniels Planning Comm; Robert Bell PC
Cc: Becky Kolb
Subject: City Memo re: 5990 Contreras "apartment" rental
Attachments: 2612_001.pdf

To Planning Dept. and Planning Commissioners:

After your review of the attached Aug. 31, 2004 memo from Dan Johnson to Pete McCarthy, there should be some questions!

It certainly points to incomplete records.

It's a known fact that Oxford rental permits were lax years ago. That's how so many properties unfortunately got grandfathered in that never should be. We're getting better at record keeping and updates.

* When did 5990 Contreras first show up as a rental on city records?

The first permit issued to P.Mc was 7/23/04. However, that was to Pete.

* Were there any other permits EVER issued for the same 20 x 25' (over the garage) space / studio prior to 7/23/04 to any other owner?

According to the staff report, the Zoning map was amended in 2003 (agenda, p. 57).

*How was the property zoned before 2003?

http://cityofoxford.granicus.com/MetaViewer.php?view_id=3&event_id=114&meta_id=61754

DATE: August 31, 2004

TO: Peter McCarthy, current property owner
File

FROM: Dan Johnson, Planner & Zoning Administrator

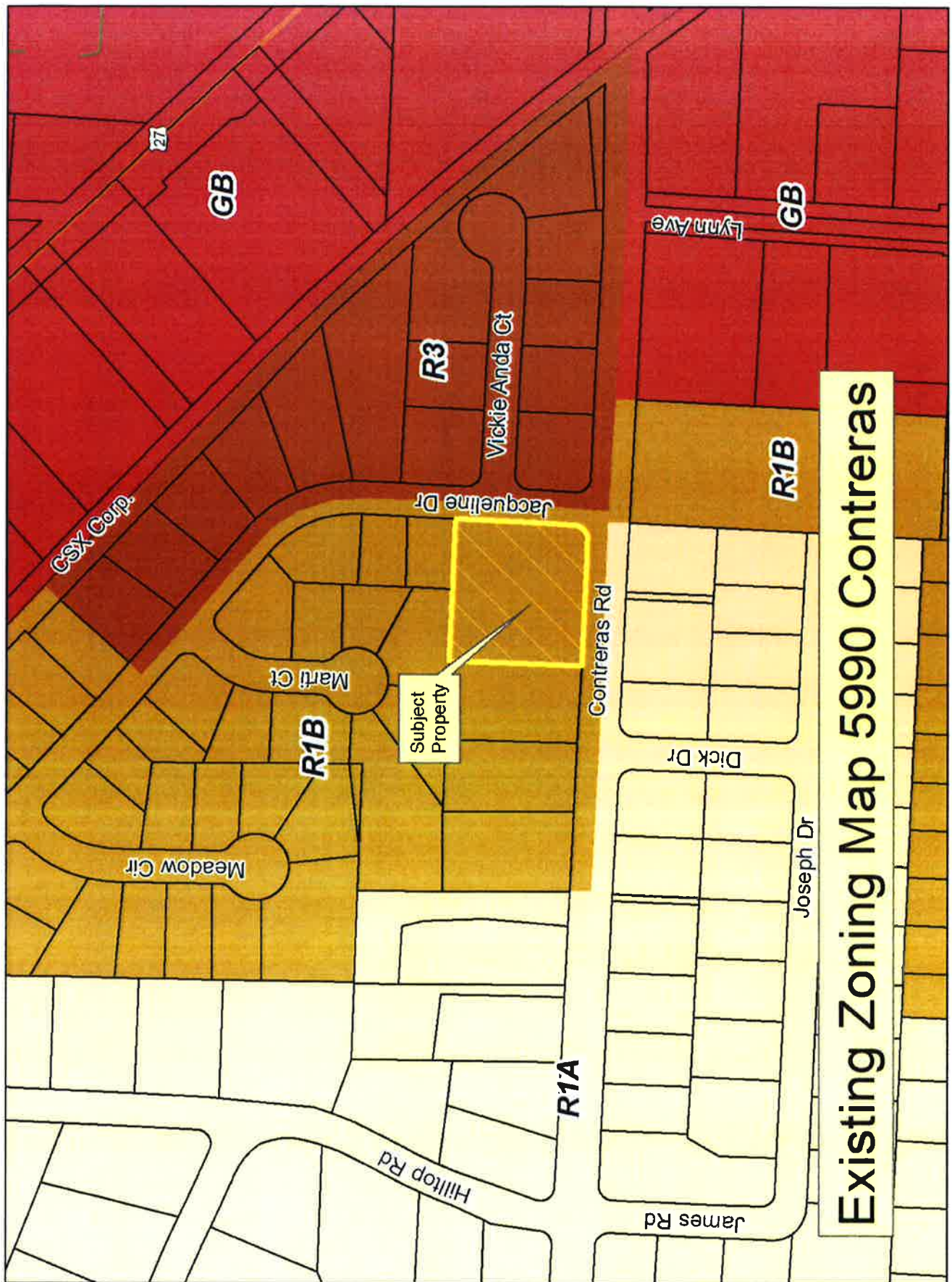
RE: 5990 Contreras Road – garage rental unit

This garage rental unit at this address is henceforth considered a legal nonconforming land use. The structure appears to have existed in its present form and been used as a single-family dwelling unit since before the land was incorporated into the City of Oxford and before any codified regulations would have prohibited its legal use in this manner. Information has been submitted to support this finding and it shall remain in this file for reference.

