

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-27

Date –November 13, 2018

APPLICATION

Applicant:	Scott Webb, Agent/Applicant
Location:	5990 Contreras Road
Owner:	Peter and Constance McCarthy
Action Request:	Final Planned Development
Current Use:	Two-Family Dwelling
Zoning:	R1B (Single-Family Medium Density Residential) District
Surrounding Existing Land Uses:	Single and Two-Family and Multi-Family Dwelling

GENERAL DESCRIPTION

On behalf of the McCarthy family, Architect Scott Webb is seeking a Final Planned Development approval for the property. The application request is to finalize the 2015 Preliminary Planned Development to reconfigure the existing residence into a maximum of three (3) dwelling units, with potentially one of the units being a professional office. Currently the property is a permitted two-family dwelling.

There is a multi-family dwelling neighborhood to the east, single family to the south, north and west. This area is also in close proximity to the Lynn Avenue commercial corridor.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received as of this writing.

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PC-2010-08-ADM-	Lot Split (withdrawn)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PC-2015-16	Zoning Map amendment from R1B to R3 (withdrawn)
PC-2015-23	Preliminary Planned Development – approved with conditions
PC-2015-23	One year extension approved December 12, 2017 – due to expire 12-12-18

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.:	Not returned.

See the 2015 Staff report for findings related to the 2008 Comprehensive Plan and the Planned Development Code.

ANALYSIS

Per Zoning Code an approval of a final plan that is consistent with the approved preliminary plan, should be recommended for approval. This type of Final Planned Development is uncommon because no construction is actually proposed. The only construction that may happen would be interior reconfiguration. Anything else substantial such as exterior or site changes would have to come back for Commission review. Minor changes could potentially be approved administratively. There is no clear detail for an actual professional office tenant with this proposal. The applicant is simply requesting a finalization of the preliminary rather than requesting another extension or losing the previous approval altogether. If proper parameters are placed on the office tenant with this final plan, the predictability can be ensured for neighborhood. Some minor tweaking to the conditions placed on the preliminary plan Ordinance #3334 can resolve the case.

RECOMMENDATION

Based upon the 2015 staff findings, the current final plan application and staff discussions with both the applicant and the owner, a recommendation of approval can be forwarded to City Council with the following conditions:

1. All conditions of Ordinance 3334 apply with the exception of removal of condition 'g' regarding compliance with the RO district.
2. The professional office tenant shall be limited to no more than 10 customers per day within the previously approved parameters of 8 a.m. to 8 p.m. with no more than 2 customers present simultaneously.
3. The professional office tenant shall be limited to no more than 1 non-resident employee present at any given time.
4. If the third dwelling unit or professional office tenant is not substantially established within 2 years of the approval ordinance, the final planned development approval is void.

SUBMITTED

BY:



Sam Perry
Community Development Director

DATE: November 8, 2018

ATTACHMENT

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.

ORDINANCE NO. 3334

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR PRELIMINARY PLAN APPROVAL OF A PLANNED DEVELOPMENT FOR ONE (1) ACRE OF LAND AT 5990 CONTRERAS ROAD OXFORD, OHIO 45056 TO ALLOW THE RECONFIGURATION OF AN EXISTING STRUCTURE FOR RESIDENTIAL AND OFFICE USES WITH CONDITIONS.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on October 13, 2015, in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Preliminary Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses.

SECTION 2: The Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 with conditions.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses based on the submittals of the applicant that are incorporated and made a part of this approval with the following conditions:

- a. The use shall be limited to a maximum of 3 dwelling units (the current efficiency apartment and 2 additional units) or 2 dwelling units (the current efficiency apartment and 1 additional unit) and 1 professional office (limited to only those professional office uses specifically enumerated in Oxford Zoning Code Section 1159.17).
- b. Maximum occupancy of any dwelling unit for which a rental permit is required shall be 4 persons, no more than two of which may be unrelated unless constituting a family as allowed in Oxford Zoning Code Sections 1146.02(a) and 1146.02(b).
- c. The office use shall be limited to a maximum of 2,500 square feet.
- d. Any sign for the Professional Office shall conform to Oxford Zoning Code Section 1151.05(a)(1) except only a free-standing sign will be permitted and the design of the sign shall be in harmony with the historic character of the home.

- e. The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress of the new uses and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
- f. The hours of operation of the professional office shall be limited to 8:00 a.m. to 8:00 p.m.
- g. The Planned Development shall in all other respects comply with Oxford Zoning Code Section 1143.09 RO Office Residential District.

