

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-28

Date – December 8, 2015

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District, in the Neighborhood of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle. City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R-1A (Single-Family Low Density Residential) District in the neighborhood of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle.

A petition to establish a neighborhood conservation overlay district was filed on October 6, 2015 to the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 20, 2015.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. Even the Comprehensive Plan does not implicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*
- H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.*
- H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.*

AGENCY REVIEWS

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

Police:	No comments received
Fire:	Received with no comments
Engineering:	Received with no comments
Econ. Dev.	Received with no comments

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from being turned into rental properties and to maintain the traditional neighborhood owner-occupied character. The Planning Commission went through extensive discussion about this overlay district in 2012. It was designed to provide mechanisms to the neighborhoods to initiate a grass roots movement to get all the neighbors together and to petition City Council for the consideration of placing more restrictions on the underlying district.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for the historic area. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

Many neighborhoods have gone through this process since the adoption of this enabling legislation in 2013. As of today, there have been 12 different neighborhoods throughout the City that have obtained the overlay district designation. These neighborhoods are typically located outside of the Mile Square.

A petition was filed by a group of neighbors in Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels of tracts of land, to be considered a Neighborhood Conservation Overlay District on October 6, 2015 with the Clerk of the Oxford City Council. The petition also showed that there were 43 signatures obtained that represent 43 parcels. The signatures supporting this petition exceed the two-third requirements of the parcels of this petitioned area. The signatures represent 96% of the parcels within the boundary. A map of the proposed district is attached illustrating the area for consideration.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on October 20, 2015 and forwarded this petition to the Planning Commission for Zoning Map Amendment consideration.

There are specific decision standards that the Planning Commission shall reference and the decision standards are also attached for reference. The Planning Commission also shall consider the purpose and objectives of such overlay district are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by excessive renters and to maintain an attractive community appearance and provide a desirable living environment and finally to prevent excessive traffic and parking problems in the neighborhood.

The petition met the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also met the minimum two-thirds requirements of owner signatures within the proposed boundary. Additionally, the dates of those signatures were also within six months prior to the time the petition was filed with the City Clerk.

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation

from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

Given that there will be a total of 12 neighborhoods having the overlay district designation, it might be the time to look at the overall City's zoning map to create different zoning districts to reflect those changes.

RECOMMENDATION

Staff recommends that the Planning Commission approval of this amendment and forward this request to City Council for legislative action.

SUBMITTED

BY:



Jung-Han Chen

Community Development Director

DATE: November 25, 2015

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

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

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-28 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **12/4/2015** 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:

12-1-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-28 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **12/4/2015** 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: _____

H. Popescu

Date: _____

11-20-15

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-28 ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **12/4/2015** 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: 11-23-15

G. Alan Kucan
PRINTED NAME



PC-2015-28
Surrounding
Property Owners
Map

Notifications

Legend

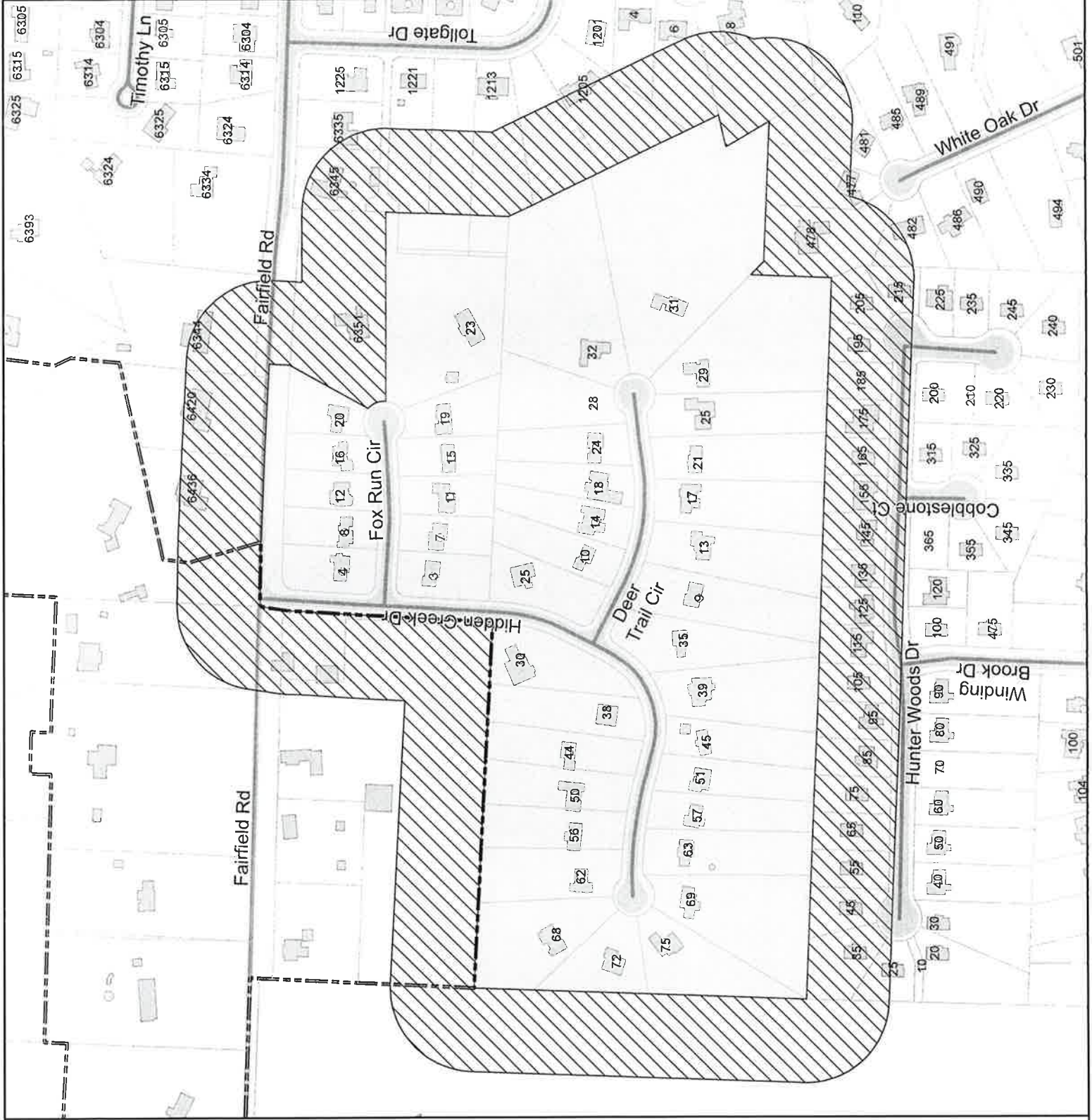
-  Subject Area
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 325 feet

Prepared on Friday, November 20, 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.





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

CASE NO.: PC-2015-28

DATE OF HEARING: December 8, 2015

ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Ellen Weisman

Address: 17 Deer Trail Circle
Oxford, OH 45056

Telephone: Home: 513-523-1070 Work: _____

COMMENTS:

I am unable to attend the meeting/hearing on December 8, but I am in support of the amendment to establish a conservation overlay district in our neighborhood.

Thank you.

Ellen Weisman
Signature

11/30/15
Date



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

CASE NO.: PC-2015-28

DATE OF HEARING: December 8, 2015

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Name: Ron and Lyn Schloemer

Address: 7 FOX RUN CIRCLE

OXFORD, OH 45056

Telephone: Home: 523-8210 Work: 523-9355

COMMENTS:

We built our home on Fox Run Circle in 1987 and wholeheartedly support this amendment. This is a stable neighborhood and one of the most desirable in Oxford. We'd like it to stay that way.

Ron Schloemer
Signature

11-29-15
Date



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

CASE NO.: PC-2015-28

DATE OF HEARING: December 8, 2015

ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: JAMES BROCK

Address: 57 HIDDEN CREEK DR

Telephone: Home: 523-3241 Work: 529-2846

COMMENTS:

I ~~&~~ very strongly support this 100%

J Brock
Signature

11/23/15
Date



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

CASE NO.: PC-2015-28

DATE OF HEARING: December 8, 2015

ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District for the area of Hidden Creek Drive, Deer Trail Circle and Fox Run Circle for a total of 45 parcels in a proposed overlay district, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

Thomas M. Porcano

Address:

12 Fox Run Circle

Oxford, OH 45056

Telephone:

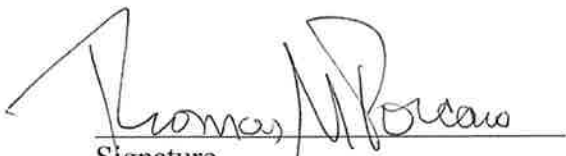
Home: 513 255 7583

Work:

—

COMMENTS:

I fully support the proposed amendment!


Signature

11/30/15
Date

Lynn Taylor

From: Sam Perry
Sent: Thursday, December 03, 2015 1:35 PM
To: Lynn Taylor
Subject: FW: Support for overlay district

Sam Perry, AICP
Planner
City of Oxford
Community Development Department
101 East High Street | Oxford, Ohio 45056
p. (513) 524-5204 | f. (513) 524-5266
sperry@cityofoxford.org | <http://www.cityofoxford.org>



From: Douglas Troy [<mailto:douglas.troy@gmail.com>]
Sent: Thursday, December 03, 2015 1:22 PM
To: Sam Perry; chchen@cityofoxford.org
Subject: Support for overlay district

I am writing to express support for the overlay district that includes my property, 21 Deer Trail Circle. I am unable to attend the hearing in person. Please contact me if needed, 523-6989.
Sincerely,
Douglas Troy

Jung-Han Chen

From: Kullman, David <kullmade@miamioh.edu>
Sent: Thursday, December 03, 2015 3:12 PM
To: Sam Perry; Jung-Han Chen
Subject: Support for Zoning Map Amendment

To Whom It May Concern:

I am writing to express my strong support for the Zoning Map Amendment (Case No. PC-2015-28) that will be heard by the Planning commission on December 8. I was one of the persons who collected signatures for the petition, and only one household out of the 17 on Hidden Creek Drive failed to sign it. Similar results were obtained on Deer Trail Circle and Fox Run Circle. It is safe to conclude that the neighborhood is wholeheartedly behind this proposed zoning change.

David E. Kullman
62 Hidden Creek Drive
Oxford, Ohio 45056
513-523-3887

Jung-Han Chen

From: Zafer D. Ozdemir <zaferdozdemir@gmail.com>
Sent: Thursday, December 03, 2015 11:18 AM
To: Jung-Han Chen; Sam Perry
Subject: Fwd: E-Mail Option to Support Neighborhood Overlay (DEADLINE TODAY)

Hi,

We support this amendment.

Thanks,

Zafer & Emel Ozdemir
13 Deer Trail Circle

----- Forwarded message -----

From: **Crist, Candace** <cristcl@miamioh.edu>
Date: Thu, Dec 3, 2015 at 11:06 AM
Subject: E-Mail Option to Support Neighborhood Overlay (DEADLINE TODAY)
To:

Greetings Neighbors,

For those of you who may not have had time to mail back the form with your comments of support, there is still time to help! You can e-mail your support, but please do so by the end of today. Please e-mail these two people:

- JHChen@cityofoxford.org
- SPerry@cityofoxford.org

Thank you again!

