

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-23

Date –October 13, 2015

APPLICATION

Applicant:	Scott Webb, Agent/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Connie McCarthy
Action Request:	Preliminary Planned Development
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 Preliminary Planned Development approval for the property. Based on the narrative, the applicant is seeking for approval to reconfigure the existing residence into a maximum of three (3) dwelling units, and potentially a professional office.

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.

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PC-2010-08-ADM-	Lot Split (withdrawn)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)
PC-2015-16	Zoning Map amendment from R1B to R3 (withdrawn)

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 with 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 the 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.

There are many goals and objectives as outlined in the Comp Plan as what the community at large vision what this community would like. Various goals and objectives may seem contradictory and inconsistent; it is the purview for the City Council, Planning Commission, with the assistance from staff, to find the balance between these goals and objectives when reviewing development projects.

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 uses 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.

The Comp Plan also supports and encourages the preservation, restoration, rehabilitation and reuse of historic structures and sites. Additionally, it is also recommended in the Comp Plan to consider historic and cultural resources in all land use decisions.

PLANNED DEVELOPMENT

Chapter 1145 Planned Development purpose statement provides the rationale and framework for consideration. Furthermore, the goals of any proposed planned development shall at minimum address the proposal in relation to the common goals of the Planned Development under Chapter 1145.01 and they are:

- A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - F. Be functional within a time period that helps ensure a viable development.
- (2) Infill development also satisfies the following goals:

- A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.
- B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.
- C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

ANALYSIS:

In reviewing the planned development application, the Commission should consider both the Purpose Statement and the Decision Standards of the Zoning Code Planned Development to determine the pros and cons of the request during its deliberation.

The Planned Development Chapter also pointed out that the Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. The Zoning Code assumes that a planned development is appropriate **ONLY** if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City of the neighborhood in which it is proposed.

The Applicant 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.

The focus of this report will be analyzing the proposal based upon the Decision Standards.

(1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.

Staff analysis:

The Planned Development provision allows any land use permitted in any residential zoning district in this code, except mobile homes, when a planned development proposal that overlays an existing zoning district.

The existing land use classification of the property is R1-B, and all permitted land uses includes multi-family dwelling and professional offices (permitted land uses under R-3 multi-family dwelling district)

(2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.

Staff analysis:

There was no previously considered Planned Development for this site within one year. This decision standard is not applicable.

(3) The uses and site plan will satisfy the general intend of this Zoning Code.

Staff analysis:

The purpose and intent of the Zoning Code is to promote and protect the public health, safety and general welfare of the people and to support the comfort and convenience of the Citizens of Oxford. Additional analysis, in relation to these decision standards concerning health, safety and general welfare of the people, is combined with the potential impact of the proposal.

(4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.

Staff analysis:

As written in a staff report, dated July 14 and August 11, 2015 concerning the Zoning Map Amendment, there was no direct evidence from the Comp Plan to support the site to be a multi-family dwelling. It might be arguably plausible for two-family, given the uniqueness of the size of the dwelling and the site. It certainly is an anomaly in this general vicinity. However, this site, as indicated in that particular report, was not identified as a future expansion area for commercial development.

- (5) The size and shape of the site are sufficient for the proposed planned development.***

Staff analysis:

The size and shape of the site would seem to be sufficient for the proposed development, without any consideration of potential impact.

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

Staff analysis:

The proposed would have a certain degree of negative impact to existing or potential future neighboring uses, which will be further analyzed in other section of the decision standards.

- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.***

Staff Analysis:

The narrative indicates the proposed use would be (1) three-family dwelling; and (2) professional office. The uses probably would not generate any excessive noise, smoke, fumes, as the applicant indicated in his narrative. One concern is potential number of off-street parking and the amount of traffic that might generate from the proposal.

The proposal, depending on how the configuration takes place between residential and office space, could be required to provide between 11 and 14 off-street parking spaces, which is much more than typically noted in a neighborhood such as this one. The site plan also shows those future office and residential parking spaces, to be totaled around 11 spaces, without considering garage spaces. Additionally, the traffic generated from this proposal would be much different than what a typical neighborhood would be, from a residential dwelling to a mixed use structure. Even though the site is about twice the size in footage than the properties directly west to this property, being single family dwelling unit and the difference between these properties would be noticeable as far as traffic generation is considered.

- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.***

Staff Analysis:

The proposal does not seem to indicate any changes to the existing accessory structures to be utilized differently.

- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.***

Staff analysis:

The site and use could be served by public utilities with adequate capacity.

- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services***

Staff analysis:

No anticipated expenditure is expected to serve the proposed development.

- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.***

Staff analysis:

The character and appearance of the building would not be altered, as indicated by the applicant, since no exterior modifications is expected. Interior modifications would not be visible from the street. However, the appearance and the character of the neighborhood may be altered to be different than the rest of the neighborhood, especially the property is considered the entrance to the neighborhood to the north and neighborhood to the west, given that potential traffic is being generated from this pending proposal, and the potential number of vehicles parked on site.

- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.***

Staff analysis:

No engineering input has been provided from the City Engineer Office related to the on-site traffic and traffic accessing the site related to its impact to the safety of all modes of traffic. It would be something to review the potential impact to a major collector road from a single development site that is adjacent to a minor collector street.

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

Staff analysis:

It does not appear the applicant is proposing any removal of natural vegetation and no alteration or demolition to the existing building.

The proposal is seeking for an approval for a preliminary planned development to a maximum 3-dwelling unit with a professional office. One thing to bear in mind is that there are different types of professional offices, ranging from architects, lawyers, to medical, dentist and chiropractor's offices. The extent of client visit varies greatly from one type of professional office to another. It also depends how the office is configured to receive patients. Therefore, it is very unclear how the "professional office" would turn out to be. Potentially, a significant concern would be the traffic coming and going on a regular basis in and out of the site onto a major collector street. More information will be needed to ascertain the true impact from the traffic consideration. Since this is a preliminary Planned Development, many details have yet to be determined. And it is also conceivable that the details would not be available until there are specific buyers submitting proposals. Therefore, there is a sunset provision of 2 years after the approval of the preliminary planned development, with the possibility of two one-year extension from the Commission. It is not common for the Commission to review a proposal such as this one that does not have any specific end products and is subject to market demands, dealing with the adaptive re-use of an existing building.

Given that this is a planned development, the Planning Commission can and should require any and all needed information for consideration and to review the proposal to ensure the potential impact can be minimized and mitigated and the proposal poses no detrimental effect to the surrounding neighborhood.

This building was built in 1896 and has many distinctive features and historic significance that the community should cherish. It is known as Welsh-Stewart House by many local residents for its Queen Anne Victorian style. Furthermore, it was also the home of a prominent local member, Josiah Allen Welsh, as well as Dr. William T. Stewart. The original two-story brick house has approximately 3740 square feet, which was significantly larger than any houses of that time. Subsequently, an addition was added on to increase the footage of the house to over 5,000 square feet.

Preservation of cultural and historic resources is specifically highlighted in the Comp Plan and there are specific objectives to consider for land use decisions and to promote preservation of historic structures and sites. Given the size of the structure, it is not an easy task to live in a historic structure, due to the fact it would require constant maintenance, and on-going utility expenses to keep the building in a livable condition. Without a steady income flow, the cost of maintaining the structure would be hard pressed for average family, let alone major renovations that would be necessary for the upkeep of this building.

The size of the lot makes this historic home feels more like a mini-homestead that makes this site/structure even more unique, especially for the size of the structure. This almost one-acre site is part of the reason that a Planned Development approach would seem to be more appropriate with the commitment that the building will be maintained.

The current use of the site is a two-family which would be allowed continuously. It is the transitional step changing from multi-family to the east onto single family to the west of the site, which it would make land use sense for this site. The proposal of maximum 3 families would be departure from the environment of a two-family and single family. Additionally, there is a public street, classified as minor collector road, separating the multi-family residential from single family residential district.

Adding a professional office use for the site would require additional information as to how the office would be in operation. The applicant indicates that the hours of the office portion would be from 7 am to 9 pm. Other than this, there is not much more about the proposed office use for this planned development. The hours of operation would seem to be too long, considering this is a residential neighborhood.

In order to address the potential traffic concerns, the Commission may require the City Engineer to ascertain the traffic impact in and out of the site. It would also be critical to maintain vegetation, and possibly adding some more to protect and preserve the appearance of the neighborhood.

It is important for the Commission to balance the needs of maintaining, preserving, and continuing to improve this historic structure as time goes on and the community characters as a whole in the context of this Planned Development proposal. It may also require the Commission to outline specific conditions for the proposal if the Commission feels that this proposal meets the decision standards and the purpose statement of the Planned Development.