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


MAYOR

ADOPTED: November 17, 2015

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

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)
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AGENCY REVIEWS

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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 intent 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

OLD REPORT

ATTACHMENT

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.

OLD REPORT

OXFORD PLANNING COMMISSION

Meeting Minutes
Tuesday, October 13, 2015
7:30 p.m.

Call to Order

Those members present: David Prytherch, Richard Keebler, Kate Rousmaniere, and Peter McCarthy.

Those members excused: Robert Bell, and Richard Daniels.

Staff members present: Jung-Han Chen, Sam Perry, and Stephen McHugh.

Staff members excused: Amy Blankenship.

Approval of Minutes of the September 8, 2015 Planning Commission Meeting

Mr. McCarthy asked for a correction to a motion that the Petitioner will design end units to include windows on all sides of buildings facing streets on page six of the agenda. Mr. McCarthy stated that Mr. Bell made this motion.

Mr. Benson made motion to approve the minutes as corrected. Ms. Rousmaniere seconded the motion. All were in favor.

Public Comments Related to Items Not on the Agenda

Mr. Bill Houk, 6 Bull Run, stated he was representing the Kiwanis and wanted to make the Planning Commission aware that a fundraiser to rent out some of their personal homes for parents and graduation weekends was taking place. Mr. Houk stated that the Kiwanis have selected to use airbnb to rent and manage those houses that people are donating. Mr. Houk expressed the importance of bringing awareness of these types of things to all of the Commissions and City Council. Mr. Houk also stated that he felt it would be in the Planning Commission's best interest to investigate this idea and help eliminate service fees charged by airbnb.

Ms. Barb Ellison, also representing the Kiwanis, stated that for every dollar raised goes to the Oxford community mostly to benefit children in need. Ms. Rousmaniere clarified Mr. Houk's comments, that if you rented your house through airbnb that the money would go back to the Kiwanis. Ms. Ellison stated that airbnb provides the marketing.

Mr. Prytherch noted that the renting out of properties for special events has been sneaking up for some time and could be a problem if continued to go unchecked.

Mr. Dean Scales and Ms. Erica Savage, from Kenosha, Wisconsin stated they were interested in opening a brewery tap room in Oxford. Mr. Scales described the location and felt it would be a good place to open their brewery. Mr. Scales stated they had found a great location for a nano brewery to be located at 5958 Fairfield Road. Mr. Scales explained their philosophy. Mr. Scales stated they had visited the neighbors and local business owners and have received a big thumbs up even from their close neighbors.

Mr. Prytherch thanked Mr. Scales noting that this would be a Conditional Use application. Mr. Keebler referred to possible problems with setbacks and parking.

Reports from Commissions, Boards, Committees & Staff

Mr. Benson reported on behalf of the HAPC about the Building Doctor Program that took place recently and having two very well informed members of the Ohio History Connection provide lecture and visits to sites of private owners. Mr. Benson and the HAPC hope this will be the first of many opportunities.

Ms. Rousmaniere reported on the Environmental Commission stating that they had met and discussed how they could help the Planning Commission with pending zoning code updates regarding conservation development and to bring suggestions for revisions to their next meeting.

Items Related to Platting

There was none.

Items Related to Zoning

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

Mr. Benson made motion to enter into public hearing PC-2015-22. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Perry provided an overview to allow for a conditional use for shared parking between two adjacent lots. Mr. Perry stated that the garage was being used for 10 University Avenue and was not on the same lot as the home. Mr. Perry noted that the zoning code required parking and site access conditions be brought into compliance as part of an addition to a structure. Mr. Perry provided a description of the site and stated that the addition would occur on the rear of the home. Mr. Perry referred to Sections 1149.02 and 1147.03 describing parking and site access and off-site and shared use parking. Mr. Perry stated that currently the parking/storage of vehicles was not on the same lot as the house and therefore the shared parking across the lot line would have to be eliminated, or variances applied for or a conditional use is reviewed and approved.