Candace Crist

----- Forwarded message -----

From: **Jung-Han Chen** <JHChen@cityofoxford.org>
Date: Thu, Dec 3, 2015 at 9:44 AM
Subject: RE: email address needed
To: "Kullman, David" <kullmade@miamioh.edu>
Cc: Sam Perry <sperry@cityofoxford.org>

Sam Perry

From: Marcia Baxter Magolda <baxtermb@me.com>
Sent: Thursday, December 03, 2015 10:56 PM
To: Sam Perry; Jung-Han Chen
Subject: Support for Hidden Creek overlay

Please accept this email in support of the overlay being requested for the Hidden Creek neighborhood. My spouse and I own a home at 15 Fox Run Circle. We believe that the overlay is important to maintain the nature of the neighborhood.

Thank you for your consideration.
Marcia Baxter Magolda

Sent from my iPhone

Sam Perry

From: jaimie pribble <jaimiepribble@yahoo.com>
Sent: Thursday, December 03, 2015 5:29 PM
To: Sam Perry
Subject: Zoning Map Amendment

To The Oxford Planning Commission

My husband and I (Don & Jaimie Pribble) are writing to express support for the zoning map amendment(Case # PC-2015-28) to create a Neighborhood Conservation Overlay District for our neighborhood including Hidden Creek, Fox Run and Deer Trail.

We have lived in this neighborhood since 1986. We strongly believe this is a positive plan for our neighborhood and we encourage you to approve it.

Thank you for your consideration. Jaimie & Don Pribble, 8 Fox Run Circle



Internal Use Only:

Case No.

PC-2015-28

Date Filed

10/23/15

Zoning Map Amendment Application

Applicant Information

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

Name * Jung-Han Chen

Mailing Address * 101 E. High St.

City, State & Zip Code * Oxford, OH 45056

Telephone Number(s) * 513-524-5237

Email Address jhchen@cityofoxford.org

Location and Lot Information

Location * Fox Run Circle, Deer Trail Circle and Hidden Creek Drive

General Description of Proposed Amendment * Neighborhood Conservation Overlay District

Current Zoning * R-1A

Proposed Zone(s) * Overlay District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
- Application Fee.
 - The name, mailing address, and telephone number of the applicant.
 - A general description of the proposed amendment.
 - A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - A statement that identifies potential negative consequences of the proposed amendment.
 - Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - A legal description of the area to be rezoned.
 - The proposed zoning of the area.
 - The current zoning of the area.
 - A description of existing uses in the area.

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

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

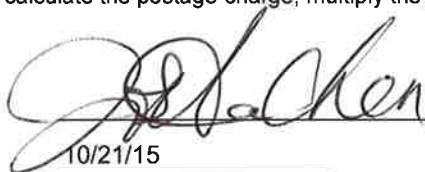
- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.
- C. There has been a substantial change in area conditions that necessitates the amendment.
- D. There is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

Fees & Receipt

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

Sign and Date

Applicant Signature *



Date *

10/21/15

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 documentation as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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

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

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

RESOLUTION NO. 4938

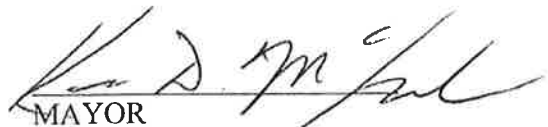
RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR THAT AREA OF HIDDEN CREEK DRIVE, DEER TRAIL CIRCLE, AND FOX RUN CIRCLE AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

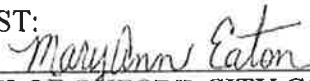
SECTION 1: The Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: October 20, 2015

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)



6324

6334

6344

6420

6436

Fairfield Rd

Fox Run Cir

Deer Trail Cir

Windling Brook Dr

Hunter Woods Dr

315

200

215

482

477

485

6345

6351

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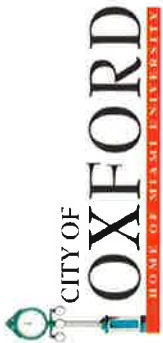
205

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481

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485



Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District Petition Boundaries

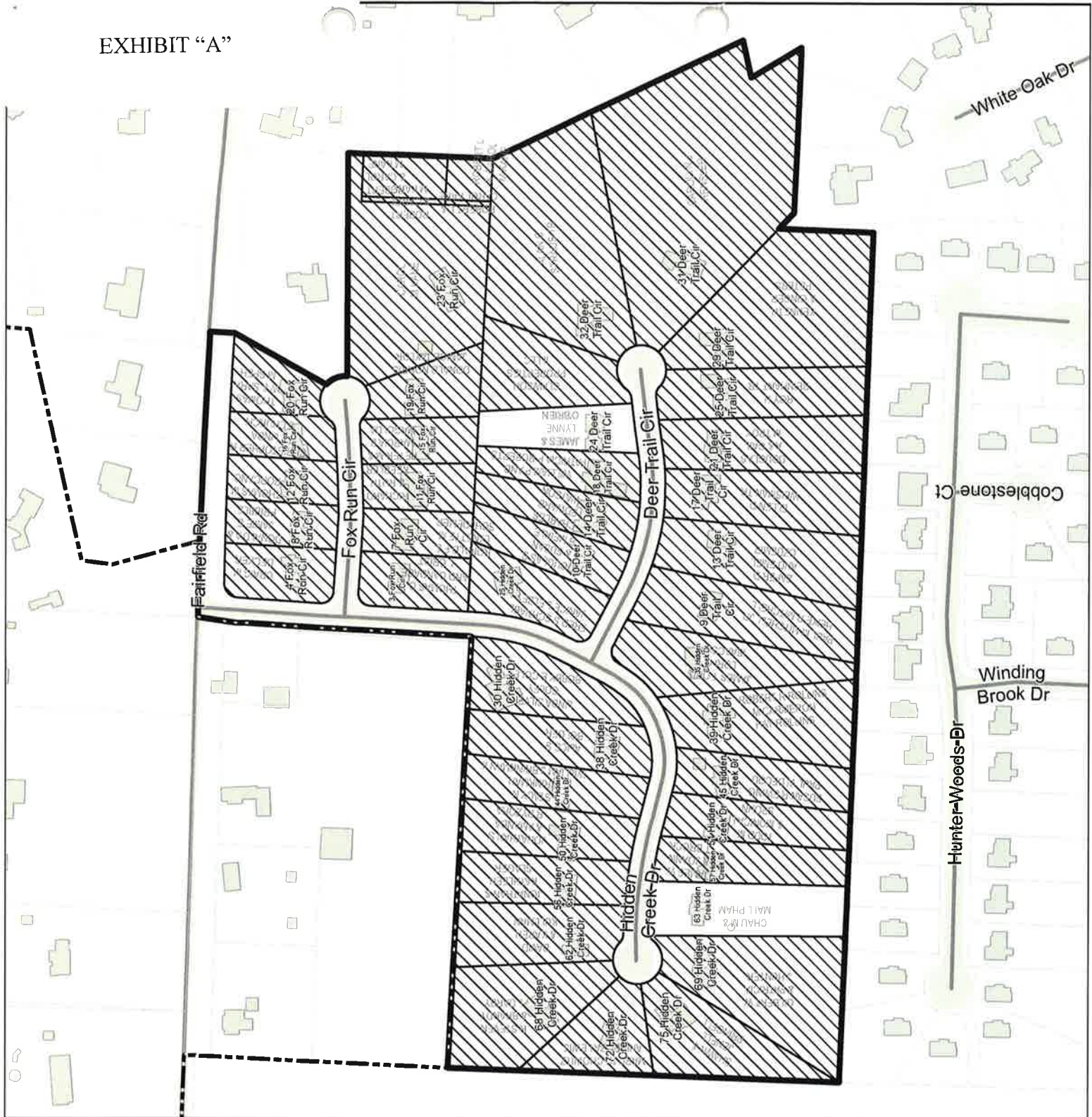
Legend

-  Petition Area
-  Petition Parcel: Signed
-  Petition Parcel: Not Signed
-  Oxford Corporation Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 275 feet

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.



(Statement of Petition)

**OXFORD ZONING PETITION FOR
RESIDENTIAL CONSERVATION OVERLAY DISTRICT**

This petition is submitted, pursuant to Oxford zoning code chapter 1146, to request City Council to introduce an ordinance accepting a petition which would allow the initiation of a zoning map amendment to create a district within the described boundaries, which would restrict the ability of property owners to rent their property to more than two unrelated individuals.

This petition, if accepted, would allow the petitioner to initiate a zoning map amendment to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Boundary description:

The proposed boundary of this neighborhood overlay includes all the homes and lots accessed from Hidden Creek drive, Deer Trail Circle, and Fox Run Circle. The exterior boundary follows the rear lot lines of those homes.

Circulators:

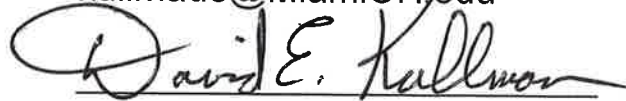
Christopher Church
16 Fox Run Circle
(513) 523-4356
churchcr@MiamiOH.edu



Candace Crist
3 Fox Run Circle
(513) 524-3040
cristcl@MiamiOH.edu

 9-25-2015

David Kullman
62 Hidden Creek Drive
(513) 523-3887
kullmade@MiamiOH.edu



Douglas Meikle
10 Deer Trail Circle
(513) 524-9190
meikled@MiamiOH.edu



Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: David Kullman, 62 Hidden Creek Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
10/2/15	DEER TRAIL CIR	CLAWSON PROPERTIES II LLC	Barbara Clawson	
10/4/15	9 DEER TRAIL CIR	PAUL M MITCHELL JR HEIKE R MITCHELL	Paul M. Mitchell	
10/3/15	10 DEER TRAIL CIR	DOUGLAS B & SUSAN B MEIKLE	Douglas Meikle	
10/3/15	13 DEER TRAIL CIR	ZAFER D AND EMEL OZDEMIR	[Signature]	
10/5/15	14 DEER TRAIL CIR	CHARLES EDWARD WATSON	Charles Watson	
10/4/15	17 DEER TRAIL CIR	ELLEN D WEISMAN TR	Ellen D. Weisman, trustee	
10/30/15	18 DEER TRAIL CIR	WILLIAM P AND PATRICIA P ROBERTS	William P. Roberts	
10/3/15	21 DEER TRAIL CIR	DOUGLAS A & GAIL M TROY	Douglas A. Troy Gail M. Troy	
10/3/15	24 DEER TRAIL CIR	JAMES & LYNNE O'BRIEN		Decline
10/3/15	25 DEER TRAIL CIR	ROY H REINHART TR	Betty J. Reinhart	
10/3/15	29 DEER TRAIL CIR	KENNETH & GINGER PETERS	Kenneth Peters	

Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: David Kullman, 62 Hidden Creek Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for boundaries.