RECOMMENDATION

Reviewing the requested Planned Development Application based on the Comp Plan and the Zoning Code's Decision Standards, the application seems to be somewhat subject to market since it does not provide much detailed information, as many other Planned Development projects normally would have. And based on the analysis, the recommendation would be to consider this Planned Development to be no more than a two-family dwelling and an office. 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. Adding an office use to the structure may provide additional income to support the historic building if the potential issues could be mitigated, such as operating hours, traffic and the protection and preservation of the neighborhood character.

SUBMITTED

BY:



Jung-Han Chen
Community Development Director

DATE: October 6, 2015

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments

. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

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

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

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

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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.

- (b) General Decision Standards.
All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall

have the appearance of residential buildings permitted in the zoning district.

- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(c) Additional Final Plan Decision Standards

- (1) The final planned development shall substantially conform to the preliminary plan.
- (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
- (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: September 11, 2015

To: (Fire Department) Engineering Division Police Department Econ Dev Department

From: Community Development Department

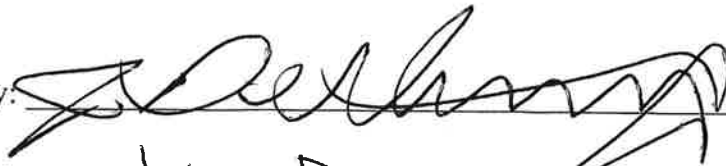
PC-2015-23 PRELIMINARY PLANNED DEVELOPMENT, 5990 Contreras Road, one acre, Scott Webb, Applicant/Agent

 X Review Revisions Other

Please return no later than: **10/2/2015** 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 Detherage
PRINTED NAME

Date:

9-14-15

City of Oxford
Inter-Office Review Transmittal Sheet

RECEIVED

SEP 11 2015

City of Oxford
Service Department

Date: September 11, 2015

To: Fire Department Engineering Division Police Department

From: Community Development Department

PC-2015-23 PRELIMINARY PLANNED DEVELOPMENT, 5990 Contreras Road, one acre, Scott Webb, Applicant/Agent

 X Review Revisions Other

Please return no later than: **10/2/2015** 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:

A. Popescu

Date:

9-29-15

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: September 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-23 PRELIMINARY PLANNED DEVELOPMENT, 5990 Contreras Road, one acre, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **10/2/2015** 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:

R.B. Holzworth

R.B. HOLZWORTH

PRINTED NAME

Date: 9/15/2015

City of Oxford
Inter-Office Review Transmittal Sheet

Date: September 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-23 PRELIMINARY PLANNED DEVELOPMENT, 5990 Contreras Road, one acre, Scott Webb, Applicant/Agent

X Review _____ Revisions _____ Other

Please return no later than: **10/2/2015** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEEMS LIKE A GOOD PLAN.

ALLOWS THE EXISTING STRUCTURE TO BE SAVED.
ALLOWS AN ADDITIONAL ~~HIGH~~-LOW IMPACT USE.

IT DOES NOT ASK FOR ADDITIONAL STRUCTURES TO
BE BUILT.

THE CITY HAS A VERY LOW SUPPLY OF
AVAILABLE OFFICE SPACE.

Drawings reviewed by: _____

Date: _____

G. Alan Kycan

PRINTED NAME

"Seems like a good plan. Allows the existing structure to be saved. Allows an additional low impact use. It does not ask for additional structures to be built. The City has a very low supply of available office space."



Internal Use Only:	
Case No.	PC-2015-23
Date Filed	8/28/15

Planned Development Application

Application Type

Choose One ☒ Preliminary (\$400) ☐ Final (\$400) ☐ Preliminary & Final (\$400)

Applicant Information

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

Name * Scott Webb, Architect
Mailing Address * 103 West Walnut Street
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number * 523-3838 Email Address scott@scottwebbarchitect.com

Owner Information

Name * Peter & Constance McCarthy
Mailing Address * 5990 Contreras Road
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number * 545-4459 Email Address pecomcc@gmail.com

Engineer/Surveyor Information

Name * Bayer Becker
Mailing Address * 318 South College Ave
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number * 523-4270 Email Address ettareed@bayerbecker.com

Location and Lot Information

Name of Subdivision *
Location of Property * 5990 Contreras Road
Legal Description * Survey attached
Zoning District * R-1 Total Area * 1 Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

- O. Other information as required by the Planning Commission or Council.
- (7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.
- (8) Other. Photographs of the existing site and its surroundings.
- (b) Final Plan.
- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
 - (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
 - (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
 - (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

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.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06¹.

Fees & Receipt

The required fee for preliminary and final is \$400.00 plus \$100 per acre, plus postage charge. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *

8/28/15

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 preliminary plans containing all required information 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 *

8/28/15

Receipt Number *

58946

¹ See 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/>

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 Residential Planned Development
5990 Contreras Road

August 28, 2015

Dear Jung-Han,

Please accept this letter as a formal request for a Preliminary Plan review hearing by the City of Oxford Planning Commission and Oxford City Council for a Residential Planned Development at 5990 Contreras Road.

Attached, please find a document addressing compliance with the Design Guidelines of a Residential Planned Development

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

Property Owners:

Peter & Constance McCarthy
5990 Contreras Road
Oxford, Ohio 45056

Architect:

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

Surveyor:

Bayer Becker Inc.
318 South College Avenue
Oxford, Ohio 45056

The following is the written, detailed description of the proposal as required on the Planning Application:

(5) Description of Use and Site 1145.05 (7)

- A. Legal Description/Survey of the Property is included with this application
- B. The Site currently contains a large residence with a small efficiency apartment located above the existing attached garage and a separate detached garage.

- C. The property is currently zoned R-1. The 2003 City-wide Zoning Map Amendment made the property non-conforming based on its current configuration as a two-family residence.
- D. Description of the Proposed Planned Development.
1. Planned Development is intended to allow a potential reconfiguration of the existing residence into a maximum of (3) dwelling units
 2. The Planned Development application is also to allow a potential professional office in the existing residence, as would be allowed in the R-3 or RO Residential Zoning Districts. Permitted uses include professional offices of doctors, dentists, chiropractors, lawyers, engineers and similar type professions.
 3. Hours of operation for such a professional office would be limited to 7:00 am to 9:00 pm.
 4. The phasing of the Planned Development would be based on the potential tenant/owner of the property, and be contingent the requirements of the combination of residential and professional office uses.
- E. Narrative statement evaluating the compatibility of the proposed Planned Development with the general vicinity and adjacent properties.
1. The proposed use(s) are similar to the existing land uses in the area, as this house currently sits between R-3 uses and R-1 uses, and near the Lynn Street GB Commercial District.
 2. The proposal contained herein, is based on the adaptive re-use of the existing structures on the site, and does not include expansion of the building, nor any new construction.
 3. Neither residential uses nor professional offices involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 4. The size of the lot in relation to the location of the existing structure and the existing privacy fences provides a buffer between this proposed planned development and the neighboring properties.
- F. The Planned Development in this location serves the goals of the planned development purpose statement, as it intends to permit and encourage creative and flexible land development not permitted by right.
- G. The Planned Development is necessary and desirable for the neighborhood and the community, serving as a means by which this historic property can be saved through adaptive re-use.
- The owners have investigated and/or applied for various zoning map amendments to allow other uses, but have met significant resistance at Planning Commission & City Council. Planned Developments provide the neighbors protection from the uses that would have been permitted by-right if the zoning district were changed.
- H. All public utilities are existing & adequate for the proposed adaptive re-use/reconfiguration of the existing historic structure.
- I. The traffic impact would minimal. The residential portion of the structure does not significantly increase traffic, and the potential professional office likewise generates very little traffic. Pedestrian access is accounted for through existing sidewalks along each street

- J. There are no proposed easements or covenants or restrictions on the land or existing structures.
- K. Mailing addresses of adjacent property owners are attached.
- L. Other pertinent information:

The Cultural Resources Section of the Comprehensive Plan suggests that we should improve the promotion and preservation of the City's historic & cultural resources. This historic home should be preserved and allowing options for Adaptive Reuse works to that end. The McCarthy's applied for a received a historic marker designation for the existing historic home.