Mr. Perry noted that the Planning Commission can make recommendations to City Council regarding Conditional Uses. Mr. Perry stated that there would need to be a condition placed that the lots be consolidated as they have proposed. Mr. Perry stated that the existing shared parking and pavement setbacks were legal nonconforming conditions; however, the addition would require them to be corrected. Mr. Perry stated that the applicant chose to go the conditional use route versus altering the site or applying for variances. Mr. Perry then referred to the additional shared/off-street parking and other nonconformities of inadequate drive aisle and parking space setback, two lots without street frontage, inadequate lot width and inadequate rear setbacks. Mr. Perry stated that the applicant proposed to bring into conformance three of the four nonconformities and that they would be consolidating five of the six lots. The sixth lot would be considered a through lot. A Recorded Easement will be established to formalize the off-site parking. Mr. Perry noted that consolidating all of the lots would make two structures on the same lot.

Mr. Brokamp, the applicant, spoke and stated that he felt Mr. Perry provided the information accurately.

Mr. Keebler made motion to close public hearing. Mr. McCarthy seconded the motion. All were in favor.

Mr. Benson made motion to approve PC-2015-22. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. Keebler felt the Planning Commission should recommend not waiving the recorded easement agreement as it needed to be there.

Decision Standards were reviewed:

The proposed use is in fact a Conditional Use in the zoning district in which it is proposed. Yes

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

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

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

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

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. Will not

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. Response- parking is the accessory use.

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

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

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

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. Will not

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

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

Conditions were discussed.

Ms. Rousmaniere made motion of a condition that five lots for 10 University shall be consolidated into one and that the sixth lot shall remain separate; and a Recorded Easement will be established to formalize the off-site parking. Mr. Keebler seconded the motion.

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

NAY: None (0)

ABS: None (0)

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

Mr. Keebler made motion to enter into Public Hearing PC-2015-23. Ms. Rousmaniere seconded the motion. All were in favor.

Mr. McCarthy recused himself from discussion.

Mr. Chen provided an overview of the site stating it was one acre and that the Butler County Auditor information identified it as one acre. Mr. Chen also stated that the Planning Commission has the authority to waive the dimensional requirement.

Mr. Chen noted that the Planning Commission would need to look at the potential impact on the neighborhood and that the applicants were requesting approval for a maximum of three dwelling units and potentially a professional office.

Mr. Chen stated that at this time the parking configuration could potentially be 11-14 spaces and that they were changing the site from a single-family use to a mixed use. There was also a concern for generated traffic. Mr. Chen noted that this was a legitimate concern.

Mr. Chen noted that this was an odd case as the structure was not a common one seen in Oxford nor located on a one acre site. Mr. Chen noted that the current use could continue as it is (a two family). Mr. Chen noted that professional office variations could occur.

Mr. Chen stated he felt that the Planning Commission should support the structure's historic significance; however, he felt it should be limited to a two-family and office.

Ms. Rousmaniere inquired if a planned development could include the redesign of an existing building. Mr. Chen responded that a planned development was very flexible and provided leverage of the Planning Commission to decide what conditions need to be placed on it.

Mr. Prytherch inquired about the definition of a professional office. Mr. Chen responded with examples uses such as insurance agency, real estate, and architect office. Mr. Benson inquired if this was a self-determined category. Mr. Chen noted that the Planning Commission could stipulate what they think best for that site.

Mr. Benson inquired who was the final authority to determine land area. Mr. Chen responded the surveyor. Mr. McHugh responded that the Planning Commission does have the authority to waive that requirement.

Mr. Scott Webb spoke. Mr. Webb provided a PowerPoint. Mr. Webb provided a history of the property. Mr. Webb shared the neighboring properties. Mr. Webb reviewed the zoning map. Mr. Webb reviewed the 2003 zoning map amendment and its effect on the site.

Mr. Webb described what the property could become should it be decided to take down the structure. Mr. Webb reviewed the decision standards. Mr. Webb described the design and dimensional requirements, noting that the lot coverage was substantially less than what was allowed. Mr. Webb noted that additional parking area was available and would maintain the open space and lot coverage regulations.

A professional office would require a building permit for a change of use. Staff could at that time determine whether it was appropriate or not.

Mr. Webb stated it met the goals of the Comprehensive Plan and felt the planned development served the goals of the owners and the City.

Mr. Webb stated that the owners have received no interest in the house as it is currently (a solely single family use).

Mr. Webb noted that any changes proposed to an approved planned development would return to the Planning Commission for evaluation.

It was noted that there was an existing attached apartment; therefore, there would be two additional dwellings.

Mr. Benson inquired about student rentals and felt the discussion had only been about owner occupancy. Mr. Webb responded that they were not talking about student rentals and were not implying it as becoming student rentals.