Date	Address	Name(s)	Signature	Notes
10/5/15	31 DEER TRAIL CIR	CAROLYN J HENSLEY		
10/3/15	32 DEER TRAIL CIR	ALAN C STRAUS TR		
	FOX RUN CIR	ROBERT & CAROL M KANE		
	FOX RUN CIR	ROBERT L & CAROL KANE		
	FOX RUN CIR	ROBERT & CAROL M KANE		
	FOX RUN CIR	ROBERT L & CAROL M KANE		
	3 FOX RUN CIR	THOMAS O AND CANDACE L CRIST		
	4 FOX RUN CIR	CRAIG M DECKER		
	7 FOX RUN CIR	RONALD F & LYNETTE M SCHLOEMER		
	8 FOX RUN CIR	DONALD A & JAMIE E PRIBBLE		
	11 FOX RUN CIR	RICHARD & RUTH KEEBLER		

Fox Run 15
(11 homes)

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	31 DEER TRAIL CIR	CAROLYN J HENSLEY		
	32 DEER TRAIL CIR	ALAN C STRAUS TR		
10/5/15	FOX RUN CIR	ROBERT & CAROL M KANE	Carol M. Kane	
10/5/15	FOX RUN CIR	ROBERT L & CAROL KANE	Carol M. Kane	
10/5/15	FOX RUN CIR	ROBERT & CAROL M KANE	Carol M. Kane	
10/5/15	FOX RUN CIR	ROBERT L & CAROL M KANE	Carol M. Kane	
9-24-15 9-24-2015	3 FOX RUN CIR	THOMAS O AND CANDACE L CRIST	Thomas O. Crist Candace L. Crist	
9/30/15	4 FOX RUN CIR	CRAIG M DECKER	Craig M Decker	
9/25/15	7 FOX RUN CIR	RONALD F & LYNETTE M SCHLOEMER	Ronald F Schloemer Lynette M Schloemer	
10/3/15	8 FOX RUN CIR	DONALD A & JAMIE E PRIBBLE	Donald A. Pribble Jamie E Pribble	
10/3/15	11 FOX RUN CIR	RICHARD & RUTH KEEBLER	Richard Keebler Ruth Keebler	

OCT 16 2015
CITY OF OXFORD

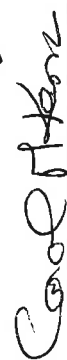
Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

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Date	Address	Name(s)	Signature	Notes
10/5/15	12 FOX RUN CIR	THOMAS M PORCANO		
9-24-15	15 FOX RUN CIR	PETER M & MARCIA B MAGOLDA	 	
10-1-15	16 FOX RUN CIR	CHRISTOPHER R & LINDA S CHURCH	 	
9-24-15	19 FOX RUN CIR	DONALD NORRIS JANICE TAYLOR	 	
10-3-15	20 FOX RUN CIR	THOMAS W & SARA M SPEH	 	
10-3-15	23 FOX RUN CIR	CAROL M KANE		
	25 HIDDEN CREEK DR	FRED S SCHNABL JANICE L ELZEY		
	30 HIDDEN CREEK DR	LINDA SILVER COLEY BOBBY E COLEY		
	35 HIDDEN CREEK DR	JAMES T ORIS LORI G ISAACSON		
	38 HIDDEN CREEK DR	ALICE S BOLGER		
	39 HIDDEN CREEK DR	ROBERT R ROLLINS M CARMERON HAY ROLLINS		

HIDDEN CREEK (17)

Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiator: David Kullman, 62 Hidden Creek Drive

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	15 FOX RUN CIR	PETER M & MARCIA B MAGOLDA		
	16 FOX RUN CIR	CHRISTOPHER R & LINDA S CHURCH		
	19 FOX RUN CIR	DONALD NORRIS JANICE TAYLOR		
	20 FOX RUN CIR	THOMAS W & SARA M SPEH		
	23 FOX RUN CIR	CAROL M KANE		
9/26/15	25 HIDDEN CREEK DR	FRED S SCHNABL JANICE L ELZEY	Jan Elzey	
9/26/15	30 HIDDEN CREEK DR	LINDA SILVER COLEY BOBBY E COLEY	Bobby E Coley	
9/26/15	35 HIDDEN CREEK DR	JAMES T ORIS LORI G ISAACSON	James T Oris Lori G Isaacson	
9/25/15	38 HIDDEN CREEK DR	ALICE S BOLGER	Alice S. Bolger	
9/25/15	39 HIDDEN CREEK DR	ROBERT R ROLLINS M CARMERON HAY ROLLINS	Robert R. Rollins	

Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

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Date	Address	Name(s)	Signature	Notes
10/4/15	44 HIDDEN CREEK DR	STACY N BRINKMAN WILLIAM J BRINKMAN II		
9/28/15	45 HIDDEN CREEK DR	SUSAN R EWING PAUL W DECOU		
9/25/15	50 HIDDEN CREEK DR	JONATHAN S & AMANDA R PYZOHA		
	51 HIDDEN CREEK DR	TODD M & MONICA L SPOHN		See Next Page
9/25/15	56 HIDDEN CREEK DR	JONATHAN & KATHLEEN SLAGER		
9/25/15	57 HIDDEN CREEK DR	JAMES W & JOANN T BROCK		
9/25/15	62 HIDDEN CREEK DR	DAVID & KAREN KULLMAN		
9/25/15	63 HIDDEN CREEK DR	CHAU M & MAI L PHAM		DECLINED
9/25/15	68 HIDDEN CREEK DR	R STEVEN & BRANDY L DARBY		
9/25/15	69 HIDDEN CREEK DR	GILBERT W & PATRICIA J HUNTER		
	72 HIDDEN CREEK DR	MARC NACHOWITZ ANN-ELIZA LEWIS		
				

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	45 HIDDEN CREEK DR	SUSAN REWING PAUL W DECOU		
	50 HIDDEN CREEK DR	JONATHAN S & AMANDA R PYZOHA		
9/28/15	51 HIDDEN CREEK DR	TODD M & MONICA L SPOHN	<i>Todd M. Spohn</i>	
	56 HIDDEN CREEK DR	JONATHAN & KATHLEEN SLAGER	<i>Monica Spohn</i>	
	57 HIDDEN CREEK DR	JAMES W & JOANN T BROCK		
	62 HIDDEN CREEK DR	DAVID & KAREN KULLMAN		
	63 HIDDEN CREEK DR	CHAU M & MAI L PHAM		
	68 HIDDEN CREEK DR	R STEVEN & BRANDY L DARBY		
	69 HIDDEN CREEK DR	GILBERT W & PATRICIA J HUNTER		
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Petition for Hidden Creek Deer Trail Fox Run Neighborhood Conservation Overlay District, Oxford, Ohio

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Date	Address	Name(s)	Signature	Notes
9/28/15	75 HIDDEN CREEK DR	SHAWN & JENELL PRINCELL	Jenell Princl	

OCT 06 2015
CITY OF OXFORD

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-27

Date – December 8, 2015

APPLICATION

Applicant:	Dean Scales
Location:	5958 Fairfield Road
Owner:	AFT Properties LLC (c/o Ken Thacker)
Action Request:	Conditional Use Permit Application for Alcohol Service
Current Use:	Computer Service Store
Zoning:	GB (General Business) District
Surrounding Existing Land Uses:	Single Family Residences, Professional Office, Retail

GENERAL DESCRIPTION

The applicant is seeking approval of a conditional use to allow a small brewery alcohol service inside an existing building located at 5958 Fairfield Road. This property is located on the northwest corner of the intersection of Lynn Avenue and Fairfield Road. This same applicant previously attended a Planning Commission meeting and notified the Commission of the forthcoming conditional use submittal. The property is zoned GB, which allows establishments serving alcohol as a conditional use per Oxford Zoning Code Section 1143.12(b)2. The property is currently being used as a computer service store.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a notice sign was placed on the property. One written comment letter (attached) was received from the significant other of the adjacent property owner to the west (5966 Fairfield Road).

AGENCY REVIEWS

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

Police:	No comments received
Fire:	Received with no comments
Engineering:	Comments returned via email attached.
Econ. Dev.:	Comments attached

ZONING CODE REVIEW

Below is an excerpt of Oxford Zoning Code Section 1143.12(b)2 – Conditional Uses in GB District:

- (2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
- A. Retail services.
 - 1. Automobile service stations selling gasoline.
 - 2. Bars and establishments serving alcohol.**
 - 3. Banks with drive-through facilities.
 - 4. Building supplies, garden supplies.
 - 5. Drive-in and fast-food restaurants.
 - 6. Sales of motorcycles and used motor vehicles, rental and service of motor vehicles, sales and rental of boats and marine equipment, and sales and rental of trailers.
 - 7. Temporary or outdoor sales of plants and garden supplies.
 - B. Personal and public services.
 - 1. Animal hospitals or kennels.

2. Bowling alleys.
 3. Cultural institutions, including libraries, art galleries and museums.
 4. Hotels and motels.
 5. Places of worship.
 6. Funeral homes.
 7. Indoor skating rinks, arcades, and similar recreational uses.
 8. Instructional studios.
 9. Night clubs, discotheques, and other entertainment facilities.
- C. Other uses.
1. Community-Oriented Residential Social Service Facilities (CORSSF's).
 2. Shared Housing and Congregate Housing for the elderly.
 3. Government owned and/or operated parks and recreation facilities.
 4. Bed and breakfast homes.
 5. Publicly owned and operated neighborhood recreation centers.
 6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
 7. Schools: primary, intermediate, and secondary, both public and private.
 8. Mini-Warehouse (Self-Storage Units)
 9. Business Incubator

Conditional Use Concerns and Regulations for Specifically Bars and Taverns— Section 1147.03(b)(11):

(11) Bars and Taverns.

A. Potential Concerns.

1. Evening traffic.

The applicant is expecting peak trips during a 2-3 hour time block after 5:00 p.m.

2. Noise from operations (music).

The applicanat is not planning to operate the sit-down portion as a bar with music/entertainment, nor plans to have any outdoor entertainment or an outdoor consumption area.

3. Location and adequacy of dumpsters.

N/A: The applicant is not expecting to need a dumpster.

B. Regulations.

1. Site shall be a minimum of 500 feet from a church, school, or similar institution, except in a commercial zoning district

N/A: The parcel is in a commercial district.

2. Structure shall be setback a minimum of 50 feet from a residential zoning district

The structure is 9 feet from the adjacent residential district at its closest point. The applicant is requesting a waiver of the 50 foot requirement.

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 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 use can satisfy the intent as long as any potential concerns and regulations are appropriately handled from an operational standpoint.

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

The Land Use Chapter dealing with prioritizing infill development supports the re-use of this existing small commercial lot.

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

The lot size is just over 10,000 square feet. According to the above regulations, the size of the site is insufficient due to the requirement that the structure be set back a minimum of 50 feet from the adjacent residential district. This may be mitigated depending upon an appropriate operational plan and management for the business.

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

Based upon the applicant's description, the brewing function will be subtle and the patronage will be interior; therefore the use may not disturb neighboring uses. Limiting the evening hours to match surrounding businesses on the Lynn Avenue corridor may be appropriate to maintain the character of this transitional corridor between residential and commercial.

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.

Based upon the applicant description, the electric-powered brewing will be quiet and the smell will be subtle.

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

There is no separate accessory use expected.

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

All municipal services are available to this property including a public street with curb cut to the rear parking area.

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 applicant's plan is to use the existing building with some changes to the doors, windows and siding as well as additional walkways and a seating area for smokers that are not permitted inside. A hand sketched elevation and hand sketched plot plan have been provided.

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 applicant is expecting a total 10-20 trips per hour during peaks. Some delivery trucks are expected by the applicant. It is unknown the size of the trucks or times of day they would access the site. No traffic study information was available for the adjacent signalized intersection.

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

The site is not listed as being historic or having a historic building.

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. Additionally a permit from the Ohio Department of Commerce will be required.

ANALYSIS

This parcel has been commercially zoned for many years, most recently a computer service store. Changing the use to a brewery that serves alcohol on site requires a conditional use approval. The conditional use hearing gives an opportunity to the public to hear and discuss any concerns raised and how those might be handled if the use were to be approved. Based upon the available information, the only clear zoning code conflict is the distance that the building is set back from the residential district. Fifty (50) feet is required, and only nine (9) feet is provided.

Given the written comments of concern from the adjacent property, the operation and management of the drink service aspect, is the key concern. It is unpredictable as to how patrons would conduct themselves after leaving the establishment. The business owner should either consider eliminating the on-site consumption or conduct it in a fashion that minimizes potential impacts to the adjacent residents.