From a grand homestead on 13 acres to an oversized single family home at the edge of multi-family and commercial districts, this historic structure has become an anomaly in the district

The House contains more than 5,000 s,f of interior space on 3 stories and It sits on an acre of property, more than twice the size of the neighboring properties

The Current Zoning designation makes the property non-conforming and discourages reconfiguration of the interior and prohibits professional offices other than home occupations

The house being on the market for over 5 years as a single family home, has demonstrated a lack of interest in the R-1 use in this location

Legitimate interest has been expressed for an adaptive reuse including a professional office by more than one potential buyer

Other avenues including other Map Amendment applications, lot splits have been pursued, but ultimately rejected.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect

SITE DESIGN

PER SECTION 1145.12

LAND AREA: 43,964 SF. (1 ACRE)

LAND USE: MULTI-FAMILY RESIDENTIAL + PROFESSIONAL OFFICE R1B

RESIDENTIAL DENSITY: 10% OF UNDERLYING R-4 ZONING DISTRICT

30'-6" = 15,000 SF. PER DWELLING UNIT • 23 DWELLING UNITS

10% OF 23 = 2.3 • 32 DWELLING UNITS

(2) OCCUPANTS • (3) DWELLING UNITS • MAX (4) PER DWELLING

DIMENSIONAL REGULATIONS:

BUILDING HEIGHT MAX 35' (UNDERLYING ZONING DISTRICT)

FRONT SETBACK: 30' (UNDERLYING ZONING DISTRICT)

REQUIRED PERIMETER SETBACK = 25'

OPEN SPACE:

MIN 20% OF LOT NOT INCLUDING SETBACK AREAS

4,740 OPEN SPACE AREA 1

4,714 OPEN SPACE AREA 2

9,214 SF. = 21%

LOT COVERAGE:

MAX 25% ENCLOSED BUILDINGS

3,491 SF. EXISTING RESIDENCE

550 SF. EXISTING ACCESSORY STRUCTURE

4,021 SF. = 9.25%

MAX 35% LOT TOTAL

4,021 SF. • ENCLOSED BUILDINGS

9,391 SF. • DRIVES, SIDEWALKS + PATIOS

9,418 SF. • 21.62% EXISTING

• 800 SF. • FUTURE COMMERCIAL PARKING

• 442 SF. • FUTURE RESIDENTIAL PARKING

10,670 SF. = 24.2% TOTAL

ENVIRONMENTAL:

100' NATURAL BUFFER FROM NATURAL SURFACE WATER - N/A

LANDSCAPING + SCREENING:

EXISTING MATURE TREES EXCEEDS MINIMUMS OF THE ZONING CODE

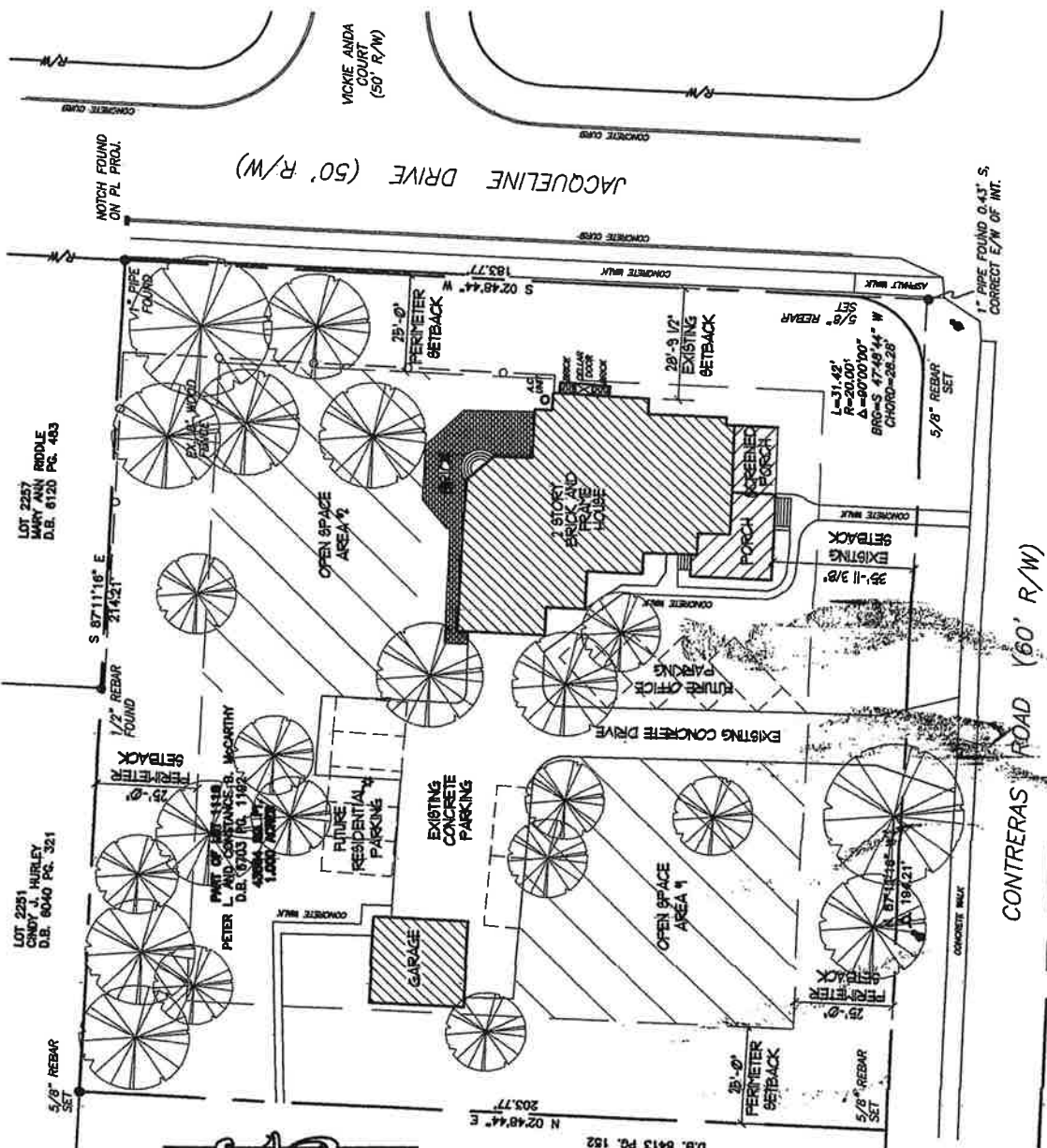
ACCESS + MOBILITY:

DIRECT ACCESS FROM COLLECTOR OR ARTERIAL ROAD

PEDESTRIAN CONNECTIVITY PROVIDED BY EXISTING SIDEWALKS

UTILITIES + INFRASTRUCTURE:

NO CHANGE TO EXISTING UTILITIES OR INFRASTRUCTURE



SITE PLAN

1" = 30'-0"

ALL STRUCTURES, DRIVES, WALKS + LANDSCAPING ARE EXISTING UNLESS NOTED OTHERWISE



SCOTT WEBB ARCHITECT
103 West Walnut Street
Cincinnati, Ohio 45206
(616) 525-5656
www.scottwebbarchitect.com

5990 Contreras Road
OXFORD, OHIO 45056
PROPOSED PLANNED DEVELOPMENT

DATE	August 28, 2019
REVISIONS	

A-1

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford Board of Planning Commission and act on our behalf regarding a new Planned Development at 5990 Contreras Road

Thank-you,

Signed: Peter McCarthy
Peter McCarthy

8-26-15
Date:

City of Oxford
Inter-Office Review Transmittal Sheet

Date: September 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-23 PRELIMINARY PLANNED DEVELOPMENT, 5990 Contreras Road, one acre, Scott Webb, Applicant/Agent

 X Review Revisions Other

Please return no later than: **10/2/2015** 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: _____

PRINTED NAME

Existing Structures



Rear of existing structure



Existing Attached
Garage



Existing Privacy
Fence along
Jacqueline Drive

Neighboring Properties



Existing R-3
Development across
Jaqueline Drive



Current Lodging
House – Future PUD



Existing Single Family
across Contreras
Road

OXFORD PLANNING COMMISSION
Meeting Minutes
Tuesday, September 8, 2015
7:30 p.m.

Call to Order

Those members present: David Prytherch, Robert Bell, Richard Daniels, Robert Benson, Kate Rousmaniere, Peter McCarthy

Those members excused: Richard Keebler

Staff members present: Sam Perry, Amy Blankenship

Staff members excused: Stephen McHugh, Jung-Han Chen

Mr. Prytherch called the September 8, 2015 Planning Commission meeting to order at 6:52 p.m. Mr. Benson made motion to adjourn to Executive Session Pursuant to Ohio Revised Code Section 121.22(G)(3) to discuss pending litigation. Ms. Rousmaniere seconded the motion. Roll Call:

AYE: Mr. Bell, Mr. Benson, Ms. Rousmaniere, Mr. McCarthy, Mr. Prytherch (5)

NAY: None (0)

ABS: None (0)

Richard Daniels arrived at 7:17 p.m.

Mr. Benson made motion to adjourn from Executive Session. Mr. Bell seconded the motion. Roll Call:

AYE: Mr. Benson, Mr. Bell, Mr. Daniels, Ms. Rousmaniere, Mr. McCarthy, Mr. Prytherch (6)

NAY: None (0)

ABS: None (0)

Mr. Prytherch called the Planning Commission meeting to order at 7:32 p.m.

Approval of Minutes of the August 11, 2015 Planning Commission Meeting

Mr. Daniels made motion to approve the August 11, 2015 meeting minutes as corrected. Mr. Benson seconded the motion. All were in favor. Mr. McCarthy abstained from the discussion for PC-2015-16 minutes.