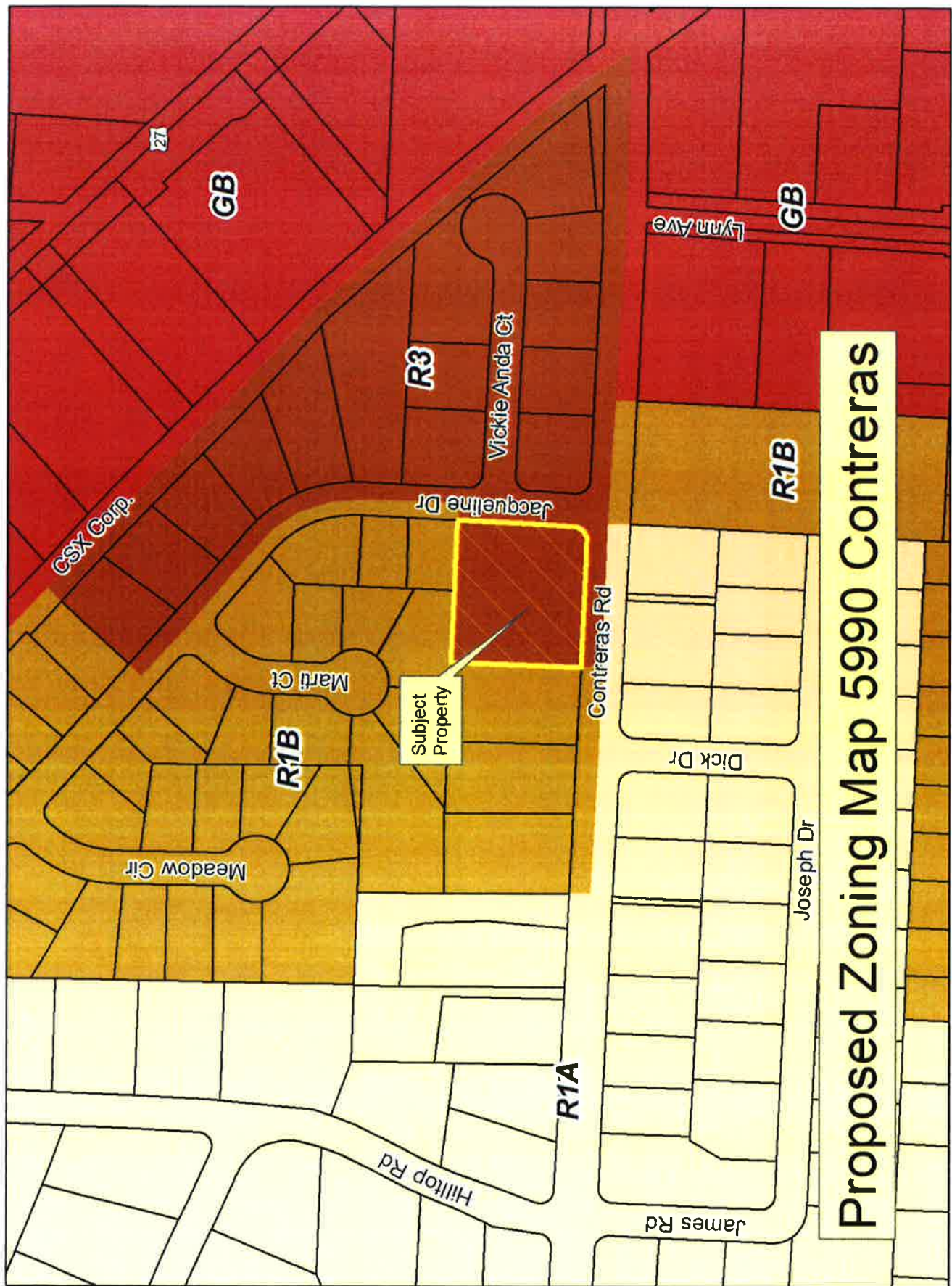
The property owner is hereby made aware that a legal nonconforming use on even a portion of the lot makes the entire lot nonconforming. This may affect the rights of the property owner to make alterations to this and other structures on the property that would not otherwise be at issue.