Staff conducted research on the hours of operation of the businesses on the Lynn Avenue corridor and slightly beyond. Staff found that the average closing time of the four restaurants accessed from Lynn Avenue is 10:30 p.m. Limiting the brewery drink service to this same closing time may bring some consistency to the corridor to consider the needs of the adjacent residents. Attached is a map of the businesses depicting the total number of evening hours per week that they are open.

Vehicle trip generation is an additional area of concern for this proposal. The applicant anticipates an early evening peak of 10-15 unique trips per hour. This is likely an increase over the previous two businesses at this location. Additionally there is no information as to the size of the delivery vehicle and any impact it may have on the right of way during peak travel.

Based upon the submitted narrative from Mr. Scales, a concerted effort is being made to maintain a subtle yet successful brewery and drink service. Mr. Scales intends to operate the business in a way that does not disrupt the adjacent neighborhood. For this reason, conditions can be written into an approval that are unique to Mr. Scales's management technique. If he were to no longer be part of this business at this location, the conditional use approval could be voided. This would also have to be a condition.

It is a goal of the City of Oxford to promote economic development through business starts. The City can encourage this business by permitting it in this location but also establish thresholds that are appropriate. If those thresholds are exceeded it will be time to find a new location in Oxford.

RECOMMENDATION

Staff finds that based upon the available information the proposed brewery with drink service meets the general and specific requirements of the Oxford Zoning Code, with the waiver of the 50' requirement upon compliance with the following conditions:

- Close of business by 10:30 p.m.
- Limited to 15 unique vehicle trips per peak hour
- The installation of a 6 foot tall privacy fence along the entire western lot line, with 4 feet height limit along the shared front yard
- Applicant shall provide at least annually an updated operator contact information to the three closest residential lot owners of record in order to facilitate efficient correction of any noise, trash, odor or other negative impact occurring
- Conditional use shall be void if current applicant is not the owner and manager of the establishment

The Commission can agree with staff's recommendation of approval with conditions or find otherwise based upon new evidence presented and discussion. If the Commission has sufficient information it will need to forward a recommendation to City Council of approval, approval with conditions or denial with reasons based upon referenced Oxford Zoning Code.

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: December 2, 2015

ATTACHMENT

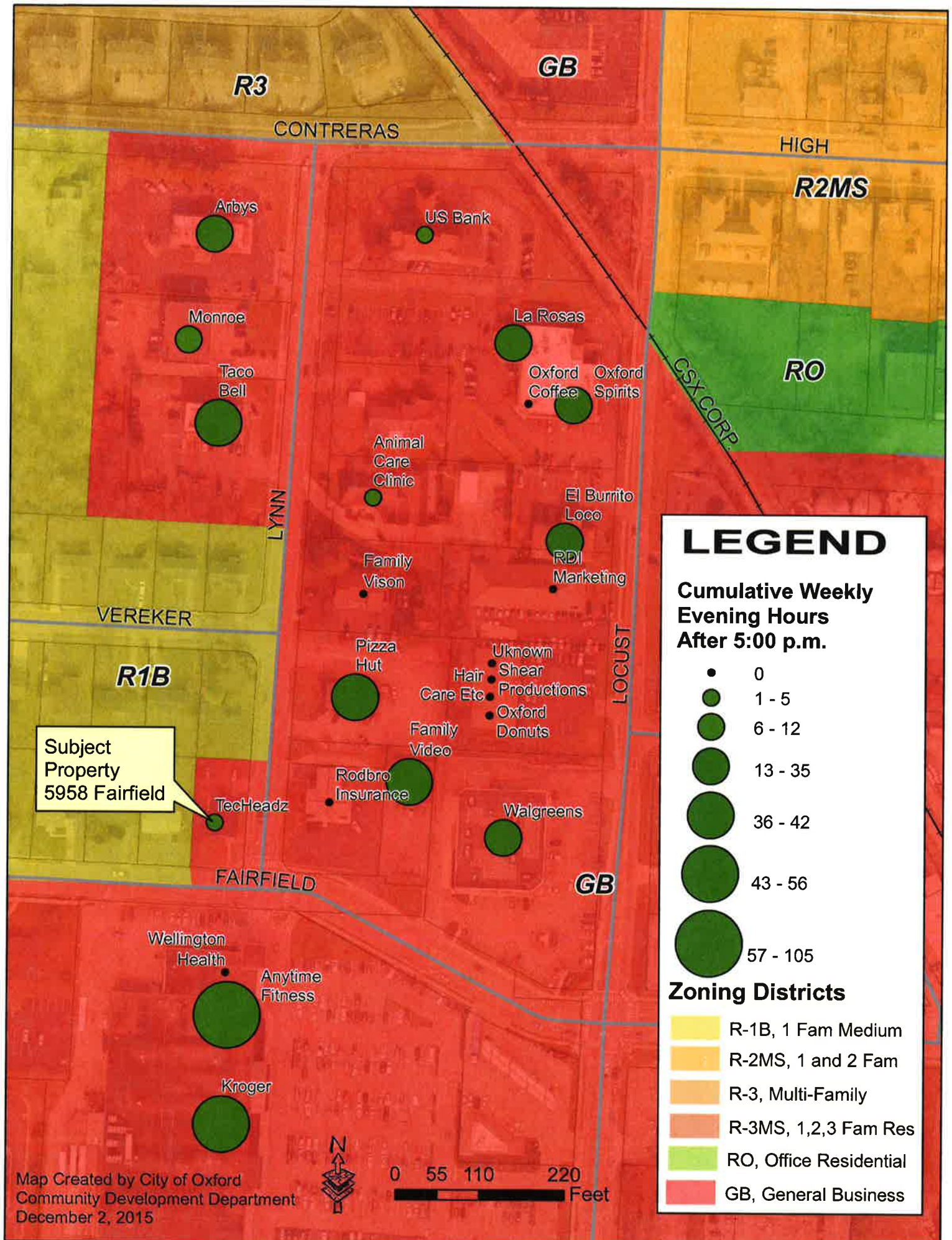
(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information 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: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-27 CONDITIONAL USE 5958 Fairfield Road to allow for alcohol service at a nano brewery, Dean Scales, Applicant/Agent

☒ X Review ☐ Revisions ☐ Other

Please return no later than: 12/4/2015 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 Dethenage

PRINTED NAME

Date:

12-4-15

From: Victor Popescu
Sent: Monday, November 30, 2015 11:43 AM
To: Sam Perry
Cc: Jung-Han Chen; Mike Dreisbach
Subject: RE: Fairfield/Lynn

Sam:

We do not have traffic counts or a traffic study for that intersection. It is important to note that over time, changes have occurred in that area (I.E. K-Mart was replaced by Kroger, Kroger remodeled and expanded, 5/3 Bank was replaced by Rodbro Insurance, Walgreen was built, etc.).

Also, I am not aware of any complaints registered, related to the signal timing.

I cannot visualize what a traffic study will accomplish for the proposed project. The lot is too small to draw a large crowd, and parking is not allowed on Lynn Street.

Victor Popescu, P.E.
City Engineer
City of Oxford
1-513-524-5208

CONFIDENTIALITY NOTICE:

This information transmitted is intended only for the person or entity to which it is addressed and may contain personal information which is privileged and confidential. If you receive this material/information in error, please contact the sender and delete or destroy the material/information immediately.

From: Sam Perry
Sent: Monday, November 30, 2015 11:18 AM
To: Victor Popescu
Cc: Jung-Han Chen; Mike Dreisbach
Subject: Fairfield/Lynn

Victor,

Are you aware of any traffic studies or counts done for the signalized intersection of Lynn and Fairfield? The question may come up as part of Planning's review of the proposed brewery, so just checking your files.

Thanks,
Sam

Sam Perry, AICP
Planner
City of Oxford
Community Development Department
101 East High Street | Oxford, Ohio 45056

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-27 CONDITIONAL USE 5958 Fairfield Road to allow for alcohol service at a nano brewery, **Dean Scales, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **12/4/2015** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

I have met several times with the applicant. I feel their business plan, as it has been presented, could be a good addition to the Locust Street Business District. I say this with two additional thoughts.

One: Because it abuts a residential area, having the approval of the adjoining neighbors is important.

Two: To guarantee the business plan of a small neighborhood friendly Nano-brewery is (and will continue to be) a small neighborhood friendly establishment, I would suggest either creating a Good Neighbor Agreement or incorporating this type of concept into the Conditional Use.

Drawings reviewed by: 

Date: 12-4-15

G. ALAN RYAN
PRINTED NAME



PC-2015-27 Surrounding Property Owners Map

5958 77 Rd.

Legend

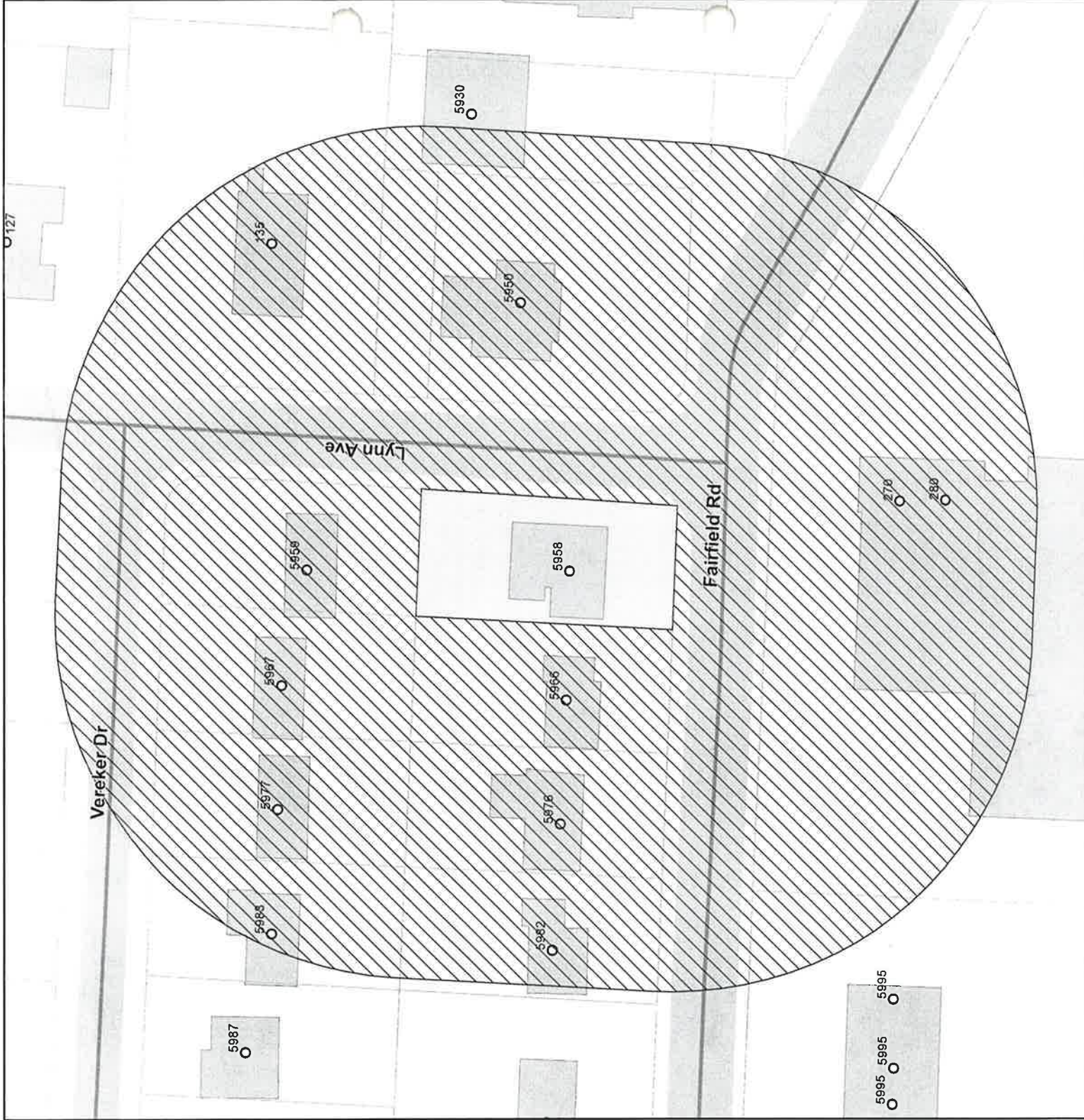
- Subject Property
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- Building Footprint
- Paved Roadway



1 inch = 75 feet

Prepared on Wednesday, November 04, 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.