Mr. McCarthy referred to page 5 of the agenda and the comment that Mr. McHugh suggested getting rid of the rental permit. A short discussion followed. Mr. Prytherch suggested eliminating the sentence entirely. The Planning Commission was in agreement.

Discussion regarding language on page 2 for the zoning map amendment at 5990 Contreras Road, the rental being located above the detached garage. The correct location is above the attached garage. Staff to correct.

Public Comments Related to Items Not on the Agenda

There were none.

Reports from Commissions, Boards, Committees & Staff

Mr. Bell reported that the Environmental Commission discussed the Solid Waste – Tiered/Pay-As-You-Throw (PAYT) Service Contract document, the litter control-reduction-prevention and property

maintenance (vacant lots), and revisions to Codified Ordinance Chapter 935 (Trees, Shrubs and Other Plants).

Mr. Benson reported that the HAPC is sponsoring an Ohio History Connection Building Doctor Clinic including a lecture at LCNB on September 17, 2015. Visits to specific homes or buildings owned by residents to discuss possible restoration and advice would take place on September 18, 2015 for both rural and urban locations.

Mr. Perry reported on the Oxford Recreational Trail progress, including having a first round of drawings and looking at project bids for the coming winter.

Mr. Prytherch offered condolences to Mr. Jung-Han Chen's loss of his mother.

Items Related to Platting

There was none.

Items Related to Zoning

PC-2015-17 PRELIMINARY PLANNED DEVELOPMENT, The Fields at Southpointe, Southpointe Crossings, Southpointe Parkway, 37.08 acres, Trinitas Development LLC, Applicant, Agent (Tabled 8/11/2015 by Applicant)

Mr. Bell made motion to remove from table PC-2015-17 Mr. Benson seconded the motion. All were in favor.

Mr. Benson made motion to enter into Public Hearing PC-2015-17. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Perry reminded everyone of the application having been tabled at the August 11, 2015 Planning Commission meeting.

Mr. Perry referred to several versions of this project received and reviewed, and that before them was an application for a Preliminary Planned Development. Mr. Perry reminded the the Planning Commission that they are to recommend, approve, or deny, and make recommendations to City Council.

Mr. Perry noted that this was a significantly sized property. Mr. Perry provided a PowerPoint overview location map. Mr. Perry described the phases of the developed sites, and discussed the 2014 approved rezoning of the property.

Mr. Perry referred to the recent court mediation. Mr. Perry provided an original and revised site plan that came out of the mediation and noted that there were quite a few more single family lots. Mr. Perry also noted: a significant increase in open space, the development would not all be four bedroom units and that there was a bed limit of 668. Mr. Perry noted there would be vehicular access to the rear, and that open space would be facing the internal area.

Mr. Perry referred to the existing stormwater and that the development would not cause any additional impact.

Ms. Rousmaniere asked for explanation of the street design in the middle of the development. Mr. Perry responded them being linear parking lots. Mr. Perry noted that there hasn't been a determination yet

of what the parking plans was for the other.

Mr. Bell inquired about parking on single lots.

Mr. Prytherch noted that since this was a PUD that this would give the Planning Commission an opportunity to discuss specifics of the design.

Mr. Bell inquired about actual permitted beds. Mr. Perry responded that the review has been as unrelated occupants or an either or situation of permitted for four or a family of unlimited so technically we could have more than 668.

The Planning Commission process was reviewed: review and approve accordingly, Planning Commission makes recommendations, City Council Preliminary Plan approval is valid for two years, City Council Final Plan approval is valid for one year.

Mr. Prytherch asked for a legal explanation of the lawsuit out of this project. Ms. Blankenship stated that the City has an agreed upon litigation, however no development agreement. Description of the mediation process that took place was discussed. Mr. Perry stated that a Preliminary Subdivision Plat was reviewed by the Planning Commission and City Council and was denied in May 2015. The Applicant appealed the denial and the City and the Applicant held court appointed mediation in August 2015 to seek a settlement of the case.

Mr. Travis Vencel, Trinitas Development and Etta Reed, Bayer Becker, were present for discussion. Mr. Vencel and Ms. Reed provided a PowerPoint presentation describing the development. 194 units, 668 maximum beds, 588-602 parking stalls, open space, lot coverage, 22 single family lots with 66 to 88 beds, 108 duplex occupancies and 64 apartments, common recreational space, central green space, and tree preservation areas.

Mr. Vencel provided drawings of their designs and described the parking areas.

Mr. Prytherch inquired about modes of transportation. Mr. Vencel responded that the goal was that less than 50% of beds travel off the site each day and that they anticipate running a shuttle. Mr. Vencel stated that the site was currently on the bus line. Mr. Perry suggested they look into this as the existing development use their own service.

Mr. Bell inquired about bus stops. Mr. Vencel showed two possible locations.

Mr. Prytherch inquired if there were private water services in the development. Ms. Reed stated that they have not worked through all of the details. Mr. Vencel displayed areas that would have private service.

Mr. Prytherch inquired about public points of access.

Ms. Rousmaniere stated that 88-90% of people would have a parking space and inquired why so many since they were promoting buses and bikes. Mr. Vencel responded that they use their cars for other than going to school. Mr. Bell disagreed. Ms. Rousmaniere inquired about having less parking spaces. Mr. Vencel referred to parking spot demand more so than using their cars.

Mr. Perry noted that this application would go to City Council at their September 15, 2015 meeting.

Mr. Benson inquired about the dumpster placement. Discussion followed. Mr. McCarthy inquired if they would be contained. Mr. Vencel stated yes.

Mr. Bell inquired about phasing of the project. Mr. Vencel stated that the intent was to build everything in one phase and that they would begin at the front of the development and work their way back. Mr. McCarthy inquired about the plan for repairing of roads from any construction damage. Mr. Vencel stated that would definitely be taken care of.

Mr. Daniels referred to the lots for single family homes and if any of those drawings were included in their packets. Mr. Daniels inquired if single family homes were built as family units with a bathroom for every bedroom, and if their definition of a rental included one bathroom for every bedroom. Mr. Vencel stated he would have to say yes and that some could be sold individually as they are on their own plotted lot.

Mr. Bell inquired about the placement of duplexes versus single family versus townhomes, and to show where the sloped areas were since we had this conversation earlier.

Mr. Vencel described the layout and reasoning of the placement.

Mr. Benson inquired about the lighting plan. Mr. Vencel stated it was early in the process.

Mr. McCarthy inquired about clubhouse use. Mr. Vencel stated it hadn't been completely designed yet, but most likely a leasing office, recreational area, pool, television or gaming area, and that it would be a multi-use facility. Mr. McCarthy stated he was concerned of it being a convenient store or grocery store.

Mr. Prytherch asked for any public comments.

Kathleen Zien, 6060 Joseph Drive, stated that her discussion would focus on the nature of the application. Ms. Zien referred to the public record of 4-Leaf and Scott Webb who assured everyone that it would not be used for student housing when they came before the Planning Commission to change the zoning of the property and that we should hold the property owner accountable. Ms. Zien referred to the lack of success of Level 27. Ms. Zien noted that honor and honesty counted and inquired why 4-Leaf was not present at these meetings.

Mr. Garrett Gust, Miami University student, voiced concern about the potential traffic and that the Planning Commission take into consideration that the development wasn't necessary.

Mr. Benson made motion to close Public Hearing. Mr. Bell seconded the motion. All were in favor.

Mr. Benson made motion to approve PC-2015-17. Mr. McCarthy seconded the motion. All were in favor.

Mr. Prytherch reviewed what everyone had heard and that now the Planning Commission's job was to place conditions as needed.

Mr. McCarthy inquired about street names. Mr. Vencel stated they tried to theme their developments. Discussion followed.

Mr. McCarthy suggested landscape tree names.

Mr. Bell noted that the Environmental Commission was looking at the approved tree requirements and would like to condition the landscaping follow the forthcoming landscape tree list suggesting that a diversity of tree plantings at time of final plan.

Mr. Bell inquired about at which point of the application process an application was bound to a specific version of the zoning code. Mr. Perry responded at the time of submittal.

Mr. Bell inquired about the main thoroughfares' walking paths and if they would be wider than sidewalk widths; and if sidewalks would be the size of a multi-use path. Mr. Bell inquired if the bus stops followed Butler County transit authority provisions.

Mr. Bell stated that he wanted to see some design on the end units and a condition that the development would be built out in one phase.

Mr. Benson stated that he had an issue with the number of parking spaces and wanted to continue this discussion, and Ms. Rousmaniere agreed. Ms. Rousmaniere referred to Oxford's really small city center and the jammed campus parking. Discussion followed.

Mr. Prytherch inquired if they were incorporating on-street parking. Mr. Vencel stated it was including on-street parking. Discussion followed regarding street widths and decreasing the parking spots. Ms. Reed stated the proposed street widths were one foot wider than City standards (35' is the City requirement; Trinitas offering 36 feet).