Property Notifications

PIN	OWNER	LOCATION	First Name	Company	Address	City	State	Zip Code
H4100015000057	GOODMAN KATHLEEN M	116 MARTI CT	KATHLEEN M GOODMAN		116 MARTI CT	OXFORD	OH	45056-1568
H4100017000088	BARKER CYNTHIA L	5991 CONTRERAS RD	CYNTHIA L BARKER		5815 BROWN RD	OXFORD	OH	45056-9720
H4100017000018	BARNHART BETTY L & SCOTT K	6051 CONTRERAS RD	BETTY L & SCOTT K BARNHART		62 SCARLETT OAKS CIR	OXFORD	OH	45056
H4100015000121	CONTRERAS PARK CONDOMINIUMS LLC	111 JACQUELINE DR	CONTRERAS PARK CONDOMINIUMS LLC		3088 OXFORD MILLVILLE RD	OXFORD	OH	45056-9358
H4000016000052	MCLEAN BRYAN	106 JACQUELINE DR	BRYAN MCLEAN		106 JACQUELINE DR	OXFORD	OH	45056-1544
H4100016000101	CONTRERAS PARK CONDOMINIUMS LLC	20 VICKI ANDA CT	CONTRERAS PARK CONDOMINIUMS LLC		3088 OXFORD MILLVILLE RD	OXFORD	OH	45056-9358
H4100017000032	NELSON DONALD N TR	6020 JOSEPH DR	DONALD N NELSON TR		6020 JOSEPH DR	OXFORD	OH	45056-1524
H4100017000014	WITT JOHN F & DAWN L	120 JACQUELINE DR	JOHN AND DAWN WITT		120 JACQUELINE DR	OXFORD	OH	45056-1544
H4100017000053	GINAPP CLARK E & HUDIBURGH LYNETTE M	6000 JOSEPH DR	CLARK E GINAPP	LYNETTE M HUDIBURGH	6000 JOSEPH DR	OXFORD	OH	45056-1524
H4100015000120	CONTRERAS PARK CONDOMINIUMS LLC	119 JACQUELINE DR	CONTRERAS PARK CONDOMINIUMS LLC		3088 OXFORD MILLVILLE RD	OXFORD	OH	45056-9358
H4100015000052	OLUMWULLAH OSAAK & NIERI	112 JACQUELINE DR	OLUMWULLAH & NIERI OSAAK	% JANE LUSENO OSAAK	112 JACQUELINE DR	OXFORD	OH	45056-1544
H4000015000055	BUCHHOLZ JOHN F	117 MARTI CT	JOHN F BUCHHOLZ		117 MARTI CT	OXFORD	OH	45056-1568
H4100017000016	HANNON DANIEL P & CHRISTINE A	5999 CONTRERAS RD	DANIEL P & CHRISTINE A HANNON		5481 STEPHENSON RD	OXFORD	OH	45056-9011
H4100016000102	CONTRERAS PARK CONDOMINIUMS LLC	26 VICKI ANDA CT	CONTRERAS PARK CONDOMINIUMS LLC		3088 OXFORD MILLVILLE RD	OXFORD	OH	45056-9358
H4100016000104	CONTRERAS PARK CONDOMINIUMS LLC	19 VICKI ANDA CT	CONTRERAS PARK CONDOMINIUMS LLC		3088 OXFORD MILLVILLE RD	OXFORD	OH	45056-9358
H4100017000017	HOELZER NED C TR	4890 DICK RD	NED C HOELZER		3088 MILLVILLE OXFORD RD	OXFORD	OH	45056-9266
H4100016000105	CONTRERAS PARK CONDOMINIUMS LLC	27 VICKI ANDA CT	CONTRERAS PARK CONDOMINIUMS LLC		3088 OXFORD MILLVILLE RD	OXFORD	OH	45056-9358
H4100016000036	WESPISER BERTHA B TR OF THE BERTHA B WESF 5973 CONTRERAS RD	110 MARTI CT	BERTHA B WESPISER TR		806 MELUSSA DR	OXFORD	OH	45056-9005
H4100016000069	TOMOYASU YOSHINORI & CHIE	6010 JOSEPH DR	YOSHINORI & CHIE TOMOYASU		110 MARTI CT	OXFORD	OH	45056-1568
H4100017000087	GRUBB BRIAN H	4884 DICK RD	BRIAN H GRUBB		6010 JOSEPH DR	OXFORD	OH	45056-1524
H4100017000031	ENGELHARD JOEL M	111 MARTI CT	JOEL ENGELHARD		4884 DICK RD	OXFORD	OH	45056-1564
H4000015000056	GRAY SUSAN W	6050 CONTRERAS RD	SUSAN W GRAY		111 MARTI CT	OXFORD	OH	45056-1568
H4100016000062	WILLIAM E LEVENDERIS LLC	5999 CONTRERAS RD	WILLIAM E LEVENDERIS LLC		6066 CONTRERAS RD	OXFORD	OH	45056-9708
H4100017000015	HANNON DANIEL P & CHRISTINE A	104 MARTI CT	DANIEL P & CHRISTINE A HANNON		5481 STEPHENSON RD	OXFORD	OH	45056-9011
H4100016000050	KARGER HOWARD & CONATY ANNA J	107 MARTI CT	HOWARD KARGER	ANNA J CONATY	104 MARTI CT	OXFORD	OH	45056-1568
H4100016000051	HURLEY CINDY J	6030 CONTRERAS RD	CINDY J HURLEY		107 MARTI CT	OXFORD	OH	45056-1568
H4100016000061	WARREN HELENE F		HELENE F WARREN		6030 CONTRERAS RD	OXFORD	OH	45056-9703



Existing Zoning Map 5990 Contreras



City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-16

Date –August 11, 2015
July 14, 2015 (Tabled)

APPLICATION

Applicant:	Peter and Connie McCarthy
Location:	5990 Contreras Road
Owner:	Peter and Connie McCarthy
Action Request:	Zoning Map Amendment
Current Use:	Single-Family
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

The applicant is seeking a zoning map amendment of their property from the existing R1B (Single-Family Medium Density Residential) District to an R-3 (Multi-Family Residential) District.