- My fiancé Kyle Murr will be attending the hearing in December.

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

CASE NO.: PC-2015-27

DATE OF HEARING: December 8, 2015

CONDITIONAL USE, 5958 Fairfield Road, to allow for alcohol service at a nano brewery,
Dean Scales, Applicant/Agent

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

Bryanna M. Marcum.

Address:

5966 Fairfield Rd.

Oxford, OH 45056.

Telephone:

Home: (513) 503-3418

Work:

COMMENTS:

I would like to start by saying that I love the idea of having a brewery in Oxford, but what I don't like is it being right next door to my home. We recently purchased our house, and if we ever go to sell our home, I believe it would depreciate the value of the house we worked hard to obtain. Matter #2 that bothers me, is that we have 2 children ages 2 & 4. They should not have to grow up around a brewery, and I feel as though it would be a major headache with even more activity throughout the night. We also have two large dogs, if there were happen to be an incident with drunken idiots trying to pester my dogs, that will keep them up & barking all night long. Having a child in school, I would like to say, that this is just not a good place for the brewery. Please take what I've said into consideration.

Signature

Date

B. Marcum

11.11.2015

Subject: 5958 Fairfield Rd Oxford Oh 45056

From: kenthacker@century21.com (kenthacker@century21.com)

To: brewwithde@yahoo.com;

Date: Tuesday, October 20, 2015 9:42 AM

Letter of Agency

To Whom it may Concern,

Dean Scales is entitled to apply for a Conditional Use permit on my behalf at 5958 Fairfield Rd Oxford OH 45056.

AFT Properties, LLC - President.

Thanks,

Ken Thacker

Broker

CENTURY 21 Thacker & Associates, Inc.

513.524.2221 | Office

513.615.8970 | Mobile

513.524.0941 | Fax

The sender believes that this E-mail and any attachments were free of any virus, worm, Trojan horse, and/or malicious code when sent. This message and its attachments could have been infected during transmission. By reading the message and opening any attachments, the recipient accepts full responsibility for taking protective and remedial action about viruses and other defects. The sender's employer is not liable for any loss or damage arising in any way from this message or its attachments



Internal Use Only:

Case No.

PC-2015-27

Date Filed

10/23/15

Conditional Use Permit Application

for Dec 8

Applicant Information

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

Name *

Dean Scales

Mailing Address *

4423 Taft Rd

City, State & Zip Code *

Kenosha, WI 53142

Telephone Number(s) *

262-220-9425

Email Address

BREWLWITHDE@yahoo.com

Owner Information

Name *

Ken Thacker

Mailing Address *

3741 Darrcity Rd

City, State & Zip Code *

Oxford, OH 45056

Telephone Number(s) *

513-615-8970

Email Address

ken-thacker@century21.com

Location and Lot Information 5958

Location of Property *

~~5859~~ Fairfield Rd; Oxford, OH 45056

Legal Description *

Lot 968

Zoning District *

General Business

Total Area *

4302 sq ft

Check One *

Acres ☐Square Feet ☒

Existing Use Description *

computer repair store

Proposed Use Description *

nano brewery

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 *


10/23/15

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 *

10/23/15

Receipt Number *

67786

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/>

6.

A. We are opening a nano brewery to sell craft beer. There will be two main points of our operations: brewing beer, as labeled "The Brewery" and selling beer, as labeled "The Tap Room."

The Brewery:

We intend to be a 100% fully electric brewery. Starting out, we will only brew in the morning, a few days a week. As time moves on, we will brew 4-7 days a week throughout the full work day. While we are brewing, we will let 2-8 people at a time come by and learn about brewing/take a tour. This will likely be few and far between because it will not be part of our posted hours. Brewing is a quiet process; the sound of a small pump running is the loudest it can get. In a craft brewery, the smell of brewing beer is similar to putting Grape Nuts cereal in a microwave. It is not strong enough, even when vented out of the roof, to make an odor outside of the brewery. Delivery for the brewery should be approximately two days a week, around 12:00 -3:00 pm. As we get larger, we could have two days a week during which kegs are being picked up to be sold at bars inside and outside of Oxford.

The Tap Room

We will sell craft beer by the flight, pint, and growler. We will also sell wine by the glass, T-shirts, and glassware. We expect to see a higher volume of people in the first few weeks, but then will settle into normal nano brewery flow of business. Estimated peak for growler service is Monday - Friday, 5:30- 7:00 pm, about 10-15 people an hour. We expect to cater to professionals after work so that they can take home craft beer for their evenings and weekends. The rest of our business hours will be people coming in to sit down and try a beer or two and socialize, with an average flow of 10 people per hour.

Craft beer drinkers are more of a laid back group. They are NOT looking for drinking games, \$1 drafts, or to get drunk as fast as they can. Visiting a nano brewery is about trying new beers, discovering what you enjoy, and talking with the people around you. As a nano brewery, we will be able to have a revolving selection of unique beers. This will entice people to visit this Oxford business more often. Though we will have a small outside sitting area, we will not allow our customers to take their beverages outside. Ohio law does not permit glass to be used in outside service, and we do not want our fine beer served in plastic cups. Because of the craft brew clientele and the absence of outside service, this would minimize outside noise. Delivery for the tap room side should also be about 1-2 days a week around 12:00- 3:00 pm. We will not serve food, but will keep menus of local Oxford businesses that deliver. If customers want to have dinner and our beer, they can have it delivered to the brewery. Our hope is that this will help support local businesses and allow us to concentrate on making great beer.

B. Brewery

Monday- Sunday 8:00 am-8:00 pm

Tap Room

Monday- Friday 4:00 pm-1:00 am

Saturday and Sunday 12:00 pm-1:00 am

7.

A. The view looking out from this location is mostly businesses. Though this location is adjacent to residential property, the neighborhood is largely a business/food district, with most of Oxford's fast food restaurants and businesses operating primarily as a restaurant, not a bar, within 1- 3 blocks of us. Our style of business operates with later hours, but it is not be inconsistent with neighboring businesses:

Anytime Fitness: open 24 hours a day, Monday through Sunday

Kroger: open until 1:00 am, Monday through Sunday

Pizza Hut: open until 11:00 pm, Sunday through Thursday; 12:00 am, Friday and Saturday

Taco Bell drive through open until 1:00 am, Sunday through Thursday; 3:00 am, Friday and Saturday

There are a number of other business with 1-3 blocks open until 10:00 pm, Sunday through Thursday; 11:00 pm, Friday and Saturday

Most of these businesses would be open later if they could bring in the customers, but they have chosen hours for what work best for their businesses. Our type of business requires extended hours. We do understand that our immediate neighbors are not trying to run a businesses, but rather to relax at the end of a long day. A nano brewery has a quiet, laid back atmosphere. Our presence should not change how our neighbors end their day. We should blend in nicely.

B. The appearance of the existing structure works well in its location. We will relocate the front door a few feet west to fit our needs, and we will add an extra exit door on the back of the building. The entrance/exit updates will not significantly change the current aesthetic. Additional enhancements would improve curb appeal (new paint, bike racks, landscaping, new walkways, and a small sitting area on the Lynn St. side).

C. In our opinion, there should be no potential nuisances with our operation. We realize there are stereotypes associated with serving alcohol, and these potential concerns are addressed in other sections of this document.

D. We took the time to talk to each of the neighbors to personally address potential concerns with them. We found that noise and odor are their only concerns. We do not foresee any issues with noise because of the relaxed nano brewery environment and because service only takes place indoors. Pertaining to odors, brewing beer smells similar to putting Grape Nuts cereal in a microwave. It is not strong enough, even when vented out of the roof, to be noticed outside of the brewery.

8. We struggled to find any locations that meet our size needs and are available in Oxford better than the proposed location. The other commercial properties are difficult to access, lack parking, do not meet our size requirements, and rent was disproportionate to the traffic. With the Kroger across the street and with many of Oxford's fast food restaurants and businesses operating primarily as a restaurant, not a bar, within 1-3 blocks, the proposed location should be great for reminding people we are here.

9. Craft breweries entice people to visit new cities, and we think this would be great for Oxford. Looking around Oxford for a location for the brewery, we do not think we could find a better spot for ourselves and the community. Craft beers generally cost \$6 or more per pint; craft brew drinkers are generally individuals who have more disposable income. They are not going to drive to Oxford exclusively to buy a single pint. Beyond consuming our wares, they are going to want to get a meal, check out a show, rent a hotel room-- simply put, support the rest of Oxford.

10. Bars and Taverns

A. Potential Concerns

1. *Evening traffic.* Though we will be adding additional business to the area, we do not feel this will have a significant impact to the evening traffic that already exists. Considering the hours of operation of the businesses in a 1-3 block radius of us, we think we will blend right in.

2. *Noise from operations (music).* With a nano brewery, noise is not normally a problem. We do not see it being a issue in our establishment. We will NOT have live music, drinking games, or prices that contribute to binge drinking.

3. *Location and adequacy of dumpsters.* Because we are a keg to glass, we will not produce trash like a bar would. 95% of our operation will not make any garbage. We will even share our spent grains from brewing to a local farmer.

B. Regulations

1. *Site shall be a minimum of 500 feet from church school, or similar institution, except in a commercial zoning district.* This is a commercially zoned property.

2. *Structure shall be setback a minimum of 50 feet from a residential zoning district.* We request an exception for this item. As previously noted, the potential concerns pertaining to a bar/tavern are not applicable to nano breweries.

11. See attached list.

12. Although there are two houses within 50 feet of our location, we have spoken to our neighbors, including the two lining the property, and all have welcomed us. We are committed to being good neighbors, and we want to make this relationship work for us and Oxford. This city feels like home to us, which is why we are moving to this area from Wisconsin to become a part of the Oxford community.