Mr. Perry referred to City Council having just passed a maximum parking limit. Mr. Vencel asked that we wait to look at that.

Mr. Prytherch distributed to everyone his conditions of approval for Commission review. Mr. Prytherch's list included was there adequate pedestrian connectivity, the final plan should include a detailed traffic impact analysis; the final plan should include a commitment to maintain the streets as public accessible ways for local and through travel; to provide off-site connections for non-vehicular travel. Discussion on each topic followed.

Mr. Vencel stated that at this stage they couldn't say they could do 5 foot sidewalks to prevent vehicular overhang. Discussion regarding vehicular overhang took place. Mr. Prytherch stated that he liked the idea of installing tree lawns.

Mr. Prytherch inquired about Southpointe Parkway sidewalk widths. Ms. Reed stated that they showed as 5'. Mr. Prytherch stated he wanted to engineer a full safe connection. Mr. Vencel added that they couldn't agree to something on someone else's property.

Mr. Prytherch referred to street C in the site plan that runs from one side of the development over to the other side at Southpointe Parkway.

Mr. Prytherch referred to the traffic impact analysis only addressing one mode of transportation and asked that Trinitas take an active traffic demand approach and have a conversation with BCRTA to mitigate traffic and provide evidence that they are working with them.

Mr. Vencel stated that he was fine with this condition, but couldn't assure it since the project was looking at a 2017 completion date. Mr. Vencel stated he couldn't force a 3rd party to assure.

Mr. Vencel stated that he would notate on the plans that all streets shall be maintained at all times.

Mr. Bell inquired about the stormwater discharge lacking a detention basin. Mr. McCarthy referred to the basin to the south. Mr. Bell inquired if it was large enough for that much asphalt. Ms. Reed stated

the detention basin was and is dry.

Conditions were placed:

Mr. McCarthy made motion that, the Petitioner shall work with City Staff in choosing street names similar to those in the Mile Square, preferably traditional tree names. Mr. Bell seconded the motion. All were in favor.

Mr. McCarthy made motion that, a secondary means of emergency ingress/egress, as recommended by the City Fire Chief, be considered. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Prytherch made motion that, the Petitioner will work with City Staff, BCRTA and adjacent property owners to provide regular, year-round public transit. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. McCarthy made motion that, the Petitioner will design end units to include windows on all sides of buildings facing streets. Mr. Daniels seconded the motion. All were in favor.

Ms. Rousmaniere made motion that, the Petitioner will work with the City to ensure pedestrian connectivity through the maintenance of a minimum unobstructed 5 foot sidewalk clearance where technically feasible throughout the entire development, and installation of a multi-use path along the southern side of Southpointe Parkway. Additionally, that all the sidewalks and multi-use paths be completed concurrent with adjacent building occupancy as well as bonded as public improvements. Mr. Prytherch seconded the motion. All were in favor.

Ms. Rousmaniere made motion that, the Petitioner will work with City Staff regarding multi-family parking maximums to reduce the number of parking spaces in their Final Plan design, below the maximums specified in City of Oxford ordinance. Mr. Prytherch seconded the motion. All were in favor.

Mr. Prytherch made motion that, the Final Plan shall provide a traffic impact study -- including a Transportation Demand Management evaluation and implementation plan -- for all modes of transportation to achieve a balanced mode split that does not rely primarily on single occupancy vehicular trips. Mr. Bell seconded the motion. All were in favor.

Mr. Benson made motion that, the Final Plan shall include a commitment to maintain the private streets within the development as publicly-accessible ways for local and through travel. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Prytherch made motion that, the Petitioner shall coordinate with the City of Oxford to ensure safe off-site connectivity for non-motorized transportation to US 27 be provided, including installation of either a multi-use path or a bicycle lane along Southpointe Parkway. Mr. Bell seconded the motion. All were in favor.

Mr. Bell made motion that, the Petitioner will work with City Staff to install a variety of tree species, found in the most recent approved City tree list. Mr. McCarthy seconded the motion. All were in favor.

Mr. Benson made motion that, the Petitioner will address all City Engineer comments found on pages 16-17 of the Planning Commission Agenda of September 8, 2015. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. McCarthy made motion that, the 22 single family lots must be built in conjunction with the first 60% of the development that takes place. Mr. Bell seconded the motion. All were in favor.

Mr. McCarthy discussed light heights. Mr. Perry expressed concern of choice of light fixtures. Mr. McCarthy stated that he wanted to make sure that lights are discussed during the final development plan.

Discussion took place regarding phasing of the site.

Mr. McCarthy made motion that the 22 single family lots must be built in conjunction with the first 60% of the development that takes place. Mr. Bell seconded the motion. All were in favor.

Sidewalk construction was discussed. Mr. Perry discussed bonding of the sidewalks or as a condition that they will be constructed prior to occupancy. Mr. Benson made motion that the sidewalks will be constructed prior to occupancy. Mr. Bell seconded the motion. All were in favor.

The Decision Standards were reviewed.

Mr. McCarthy inquired what percentage of Decision Standards they had to meet. Ms. Blankenship stated that they did not need to meet all of them, but that they were general standards for them to consider. Mr. Daniels referred to the statement in the code which says "All planned developments shall satisfy the general decision standards" and to him "shall" implies they have to meet 100%.

Mr. McCarthy inquired if the City sewer plant was okay for this development. Mr. Vencel stated that they would provide a letter stating that there was adequate service.

It was noted that the conditions would go along with the approval. Should the Planning Commission not approve the application, the recommendation would go forward to not approve.

1. The proposed planned development is in fact permitted in the zoning districts in which it is proposed. YES
2. If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied. NA
3. The uses and site plan will satisfy the general intent of this Zoning Code. NO 5 YES 1
4. The uses and site plan will be compatible with the general intent of the Comprehensive Plan. NO 4 YES 1
5. The size and shape of the site are sufficient for the proposed planned development. YES
6. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district. YES
7. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions. YES
8. Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. YES
9. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately. YES
10. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. YES
11. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not

change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district. YES

12. The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets. YES

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

Final comments were made by the Planning Commission; Ms. Rousmaniere referred to the promises made by the Applicant for when the land was rezoned and that promises are cheap and that they can be assured that she won't take someone's promise next time. Ms. Rousmaniere also stated that she would be advocating a study to revise the zoning code as her representation on City Council.

Mr. Prytherch shared his feelings about how this development evolved and the feeling of having a gun to his head to approve the development.

Mr. McCarthy called the question.

Mr. McCarthy made motion to approve PC-2015-17 with conditions as listed. Ms. Rousmaniere seconded the motion.

Roll Call:

AYE: Mr. McCarthy, Mr. Benson, Ms. Rousmaniere, Mr. Prytherch (4)

NAY: Mr. Bell, Mr. Daniels (2)

ABS: None (0)

Old Business

There was none.

New Business

Mr. McCarthy expressed concern about communications via email and sharing of those emails.

Discussion followed.

Mr. Perry stated he felt all emails should be printed out and shared. Mr. Perry suggested needing a legal counsel professional opinion about this and that the Planning Commission should not have a different opinion than the BZA.

Other Business

Administrative Approvals

PC-2015-21 -ADM MINOR AMENDMENT TO AN APPROVED FINAL PLANNED DEVELOPMENT, 419 S. Locust Street (Former Wal-Mart Site) 11.704 acres, mixed use, Etta Reed, Agent

Mr. Perry provided a brief explanation of this minor amendment.

Items Under Consideration for Future Discussion - Commercial District Diversification *

Neighborhood compatible commercial districts * Commercial core: walkability and mixture of uses

Adjournment

Mr. Prytherch made motion to adjourn the meeting. Ms. Rousmaniere seconded the motion. All were in favor. The meeting adjourned at 10:10 p.m.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-22

Date – October 13, 2015

APPLICATION

Applicant:	Paul Brokamp, Architect, VSWC Architects
Location:	10 University Ave
Owner:	Beta Theta Pi
Action Request:	Conditional Use Permit Application for shared use parking
Current Use:	Single-family residence
Zoning:	R2MS (Single, Two-Family Mile Square Residential) District
Surrounding Existing Land Uses:	Single and Two-Family Residences

GENERAL DESCRIPTION

The applicant is seeking approval for a conditional use for shared parking between two adjacent lots. The request came about as part of a building permit application for a rear addition to the existing home at 10 University Avenue. Adjacent properties are owned by Beta Theta Pi except for one Miami University parcel. The garage being used for 10 University Avenue is not on the same lot as the home. The Oxford Zoning Code requires parking and site access conditions be brought into compliance as part of an addition to a structure. Currently the parking/storage of vehicles is not on the same lot as the house. Therefore the shared parking across the lot line would have to be eliminated, variances be sought, or a conditional use be reviewed and approved.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a notice sign was placed on the property. No comments were received as of this writing.

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.