The property is bordered by a multi-dwelling rental property to the east, single family to the south, north and west. This area is in proximity to Lynn Avenue where commercial activities are prominent. The site is not a true rectangle in shape and is approximately 200 feet by 205 feet. It is almost one acre in size.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received.

PROPERTY HISTORY

PC-2010-04 Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council

PC-2010-08-ADM- Lot Split (withdrawn)

PC-2010—09-ADM- Lot Split (Referred to BZA for adjudication hearing for not meeting certain underlying zoning requirement)

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned without comments.
Econ. Dev.:	Returned without comments.

COMPREHENSIVE PLAN REVIEW

A Comprehensive Plan is a broad policy document intended to guide decision-making on long-term physical development. The Ohio Planning and Zoning Law Handbook even provides a more rigorous legal definition of a Comprehensive Plan, which is a chief policy instrument for: (1) the administration of zoning and subdivision regulations; (2) the location and classification of streets and thoroughfares; (3) the location and construction of public and semi-public buildings and related community facilities and infrastructure.....etc.

It provides some frame work to be used on a daily basis as public and private decisions are made concerning development. Administrative and legislative approvals of development proposal, including rezoning and subdivision plats, should be a central means of implementing the Comprehensive Plan. Decision by the Planning Commission should reference relevant Comprehensive Plan recommendation and policies.

Relevant information from the 2008 Comprehensive Plan is provided as follows for discussion:

Land Use Chapter:

The map titled "Conservation and Development Map" on page 3.19 showed the aspiration and choices that t that are expressed by the community in 2008.

The area considered for redevelopment is mainly defined between Lynn Avenue and Locust Street between College Avenue and McGuffey Avenue. The subject property is adjacent to this redevelopment area. The intent of this redevelopment is to create a mixture of small and medium sized commercial use with a well-defined landscape and public space; where residential uses shall also be integrated within the area to create a 24 hour district to create shopping and dining options within walking distance of surrounding neighborhoods.

The subject area is also considered Neighborhood General 3 under the Character Map Matrix on page 3.20, since the development of this area tends to be after WWII and does not share the same geographic configuration as the Mile Square. This character of the neighborhood is considered to be residential areas on the outskirts of the Mile Square with the lowest residential density.

Cultural Resources:

Enhance and improve the promotion and preservation of the City's historic and cultural resources. There is a large historic building located on the subject property that should be preserved.

There are also other chapters in the Comp Plan that may be relevant, but they are more specific in nature that would not be a good practice to speculate what might be happening on the site, since the request is only seeking rezoning of the property and no specific proposal has been submitted.

OXFORD ZONING CODE:

Chapter 1135 Code Amendment of the Oxford Zoning Code also provides guidance to the Planning Commission. Section 1135.02(c) (1) stipulates the Decision Standards for map amendment to be approved only if its meet at least one of the following criteria and if its benefits will likely outweigh any potential pitfalls:

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

ANALYSIS:

In reviewing the zoning map application, the Commission should consider both the Comprehensive Plan and the Decision Standards of the Zoning Code Map Amendment to determine the pros and cons of the request during its deliberation.

The 2008 Comprehensive Plan provides the Conservation and Development Map that favors redevelopment for the commercial corridor area generally known as Locust Street corridor, including Lynn Avenue. It resonated well with the general public at the time for redevelopment of this corridor, where there were multiple vacant commercial buildings, which was also identified to be the "weak" place. While the subject property is nearing this redevelopment area, it was not the focus of the Comp Plan to

label this property for redevelopment purposes. Additionally, the Comp Plan is generally not to be parcel-specific.

The Oxford Zoning Code provides two-tier criteria of evaluation for considering a map amendment request; therefore it would be appropriate to begin to provide the review of each standard to evaluate the proposed request to determine how this application meets the standards. Related to the 2nd tier, the Commission should discern whether the benefit is likely outweighing any potential pitfalls.

Is there an error on the official Zoning Map or in the delineation between districts hereon? The applicant's narrative indicates that the zoning map was in error in changing the property from a two-family district to a single family in 2003. Reviewing the rental records of this property indicates that it was determined in 2004 that this property was used as a two-family, one in the main house and the other one is above the detached garage. Changing the zoning from a two-family to single-family in 2003 may have been incorrect, but the Planning Commission and the City Council approved the whole zoning map amendment at the time it appeared to believe that this property, along with other properties on the west side of Jacqueline should be a single-family district. It may also be the intent from the Planning Commission and the City Council to treat this property as a nonconforming use and with the hope that eventually the property could be turned back into a single-family dwelling.