Plat of Survey

Plot Plan, Lot #999 Sunvale Subdivision,
Section A, Plat Book 16, Page 43,
City of Oxford #968
Butler County, Ohio

For: Dean Scales
Date: 10/21/2015
Scale: 1"=20'



Lot Coverage	2090
House	
Concrete Driveway	
Concrete Private Walk	
Concrete Parking Lot	2212 Total
Total	4302Sq. Ft.

$$\frac{4302}{10,031} \times 100 = 42.88\%$$

Building Coverage
House 2090

$$\frac{21.20}{10.031} \times 100 = 20.83\%$$

Front yard Coverage (based on 35' setback)
Front Yard 6120 Sq. Ft

Parking lot & Drive way	1022
House	1156
Side Walk	304

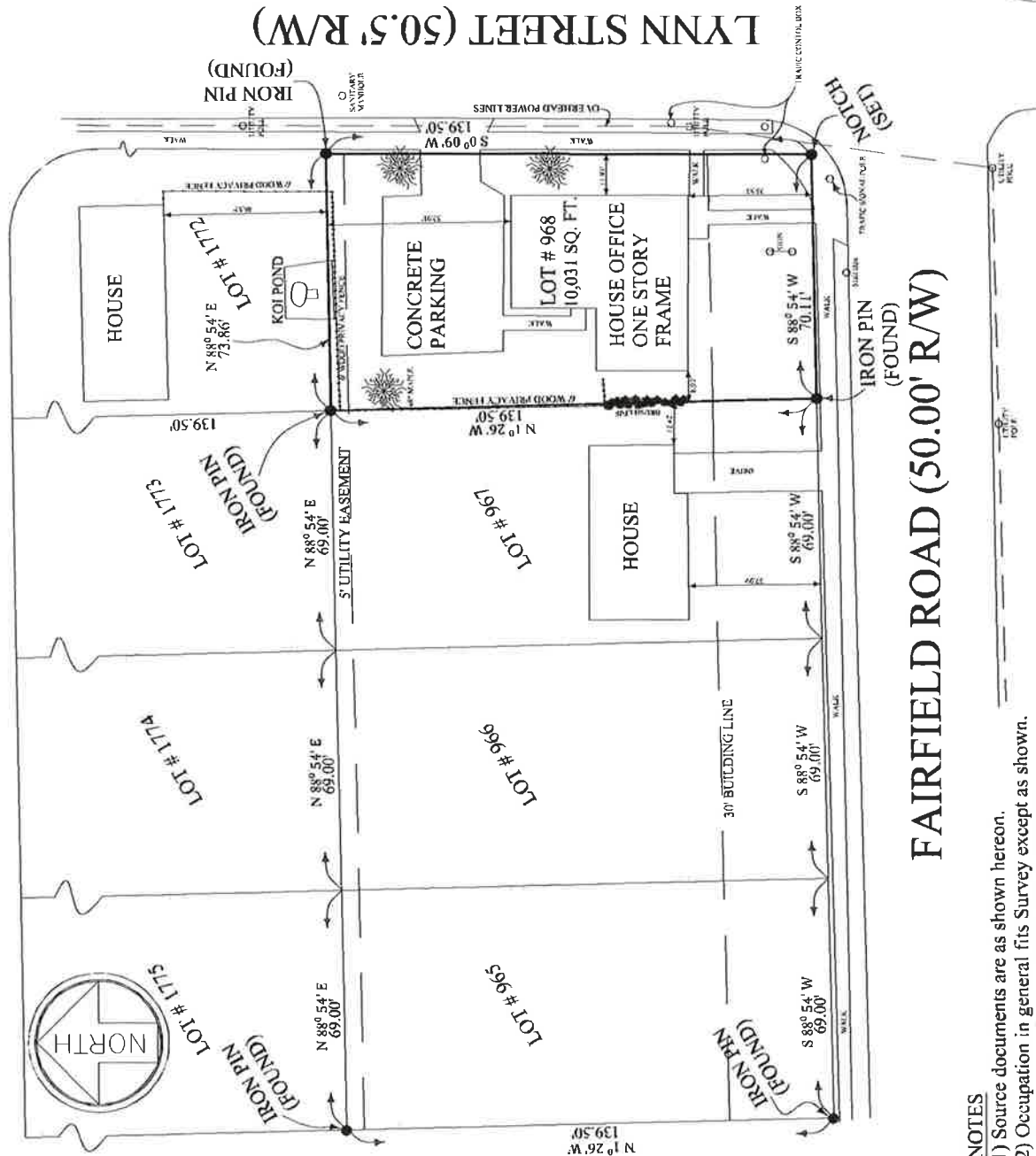
$$\begin{array}{r} 2482 \\ 6120 \\ \hline \end{array}$$

By: Brosey Land Survivors

-----513-863-0237-----

I certify that the hereon platted property was measured to acceptable Survey Standards only.

David R. Brown
Registered Surveyor, 6492 in Ohio



NOTES

- 1) Source documents are as shown hereon.
- 2) Occupation in general fits Survey except as shown.
- 3) Monumentation found is in good condition.
- 4) -o- Indicates 5/8" Iron rod with I.D. cap unless otherwise noted.
- 5) It appears that additional right of way has been conveyed to the City of Oxford, due to the fact that city utilities are in and near the Southeast corner of Lot #968. No record of said additional right of way found.

1. Dean Scales; 4423 Taft Rd; Kenosha, WI 53142; 262-220-9425
Ken Thacker; 3741 Darrcity Rd; Oxford, OH 45056; 513-615-8970

2. See attached email

3. 5859 Fairfield Rd; Oxford Ohio, 45056; _____ 968 ENT

4. The site is currently being used as a tech computer repair store with people coming and going looking for computer help and repairs. Tec Headz is open Monday-Friday 9:00 am - 6:00 pm, Thursday and Friday from 9:00 am - 5:30 pm, and Saturday and Sunday by appointment.

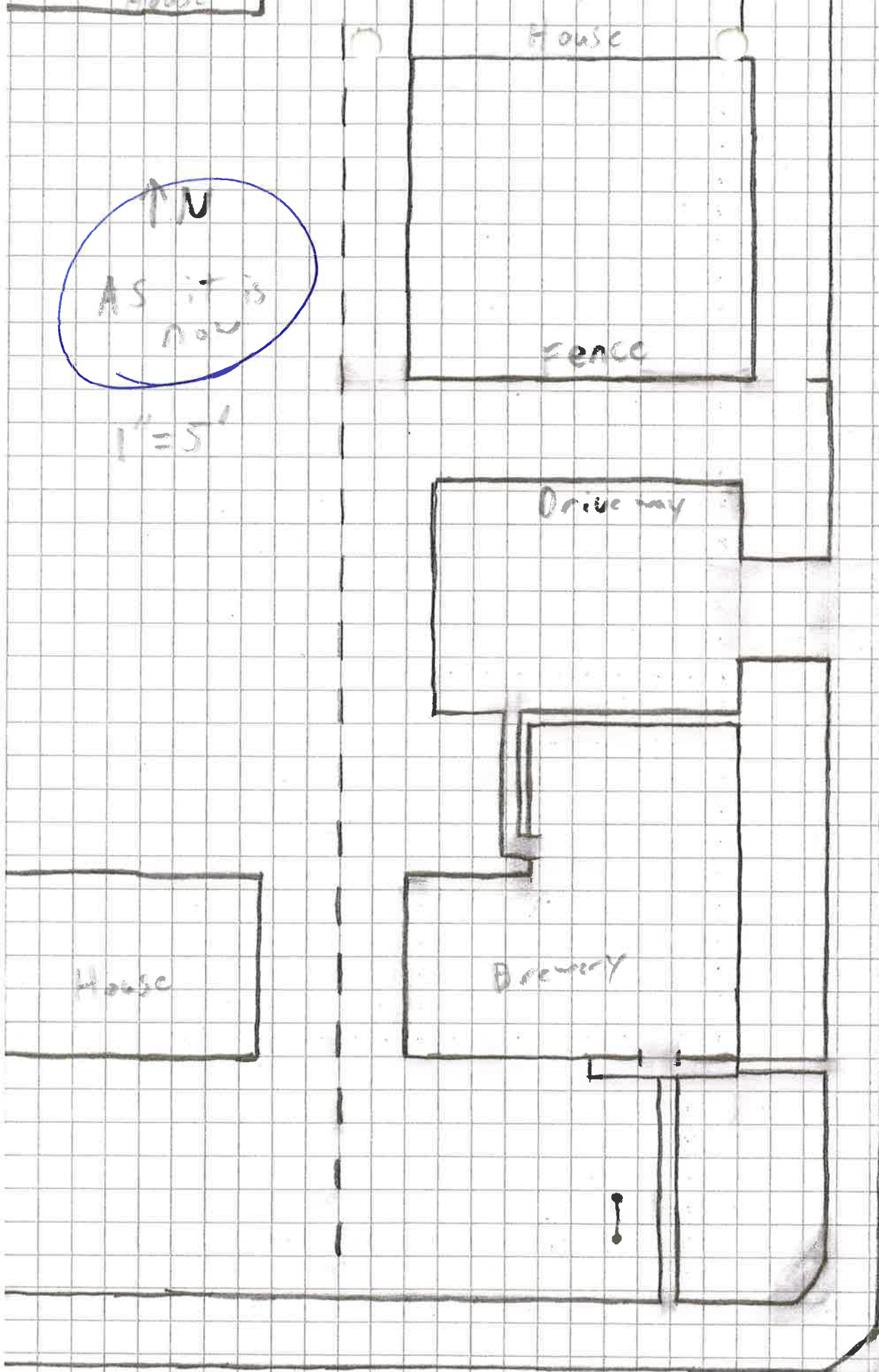
5. Zoning district is GB = General Business

Site Plan:

1. See attached survey
2. See attached survey
3. See attached Google map
4. See attached survey
5. See attached survey
6. Not changing from what it is today: 18' at highest point
7. See attached survey
8. See attached live drawings of property for new front of building sign. Size to still be decided but will not be any larger than 6x6. Also, the sign that is currently on the front yard will stay.
9. See attached hand scale drawing, live drawing, and attached survey; these illustrate our proposed enhancements. The sitting area along Lynn St. (will be 8x28), the back door landing area, and the walkways will be cobblestone and will be ground level.
10. See attached survey
11. See attached Google Maps

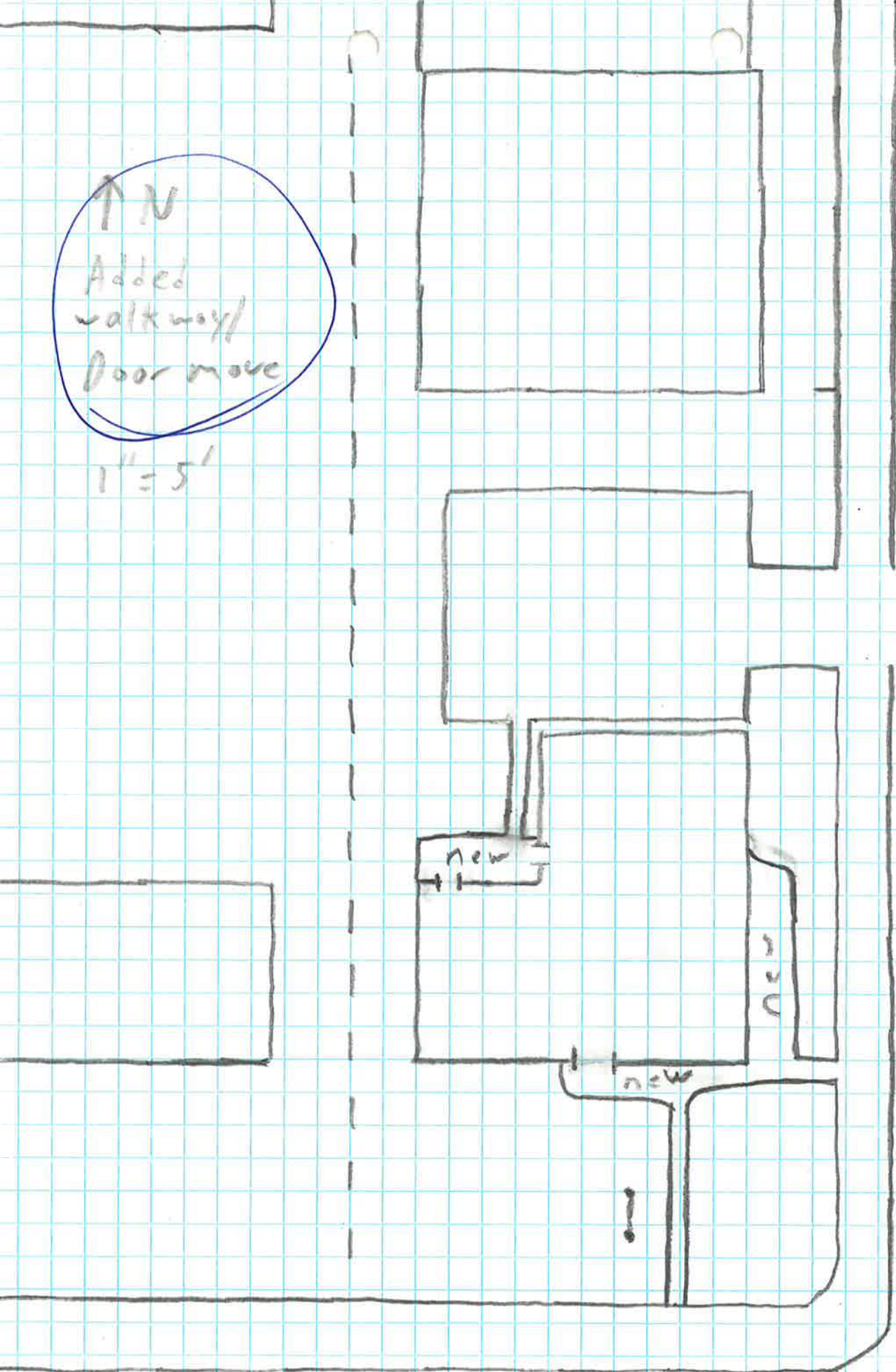
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AS IT IS
NOW