ZONING CODE REVIEW

Below is an excerpt of Oxford Zoning Code Section 1149.02 Parking and Site Access:

(a) Any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current parking and site access regulations for the entire use and structure and site. Any nonconforming uses, structures or sites shall follow the provisions in Chapter 1137.

Regarding subsection A, above, the proposal is considered a change to the structure.

Below is an excerpt from Oxford Zoning Code Section 1147.03, recently revised in March 2015 by City Council via Ordinances 3307 and 3308:

- (34) Off-site Parking and Shared-Use Parking
- A. Potential Concerns
1. Adequate supply of spaces for all modes of transportation
 2. Distance from use
 3. Hours of operation/schedule conflict
 4. Valet service
 5. Proximity to mass transit
 6. Accommodation for special needs/accessibility
 7. Maintenance responsibility
 8. Future land use changes/parking demand
- B. Regulations
1. Recorded easement agreement
 2. Specific distance limit for off-site
 3. Performance review timeframe
 4. Requires evidence justifying sufficient parking

Regarding subsection (34)B, above:

1. Although both properties are owned by the same entity, a recorded easement could be established to guarantee the parking use for any ownership change. Additionally, the requirement could be waived.
2. The site is adjacent; therefore, this is not applicable.
3. Zoning Code requires two parking spaces for the single-family use. Two spaces can be provided in the existing garage.

General Decision Standards for Conditional Uses — Section 1147.02(c)(2)

(2) General Decision Standards. All Conditional Uses shall satisfy these General Decision Standards.

A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.

Yes, the use can be allowed as a conditional use.

B. The use and site will satisfy the general intent of this Zoning Code.

Yes, the proposed enclosure will satisfy.

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

Not applicable.

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

The size and shape of the site is 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.

None anticipated.

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.

Not applicable.

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.

Parking is the accessory use in this case.

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.

The parking area in question is accessed by a privately owned driveway.

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

None is expected.

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 shared parking is existing and appears to be harmonious in appearance and character to the area.

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 use is existing and the detached garage parking is existing.

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

The structure is a historic building in the University District Historic overlay. The addition was reviewed and approved by the Oxford Historic and Architectural Preservation Commission.

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.

Yes, as stated by applicant.

ANALYSIS

The existing shared parking and pavement setback are legal nonconforming conditions. However, the addition requires them to be corrected. The applicant has chosen the conditional use route versus altering the site or seeking variances. Continuing the existing conditions would have no additional adverse impact to the area. In addition to the shared / off-site parking, other nonconformities are:

1. Inadequate drive aisle and parking space setback
2. Two lots without street frontage
3. Inadequate lot width
4. Inadequate rear setback

Beta is proposing to bring conformance to items 2,3 and 4 with this project by consolidating 5 of the 6 lots they own. The resulting parcel would be similar to a flag lot because of its narrow frontage on High Street, but is not a flag lot because of its primary frontage on University Avenue. The lot would be considered a "through lot."

RECOMMENDATION

This is a minor application of the new conditional use provisions adopted earlier this year. An approval of the proposed shared parking conditional use, with waivers noted, satisfies the general intent of the zoning code. Additionally, the number of nonconformities are decreased. Staff recommends that a recommendation of approval be forwarded to City Council.

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: October 7, 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: September 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

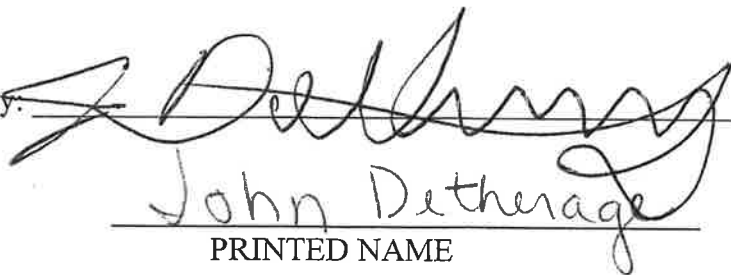
From: Community Development Department

PC-2015-22 **CONDITIONAL USE**, 10 University Avenue, to allow for shared use parking, **Paul Brokamp, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **10/2/2015** 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: 9-18-15

John Detherage
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

RECEIVED

SEP 11 2015

City of Oxford
Service Department

Date: September 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-22 **CONDITIONAL USE**, 10 University Avenue, to allow for shared use parking, Paul Brokamp, Applicant/Agent

 X Review Revisions Other

Please return no later than: **10/2/2015** 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: A. Popescu Date: 9-29-15

VICTOR POPESCU
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: September 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-22 CONDITIONAL USE, 10 University Avenue, to allow for shared use parking, **Paul Brokamp, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **10/2/2015** 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: 9/15/2015

R.B. HOLZWORTH

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: September 11, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-22 CONDITIONAL USE, 10 University Avenue, to allow for shared use parking, **Paul Brokamp, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **10/2/2015** 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: _____

G. ALAN RYAN
PRINTED NAME

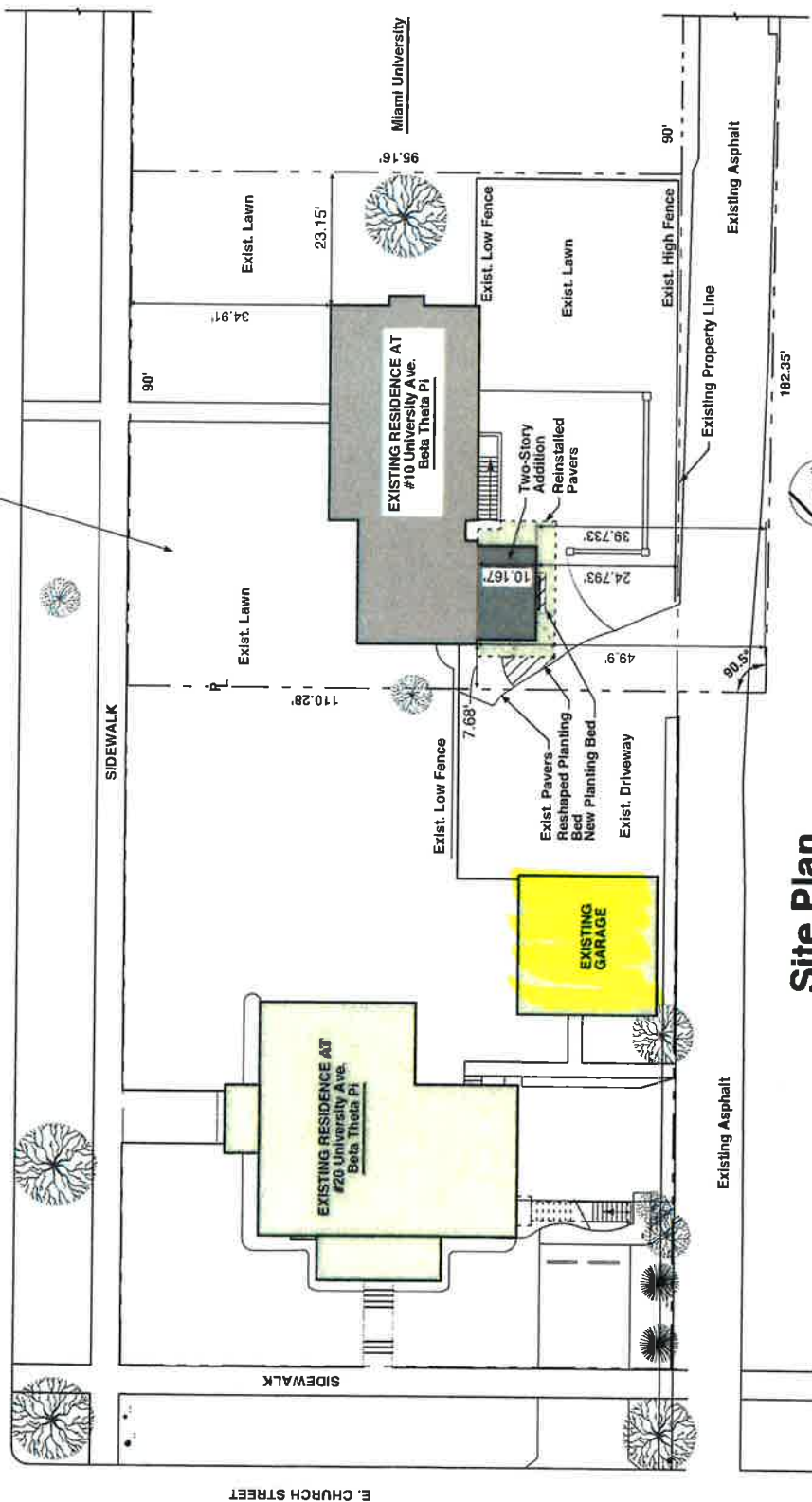
BUILDING LOT COVERAGE:
(Calculated per original four parcels)