Will the proposed amendment make the map conform more closely to the Comprehensive Plan? As indicated earlier that the Comprehensive Plan was contemplating the redevelopment of a commercial corridor on Locust Street, since the focus at the time was the vacant commercial buildings. Please note that there have been much redevelopment taking place since then, which has been consistent with the Comp Plan direction.

Has there been a substantial change in area conditions that necessitates the amendment? The conditions in the commercial corridor may have gone through some changes, but the neighborhood including this property has not gone through substantial changes.

Is there a legitimate need for additional land area in the zoning district that will be expanded? It is common that the needs for diverse housing, specifically senior housing, has been a long term desire for this community. There have been some developers with proposals for senior housing contacting the City to fulfill this much needed market segment. The applicant does reference the Comp Plan related to the housing component, but there is no specific project being proposed with this request.

The potential benefits of such change in land use classification could be to continue the use of this historic building as a multi-family dwelling unit, as the applicant indicates in the narrative. The potential pitfalls would be that the entire site could be redeveloped for multi-family dwelling units. Please be advised that multi-family allows for multi-family dwelling units should the site be large.

It may not be prudent to speculate the rationale on how the zoning map was amended for this parcel in 2003. But having no information on the rationale, we often need to refer back to the principals of land use/zoning practices. Therefore, there might be some possible reasons for such a change in 2003:

- a. the zoning boundary should follow the roadway;
- b. in certain instances, the boundary line would follow the parcel lines when circumstances warrant;
- c. the zoning classifications of those adjacent properties;
- d. the impact of different zoning classifications.

Please note that the subject property is larger than most of the properties in this area and has a significant large house on site that was at one point the house of the original farm. The original portion was approximately 3,700 square feet and subsequently increased to approximately 5,400 square feet. The size of the existing dwelling may be unique in Oxford, but not uncommon for today's standards. Contemporary new construction generally starts around 2,500 square feet and can go up, depending on the needs of the family.

The lot area is approximately one acre that is generally bigger than the surrounding properties. The properties to the west of the subject property are around half an acre.

Additionally, the consideration of a zoning map request should also take into consideration how the proposed zoning of this property is relative to the surrounding properties. There is R-3 (multi-family residential) District across the street, Jacqueline Drive to the east of this property that contains three-family dwelling units. The properties to the east of the subject property are single family dwellings.

It is also important to consider the decision that may impact the neighborhood in a holistic manner. The multi-family zoning, as requested, could accommodate multi-family dwellings for the subject property that may not be consistent with the general character of the neighborhood on Contreras Road and Jacqueline Drive.

It would be circumstantial to speculate what might happen if the property is rezoned, since the approval of a zoning map amendment would allow the subject property to be developed in accordance to the regulations of that district. As long as the uses and development regulations are being met for a development proposal, no further review by the Commission, other than staff review, would be needed.

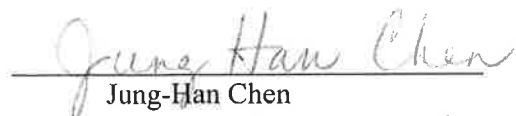
The Planning Commission and City Council in 2013 also approved a map amendment from a R1MS District to R2MS District due to the fact the predominant properties in the requested area were already two-family dwellings, accepting that the Zoning Map was in error for the area in the Mile Square. Please also note that the request contains multiple properties that were in a half a block of the Mile Square, while this property maybe unique in its size for being larger than the properties in the neighborhood, but it is a single property.

RECOMMENDATION

Reviewing the requested zoning change based on the Comp Plan and the Zoning Code's Decision Standards, an argument might be made that there was an error on the Zoning Map since the property has been used as a two-family dwelling unit. It is unclear what the rationale was when this property was rezoned to a single family in 2003. A two-family residential might be the extent of what could be supported due to the "alleged" error on the Zoning Map. Any zoning district with higher density than a two-family could not have been substantiated or supported by the analysis, unless the applicant could provide additional evidence why an R-3 District could be supported.

SUBMITTED

BY:


Jung-Han Chen
Community Development Director

DATE: July 8, 2015

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.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-16 ZONING MAP AMENDMENT 5990 Contreras Road, to rezone the subject property from R1B (Single-Family Medium Density Residential) District to R3 (Multi-Family Residential) District, **Peter and Connie McCarthy, Applicants**

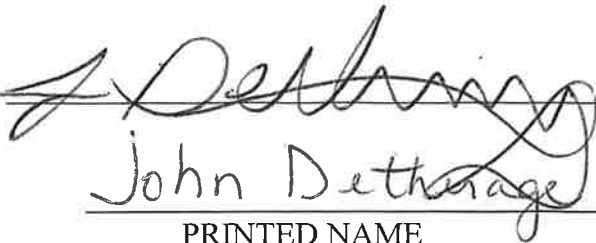
 X Review Revisions Other

Please return no later than: **7/7/2015** 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:


John Detharage
PRINTED NAME

Date:

6-19-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 11, 2015

To: Fire Department Engineering Division ~~Police Department~~ Econ Dev Department

From: Community Development Department

PC-2015-16 ZONING MAP AMENDMENT 5990 Contreras Road, to rezone the subject property from R1B (Single-Family Medium Density Residential) District to R3 (Multi-Family Residential) District, **Peter and Connie McCarthy, Applicants**

 X Review Revisions Other

Please return no later than: **7/7/2015** 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: 6/11/2015

ROBERT B. HOLZWORTH
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

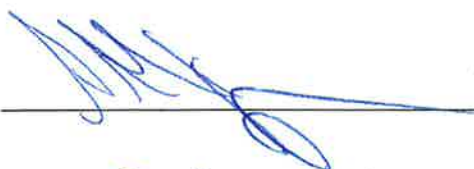
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PC-2015-16 ZONING MAP AMENDMENT 5990 Contreras Road, to rezone the subject property from R1B (Single-Family Medium Density Residential) District to R3 (Multi-Family Residential) District, **Peter and Connie McCarthy, Applicants**

 X Review Revisions Other

Please return no later than: **7/7/2015** 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: 7-7-15

G. ALAN KUCAN
PRINTED NAME



PC-2015-16 Surrounding Property Owners Map

Legend

- Subject Property
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- Building Footprint
- Paved Roadway



1 inch = 100 feet

Prepared on Wednesday, June 17, 2015

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.



LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb has permission to represent our interest with the City of Oxford and act on our behalf at the Planning Commission hearing 7/14/2015 date at property located at 5990 Contreras Road

Thank-you,

Signed:



5-28-15
DATE



Internal Use Only:	PC-2015-16
Case No.	
Date Filed	5/29/15

Zoning Map Amendment Application

Applicant Information

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

Name * Peter & Connie McCarthy

Mailing Address * 5990 Contreras Rd.

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-523-3541

Email Address pecomcc@gmail.com

Location and Lot Information

Location * 5990 Contreras Rd.
Corner of Contreras Rd. & Jacqueline Dr. Parcel H4100016000047

General Description of Proposed Amendment * Zoning Change from R1B to R3 (see narrative for further information)

Current Zoning * R1B

Proposed Zone(s) * R3

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.
- An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.
- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
- Application Fee.
 - The name, mailing address, and telephone number of the applicant.
 - 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.
 - Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - A legal description of the area to be rezoned.
 - The proposed zoning of the area.
 - The current zoning of the area.
 - A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

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. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

A proposed amendment shall be approved only if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

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

Fees & Receipt

The required fee is \$150.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *

Peter McBarney
5/29/15

Christine McBarney

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 documentation as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, 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 proposed 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 *

5/29/15

Receipt Number *

150-46156

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/>

³ The United States Postal Service: <http://www.usps.com/>

Description of the Proposed Amendment

The proposed map amendment would change the lot known as 5990 Contreras Rd. from R1B to R3.

The one-acre lot contains a 5400 SF non-conforming duplex and an accessory 500 SF detached garage. Prior to 2003 this lot was zoned One and Two Family Residential and conformed to that district. In 2003 the area was rezoned as R1B, Medium-Density Residential, which forced the property into a non-conforming use. The lot size, structure size, multi-family configuration, and the architectural characteristics of the historic structure make it unique and outside the norm of the R1B district. Minimum lot size for R1B is 7500 square feet. In its existing state the property can legally be subdivided into 3 separate lots. If the principal and accessory structures were removed, the acre lot could be subdivided into five lots. The lot is on the edge of the R1B district and is in view of multi-family and commercial zones. It is a transitional zone between a commercial district to the east and a single family residential zone to the west. A 50-yard radius around the property includes four zoning districts – R1B, R1A, R3 and GB. The proposed map amendment would be contiguous with the R3 zone adjacent to the east side of the property. Lot size, structure size, and lot coverage are well within the R3 requirements with no renovation required. The amendment would restore the property back to a conforming use. It is the applicant's position that forcing this lot into a non-conforming use as part of the 2003 zoning change was inequitable and an error. The property should have been allowed to maintain a conforming use through incorporating it into the adjacent R3 zone.

Comprehensive Plan Narrative

The proposed amendment supports the following strategies of the Comprehensive Plan:

H1.4 Encourage the development of housing that is accessible to community resources such as employment, bicycle and pedestrian infrastructure, public transit, open space, and commercial districts.

Although no increase is planned, this proposal contains the potential for development of the acre lot to provide additional housing units within walking distance of employment areas such as the Locust St. Corridor, Rt. 27 Corridor, the Uptown District, and Miami University. The BCRTA has a stop very close by at Arby's.

H2.5 Incorporate a variety of housing types and prices as part of mixed-use development.

This proposal contains the potential for a unique historic housing experience in a family rental district. Mixed-use could be part of a future conditional use request.

H 3.5 Encourage rental units to meet the needs of the year round resident population.