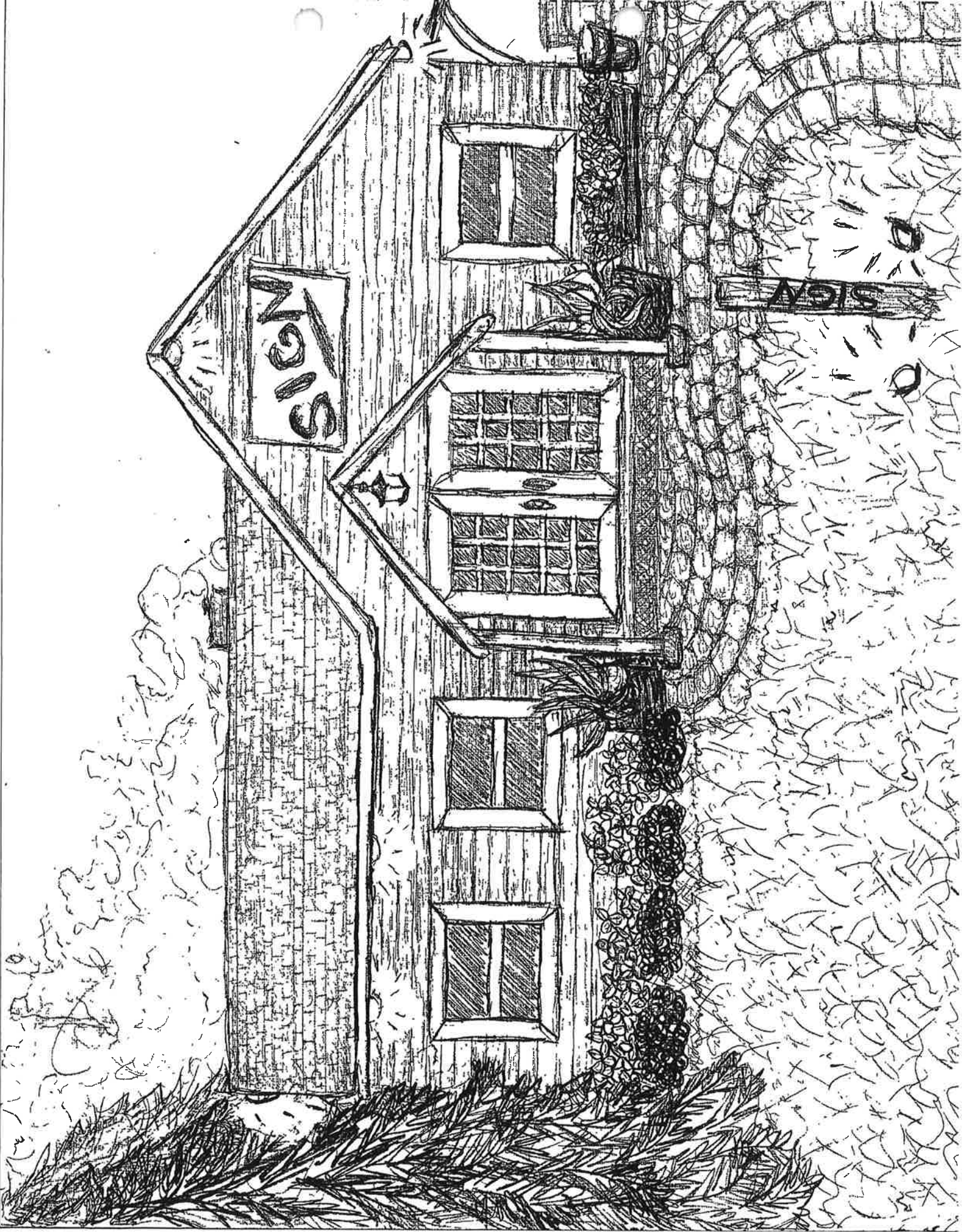
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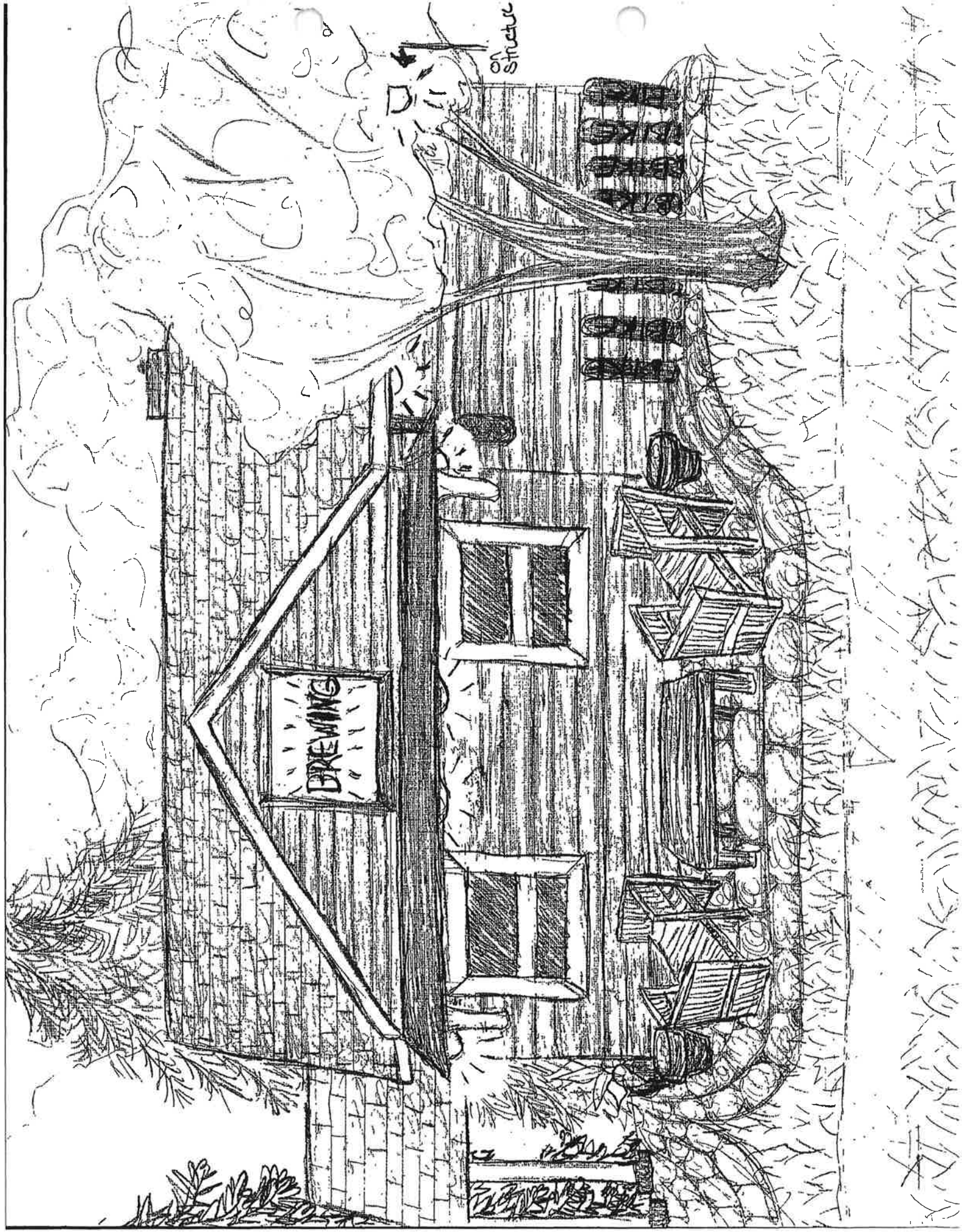


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Added
walkway/
Door move

1" = 5'