Property Area = 9,040.2SF

Building Area = 1,567.2SF

Building Area = 18.331% of Site Area

UNIVERSITY AVENUE



Site Plan

Scale: 1" = 20'-0"

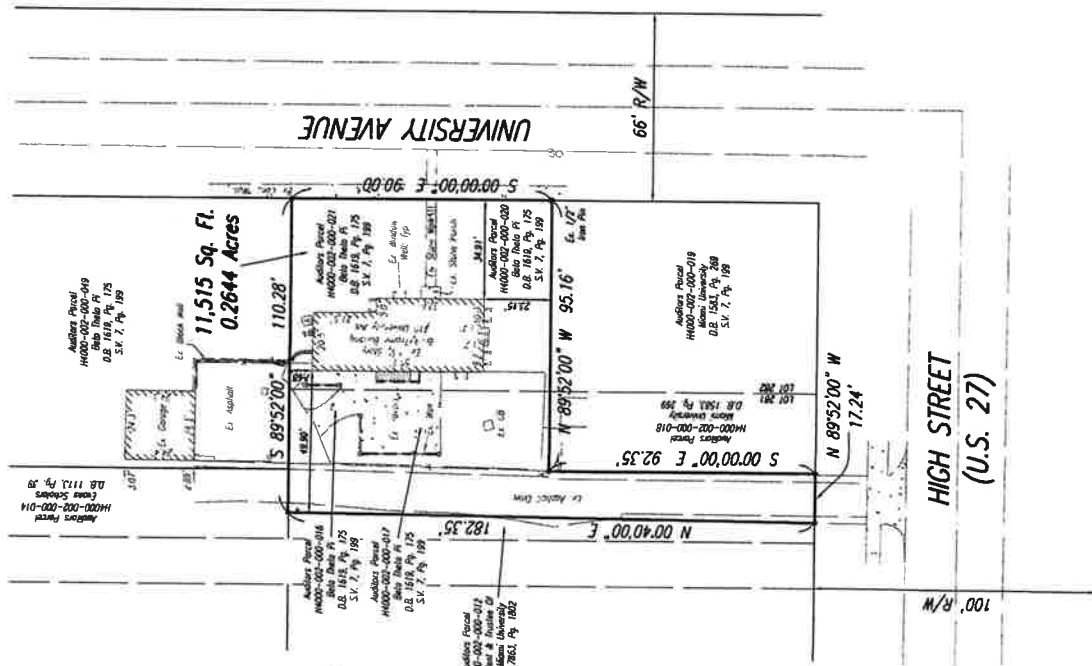
Shared parking



Beta Theta Pi
Single Family Residence - Addition and Remodel
10 North University Avenue
Oxford, Ohio 45056

NORTH RELATIVE TO AN EXISTING SURVEY OF
RECORD AS RECORDED IN SURVEY VOLUME 7,
PG. 199 OF THE HAMILTON COUNTY, OHIO RECORDS.

DENOTES: SET 5/8" IRON
 PIN & CAP (#7862)
 UNLESS OTHERWISE NOTED



SURVEY NOTES:
DOCUMENTS USED IN THIS SURVEY ARE SHOWN HEREON.
OCCUPATION IN GENERAL FITS THE SURVEY EXCEPT AS SHOWN.
DOCUMENTATION FOUND IS IN GOOD CONDITION.
THIS PLAT MADE PURSUANT TO SECTION 5713.16 OF THE OHIO
REVENUE CODE

Note: All Set 5/8" Iron Pin & Cap Steel Have A Yellow Cap Stamped With "RTA-6021 ABERDEEN & ASSOC INC SLC-7882"

Stephen L. Cahill, PLS
Ohio Registered Surveyor #7862

PLAT OF SURVEY

UNIVERSITY AVENUE
CITY OF OXFORD
BUTLER COUNTY, OHIO

A Abercrombie
& Associates, Inc.
Civil Engineering • Surveying
1377 Compton Road, Suite 120 • Cincinnati, Ohio 45251
513-385-5757 • www.abercrombie-associates.com

SCALE	DATE	JOB NO.	DRAWN
1" = 30'	9-10-15	15-0132	J.C.



BETA THETA PI

— MEN OF PRINCIPLE —

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Paul Brokamp (VSWC Architects) have permission to represent our interest with the City of Oxford and act on our behalf for the HAPC hearing at their next scheduled date regarding the renovation at our property located at 10 North University, Oxford, Ohio 45056.

Thank-you,

Signed: 
Judson Horras
Beta Theta Pi

8/13/15
Date:



PC-2015-22

Surrounding Property Owners Map

Legend

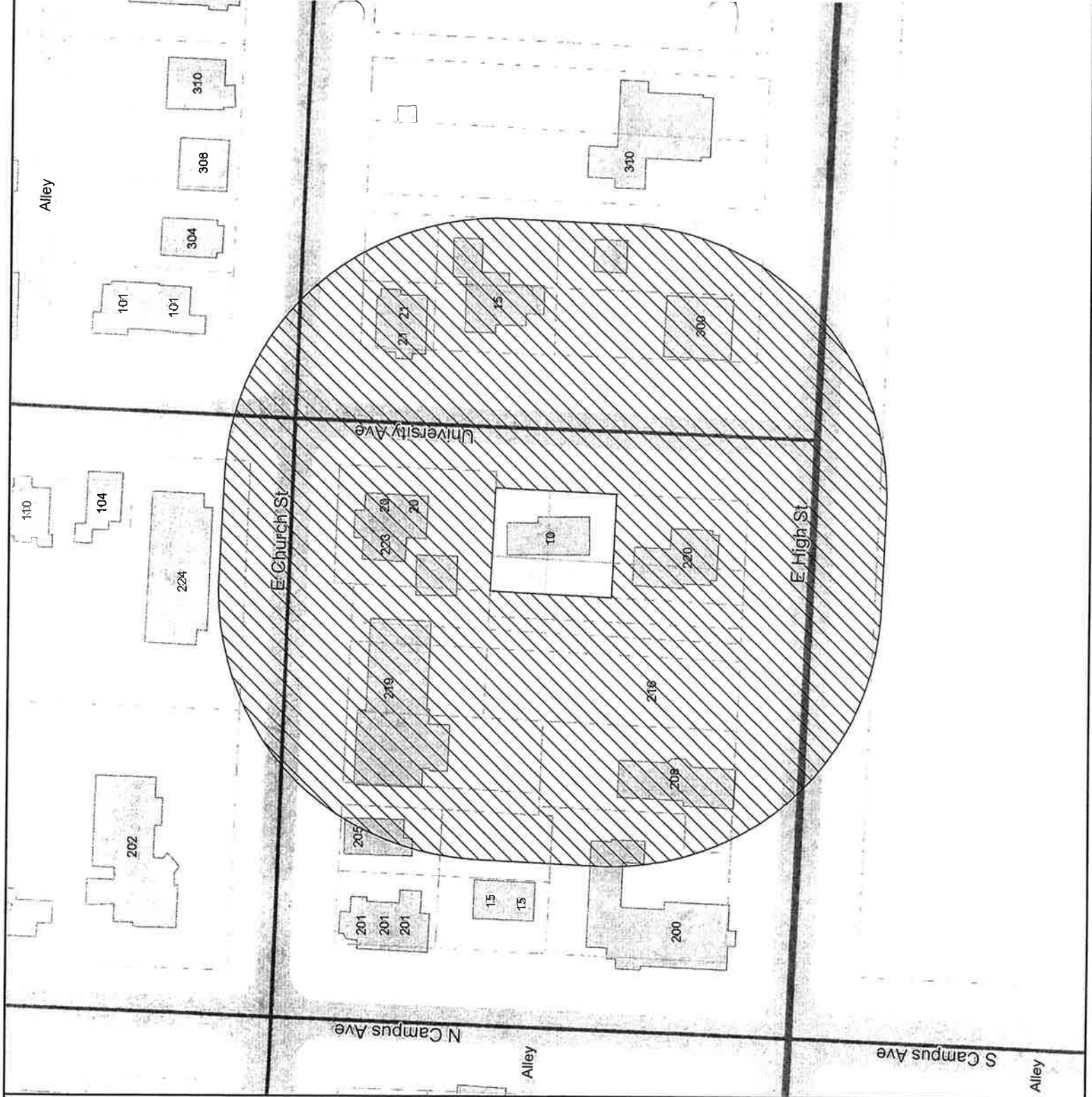
-  Subject Properties
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet

Prepared on Tuesday, September 08, 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.





Internal Use Only:

Case No.

PC-2015-22

Date Filed

8/28/15

Conditional Use Permit Application

Applicant Information

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

Name *

PAUL J. BROKAMP

Mailing Address *

414 READING ROAD

City, State & Zip Code *

MASON, OH 45040

Telephone Number(s) *

513-398-4931

Email Address

paul@vsnl.com

Owner Information

Name *

BETA THETA PI

Mailing Address *

5134 BONHAM ROAD

City, State & Zip Code *

OXFORD, OH 45056

Telephone Number(s) *

800-800-BETA

Email Address

Location and Lot Information

Location of Property *

10 UNIVERSITY

Legal Description *

SEE ATTACHED

Zoning District *

R-2MS

Total Area *

9,040 S.F.