The adjacent Campus Courts complex is non-student oriented and houses many families with children. This proposal would extend the options for families, young professionals, empty nesters, and retirees seeking rental housing in this area.

H 3.6 Encourage redevelopment/revitalization of existing under-utilized student and non-student rental housing developments within the City over construction of new rental housing and urban sprawl.

The plan identifies the Lynn Ave. area as a Redevelopment Zone (see attached map). This proposal could spark a conversation extending that redevelopment to include the adjacent R-3 area which needs a facelift, landscaping, and possible reconfiguration to better address Contreras Rd. This 5400 SF non-conforming duplex is limited in its renovation potential by its current R1B zoning.

H 4.1 Encourage the development of affordable senior housing and assisted living developments.

While the proposed amendment does not specifically target senior housing, the applicant would note that the current tenant in the property's rental unit is over 60. The potential to separate the main house into smaller units would be an attractive choice for seniors due to the proximity of shopping, civic, medical facilities and cultural attractions.

H 6.2 Encourage diverse and affordable housing choices (condos, apartments and live-work units).

R3 would allow the potential to create live-work units for professionals appropriate to a historic structure as well as the potential to create apartment units full of character and offer an alternative to the 1970 era units in the area.

H 6.2 Encourage new housing options for young professionals in the Uptown.

As stated above, the location of this property close to Uptown yet outside the student rental district makes it a prime location for young professionals.

H 6.3 Support "move down" housing options for residents.

R3 would allow subdivision of the large structure that could be appropriate for empty nesters and retirees.

CR 4.5 Encourage the preservation, restoration, rehabilitation and reuse of historic structures and sites.

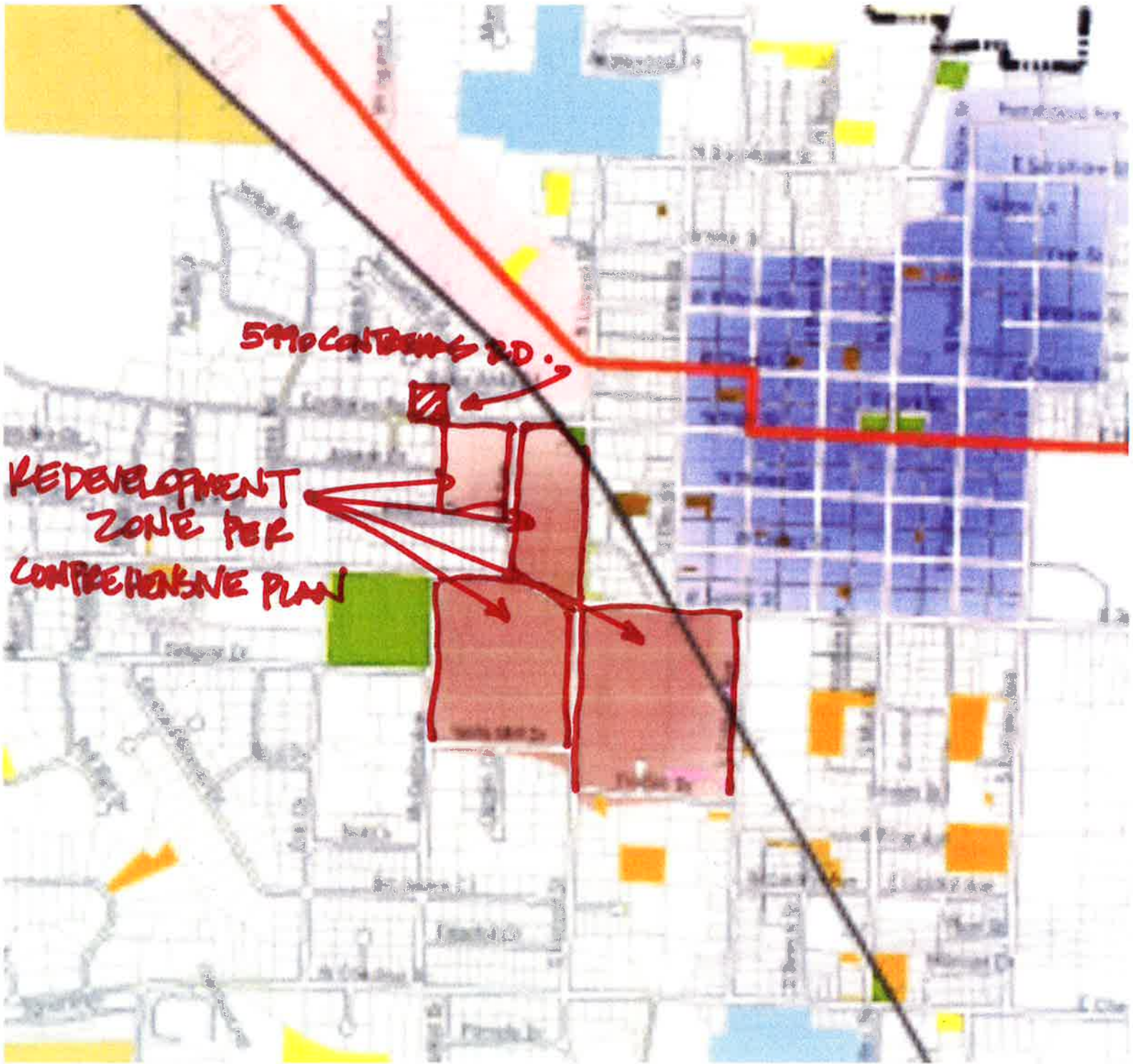
R3 could provide an income producing function and allow funding for maintaining this historic structure. Federal and state tax credits require the property to be income producing. The current zoning restricts the ability to acquire tax credits and provide revenue for maintenance.