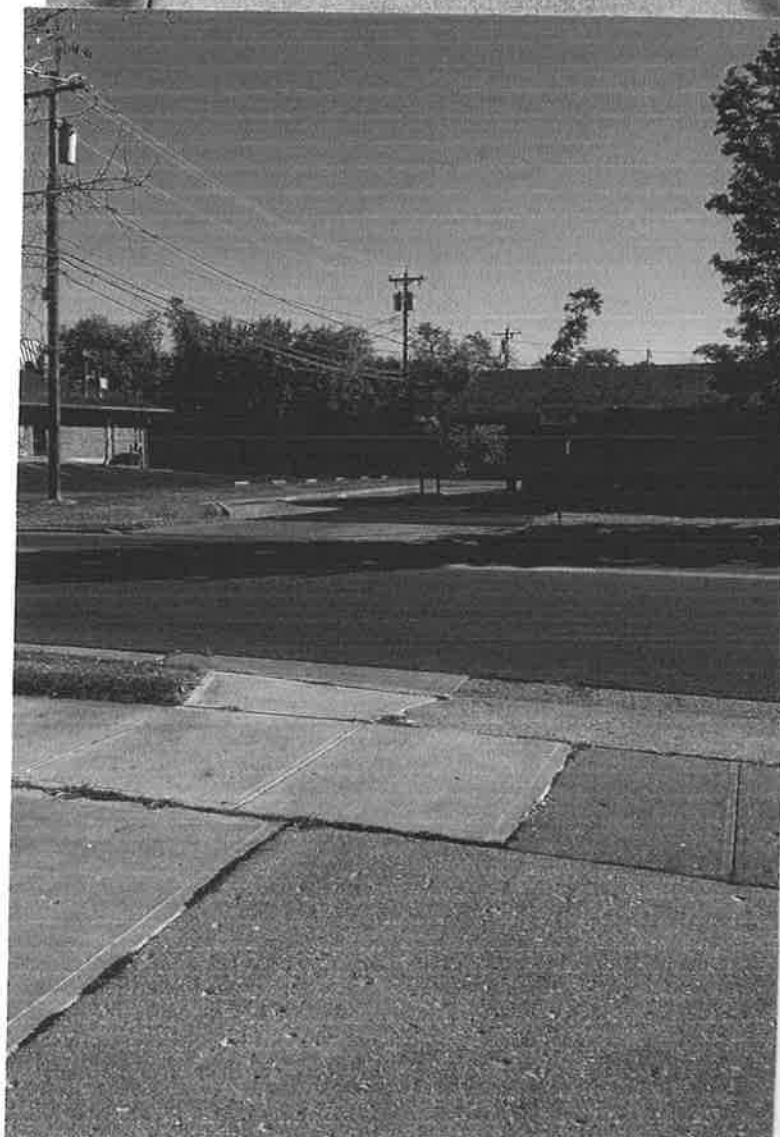


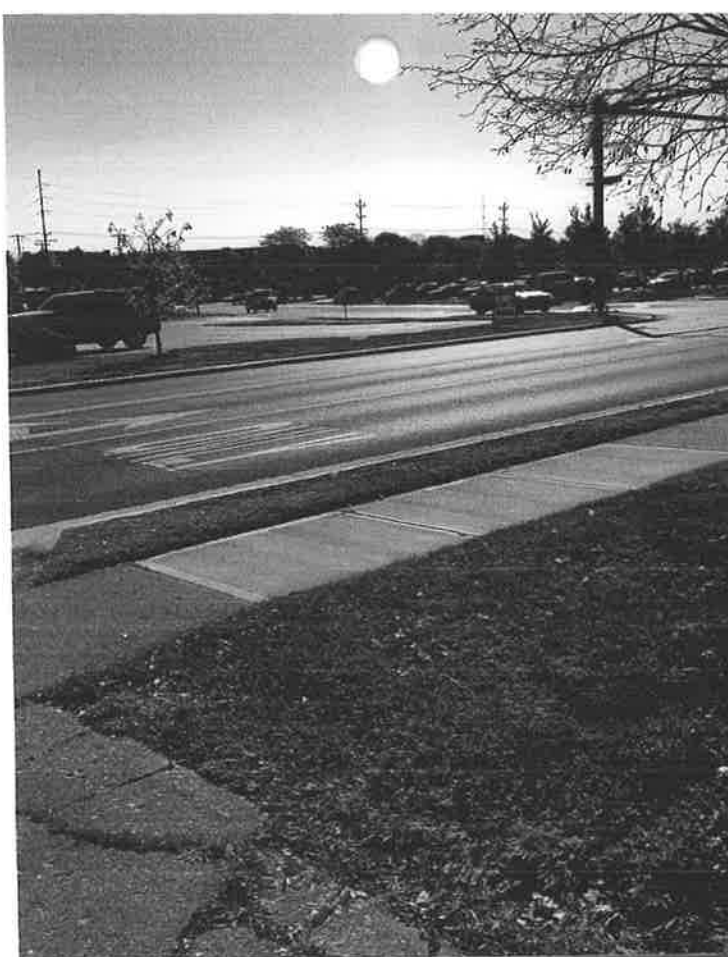


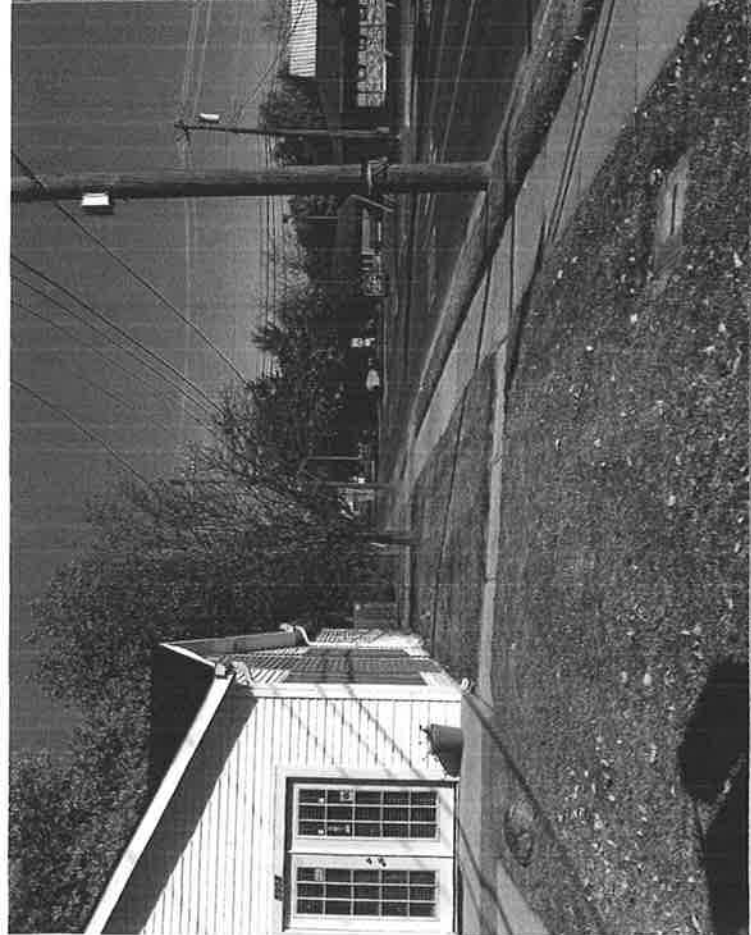
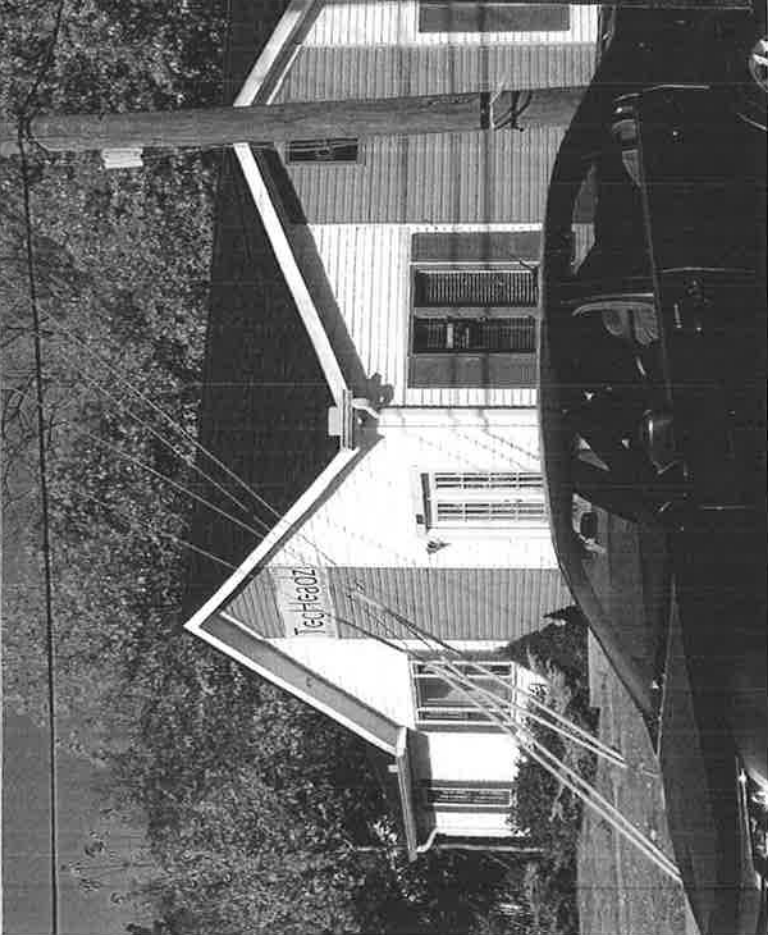


Structure

BREWING



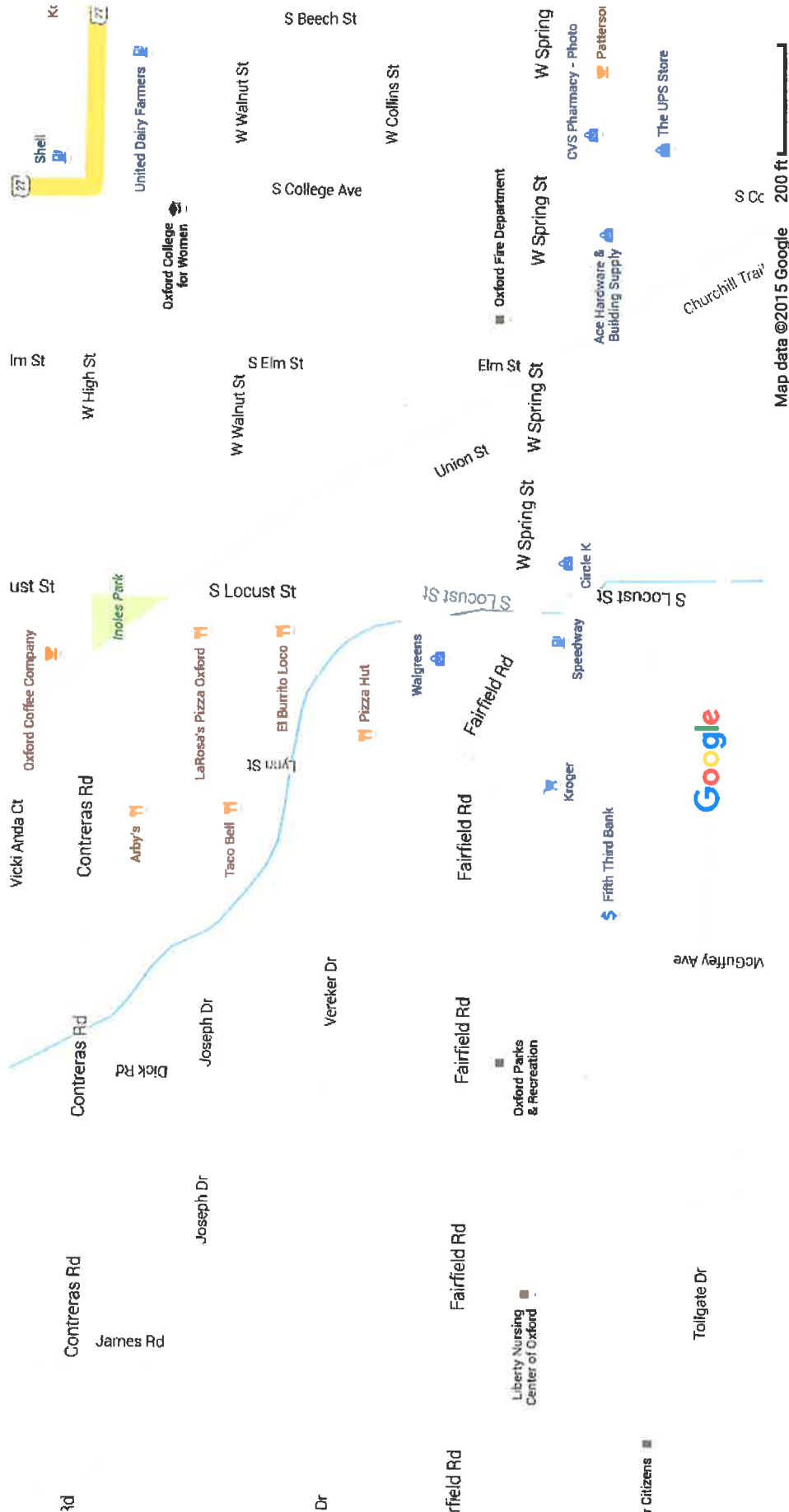








Google Maps Google Maps



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