→

Check One *

Acres

☐

Square Feet

☒

Existing Use Description *

SGL. FAMILY RESIDENCE

Proposed Use Description *

SGL. FAMILY RESIDENCE

Shared Use
parking

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

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

- A. The proposed use is in fact a Conditional Use appropriate for 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.

Fees & Receipt

The required fee is \$400.00, 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 *

Paul Bishop
8/27/15

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage 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 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 *

8/28/15

Receipt Number *

58931

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/>



**Beta Theta Pi
University Residence - Addition and Remodel**

**10 North University Ave
Oxford, Ohio 45056**

Conditional Use Permit Application

Section 1147.02(a):

(1) Contents of application for conditional use permit.

- A. Application Fee.
- B. Description of Use and Site.

1. Applicant:
Paul Brokamp
VSWC Architects
414 Reading Road
Mason, Ohio 45040

Owner:
Beta Theta Pi
~~10 University Ave~~ *5134 BONHAM RD.*
Oxford, Ohio 45056

2. See attached Letter of Agent.

3. Legal Description: (The house currently sits on four separate parcels acting as one property with a private drive on a fifth parcel.)

Owner 1	BETA THETA PI	
1 of 4:	282 N40 OF N 1/2 & PT VAC ST	CONS W/16
2 of 4:	281 N50 OF E26	CONS W/20
3 of 4:	281 N40 OF E26 & PT VAC ST	CONS W/21
4 of 4:	282 N50 OF S 1/2 & PT VAC ST	CONS W/17
Private Drive:	281 E 20 OF W 26.5 OF	S177 1/4

- 4. Existing Use: Single-Family Residence
- 5. Zoning District: R-2MS
- 6. Proposed Use: Single-Family Residence (Unchanged)]

7. The proposed use of the property is to continue to serve as a single-family home.

7a. The use is similar to uses on neighboring properties. All adjacent properties to the south, west and north are also within the R2MS Zoning District. They appear to be one single-family residence and two multi-family residences.

All properties across the University Avenue are within the MU Zoning District. They have the appearance of three, separate single-family homes.

7b. Three buildings sit on University Ave between East High Street and East Church Street.

- ✓ 10 University is a two-story home which sits in the middle of the block and faces University Avenue. It's primary facade (its East Elevation) faces University Avenue and reads as a one-and-a-half story brick and lap siding Cape Cod home. It was designed in 1941 by the Architect Charles Cellarius who designed many buildings on Miami University's campus. It is set back from the street approximately 52 feet which equates to approximately 32 feet from the front property line. This distance includes a 16.5' section vacated to the City of Oxford. It's rear facade is approximately 37.5' from the rear property line.
- ✓ The proposed addition extends from the house where a one-car garage was originally located. The garage was converted to a Family room in the 1990s, and the driveway was removed. A brick paver patio was added later in that area along with extensive landscaping.
- ✓ 10 University shares a drive and parking area as well as a garage with 20 University. Both are properties owned by Beta Theta Pi, and are both accessed by a private drive that runs between East Church Street and East High Street. The drive has the appearance of a public way, but it is in fact owned by Beta Theta Pi.

East of 10 University, across University Avenue and offset to the north sits a story-and-a-half residence. Its primary entrance seems to be from the back where three parking spaces and a two-car garage connect to the alley. It appears to have a two-story, gabled-roofed addition as well as the aforementioned garage. To the north and south of that building are similar buildings which also have vehicular access and parking off the alley.

South of 10 University on the adjoining lot sits a two-story, wood frame structure known as the Lottie Moon House. The building sits to the northwest corner of its property, and its University Avenue facade, its east facade, is in general alignment with the front facade of 10 University. On the west, its opposite facade sits approximately 15 feet from the private drive. It has a paved parking area between it and 10 University, and it extends to the north to the property line of 10 University. The access off of the private drive allows vehicular access to the Lottie Moon House without added curb cuts or drives off of East High Street or University Avenue. This area is also used for recycling and garbage containers keeping them off the primary streets. There is an approximately 6 foot high privacy fence between the two properties along the west half of the boundary line.

West of 10 University and across the private drive is a lawn which extends from East High Street to a property line even with the north boundary of 10 University. To the north of the lawn sits a two-story, multi-family residence which is owned by the Evans Scholars. Both the lawn and the multi-family residence contain a 16 foot right-of-way owned by the City of Oxford.

A 6 foot high privacy fence runs along the private drive at the far west boundary of 10 University, and the fence shields the yard and patio behind 10 University. Both the yard and the patio would remain after the proposed alterations are completed.

North of 10 University on the adjoining lot sits a two-story, multi-family residence which sits in the middle of its lot half way between University Avenue and the private drive. It has a garage which sits to its southwest corner. Again, it is owned by Beta Theta Pi, the same owner as 10 University.

10 University currently has significantly greater built setbacks than the buildings to the south and north and all three properties across University Avenue. With the proposed addition it will continue to have significantly greater setbacks than those buildings. All properties in the area have extensive landscaping and plantings, and the landscaping on 10 University will minimize the visibility of the addition from the public way along University Avenue. The proposed addition would not be readily visible from University Avenue or Church Street, and it would only be partially visible from High Street and would match the portion of the existing building which is also partially visible from High Street.

7c. No potential nuisances are foreseen.

7d. As the proposed addition is in keeping with the existing architecture and materials of the back facade of 10 University and as the proposed addition will still sit well within the profile of the buildings to the north and south there are no negative affects foreseen.

8. This location is appropriate for this use as it is the continuation of use as a residence by this Owner dating back to 1941. The proposed addition kitchen replaces a narrow 8 foot by 11 foot galley-style kitchen with a larger 10 foot by 15 foot kitchen designed to meet contemporary residential needs. The proposed addition also provides a master bathroom in keeping with contemporary standards.

9. The proposed use continues the current use of the property which is as the residence of the Beta Theta Pi Administrative Secretary.

10. As the R-2MS district "is designed to preserve and encourage a mix of single family and two-family residences," and as the proposed addition allows the property's continued unchanged use as a single-family residence no potential concerns for the this use are anticipated. None are known to have been expressed regarding its current use.

11. Properties within 200 feet of 10 University per Butler County Auditor starting with the adjoining property to the south and proceeding clockwise:

001:	(H4000002000001) PRES & TRS OF MIAMI U	HIGH ST
018, 019:	MIAMI UNIVERSITY	220 E HIGH ST
013:	BETA THETA PI	E HIGH ST
011, 012:	PRESIDENT & TR OF THE MIAMI U	HIGH ST
051:	ALPHA CHAPTER HOUSE CO OF BETA THETA PI	208 E HIGH ST
050:	ALPHA CHAPTER HOUSE CO OF BETA THETA PI	200 E HIGH ST
003, 006:	DANMARK INVESTMENT GROUP LLC	15 N CAMPUS AVE
004	TRES WALNUT LLC	201 E Church St
005	TRES WALNUT LLC	205 E Church St
009, 010	EVANS SCHOLARS	219 E Church St
014, 049:	BETA THETA PI	20 UNIVERSITY AVE
177	DELTA ZETA FOUATION	202 E Church St
184	OHIO ETA HOUSE CORP	224 E Church St
059	CKC RENTALS LLC	101 University Ave
023, 028	TRS OF MIAMI UNIVERSITY	21 UNIVERSITY AVE
024, 027:	PRESIDENT & TRS OF MIAMI UNIVERSITY	15 UNIVERSITY AVE
025, 026:	PRES & TRS OF MIAMI U	300 E HIGH ST

All properties are in Oxford, Ohio 45056

12. The proposed addition to 10 University Avenue would not change the existing use. It would not remove any existing landscaping or add any paved surfaces. Again, materials are selected to integrate with the existing Cape Cod's shed dormer appearance. The new roof will match the existing shed dormer's pitch of 6 inches per foot. The new roof will be drained with a system connected to the properties existing storm sewer connection.

The home's existing trees and longterm landscaping are maintained throughout the property, and to the north and east they greatly reduce visibility of the addition from University Avenue. Along the private drive and from neighboring properties with a view, it would add visual interest to the back of the house with the new planting bed and a trellis.



Front Elevation from NE Corner



Back Elevation from NW Corner

Existing Exterior Photographs

Beta Theta Pi
University Residence - Addition and Remodel
 10 North University Avenue Oxford, Ohio 45056

Project No:
 Issued: 7-31-15
 Revised:

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Listening
 Leading
 Creating

414 Reading Road
 Mason, Ohio 45040
 513-398-4931

Sheet No.

A5