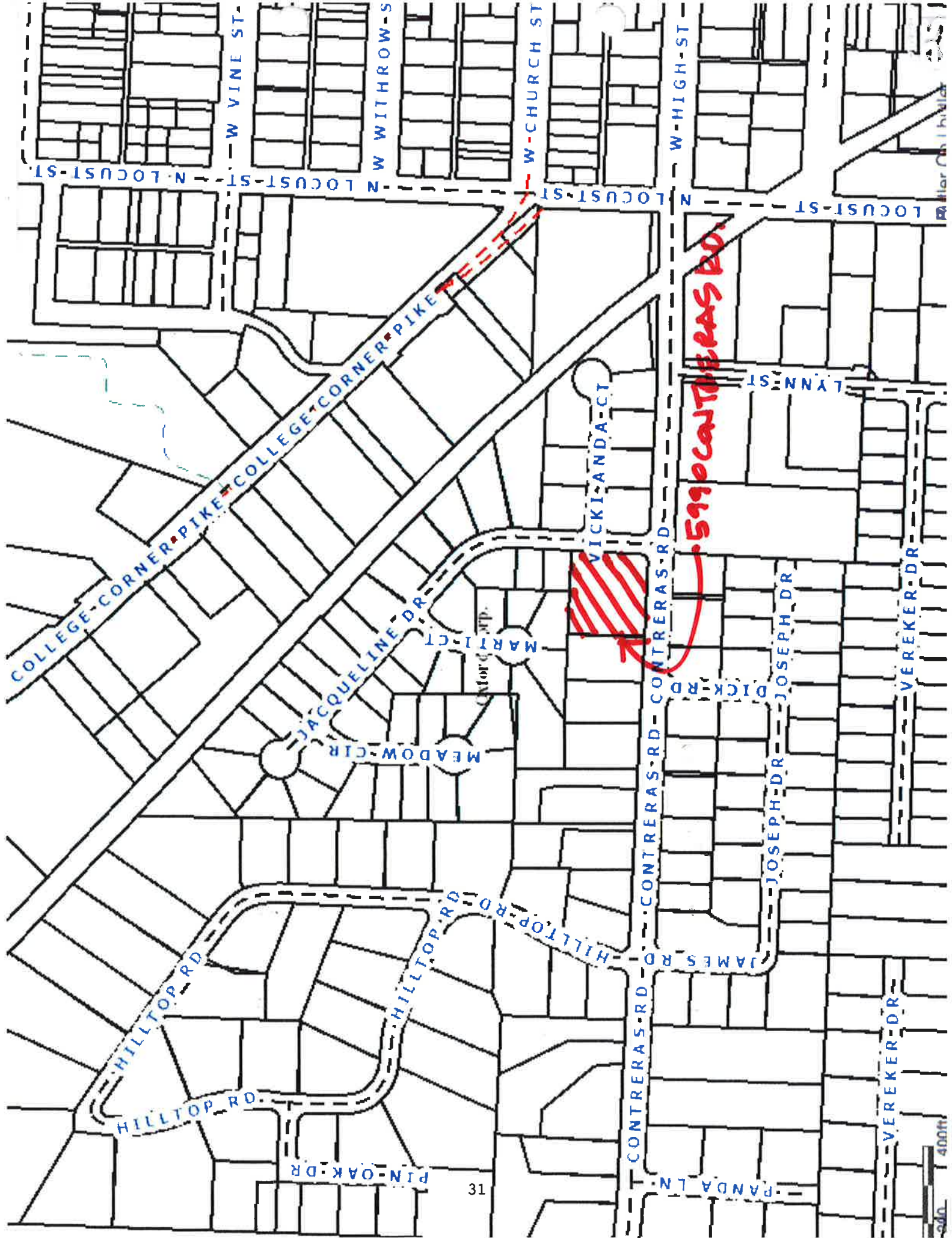
Potential Negative Consequences

The negative consequences are no greater than those that already exist within this family rental area.

Legal Description

Parcel ID – H4100016000047





CARQUEST Auto Parts

US Hwy 27

Enterprise Rent-A-Car

Meadow Cir

Jacqueline Dr

University Motor

Jacqueline Dr

Marti Ct

5990 Contreras Rd.

Jacqueline Dr

Vicki Anda

Contreras Rd

Contreras Rd

Contreras Rd

Contreras Rd



5990 CONTRERAS RD.