Ms. Kathleen Zien, 6060 Joseph Drive, referred to the Butler County Auditor site and stated the site said .91 acres, not one acre. Ms. Zien reviewed previous appearances in front of the Planning Commission regarding this property and that the owners have made no attempt to hire a competent realtor. Ms. Zien stated she felt the price too high for the property and that anything but a single family was wrong. Ms. Zien stated she considered this as spot zoning. Ms. Zien referred to the current rental permit for the property.

Ms. Zien stated that a 3 family dwelling and allowance for 11 parking spots would cause a disturbance to the neighborhood.

Mr. Benson made motion to close Public Hearing. Ms. Rousmaniere seconded the motion.

Mr. Keebler made motion to approve PC-2015-23. Ms. Rousmaniere seconded the motion.

Mr. Keebler stated he believed this property was an anomaly. Mr. Keebler described the surrounding

properties and felt the property was improperly rezoned in 2003 thus limiting what could be done with the property. Mr. Keebler stated he wanted to assure it remained. Mr. Keebler read aloud his recommendations for conditions:

The use shall be limited to a maximum of 3 dwelling units or 2 dwelling units and 1 professional office limited to those uses specifically enumerated in Oxford Zoning Code 1159.17).

Maximum occupancy of any dwelling unit for which a rental permit is required shall be 4-persons, no more than two of which may be unrelated unless constituting a family as allowed in Oxford Zoning Code 1146.02 (a) and (b).

The office use shall be limited to a maximum of 2,500 sq. ft. Any sign for the Professional Office shall conform to Oxford Zoning Code 1151.05 (1), except only a free-standing sign will be permitted and the design of the sign shall be in harmony with the historic character of the home.

The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress the new uses and with any required changes to be designed and constructed in consideration and observance of the historical features of the structure.

The hours of operation of the professional office shall be limited to 8 am to 8 pm.

The PUD shall in all other respects comply with Oxford Zoning Code 1143.09 RO Office Residential District. Mr. Webb noted that there were plenty of spaces for parking.

Mr. Benson stated that he liked Mr. Keebler's proposed conditions. Mr. Benson added though that the inevitable question is can they trust what they will get would be the same as what was proposed. Mr. Keebler responded that he wasn't aware of any time they had been burnt on a PUD; however, they have been burnt on zoning changes.

Mr. Prytherch stated that he felt a planned unit development was the best solution; that zoning section 1145.01. gave him a level of comfort since conditions could be set, and that they want to have more conditions than less.

Mr. Benson stated that he was concerned about universal accessibility.

Mr. McHugh referred to placing a condition regarding hours of operation and if the Planning Commission would want to reduce those allowable hours. Discussion followed. Mr. McHugh stated they had a condition for the applicant to provide a survey. Discussion followed. Mr. McHugh noted that the Planning Commission has the right to waive the dimensional requirements.

Mr. Prytherch inquired if staff conditions were similar to Mr. Keebler's. Mr. Chen responded that when the applicant submitted their proposal staff would see if they are met.

Discussion of hours of operation followed. Hours of operation shall be 8 a.m. to 8 p.m.

Ms. Rousmaniere stated she didn't like the rezoning of this property but did like adaptive reuse. Ms. Rousmaniere felt Mr. Keebler's conditions fit with neighbor concerns.

Mr. Keebler made motion that the 7 conditions as discussed be added to the approval of PC-2015-23. Ms. Rousmaniere seconded the motion. All were in favor.

Decision Standards were reviewed:

The proposed planned development is in fact permitted in the zoning districts in which it is proposed. Yes

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

The uses and site plan will satisfy the general intent of this Zoning Code. Yes

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

The size and shape of the site are sufficient for the proposed planned development. Yes

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

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. Should not Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses. NA

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

Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services. No

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

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

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

AYE: Benson, Rousmaniere, Keebler, Prytherch (4)

NAY: None (0)

ABS: McCarthy (1)

Old Business

There was none.

New Business

There was none.

Other Business

There was none.

Items Under Consideration for Future Discussion - Commercial District Diversification *
Neighborhood compatible commercial districts * Commercial core: walkability and mixture of uses

Adjournment

Mr. Keebler made motion to adjourn the meeting. Ms. Rousmaniere seconded the motion. All were in favor. The meeting was adjourned at 9:24 p.m.

City of Oxford
Inter-Office Review Transmittal Sheet



Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

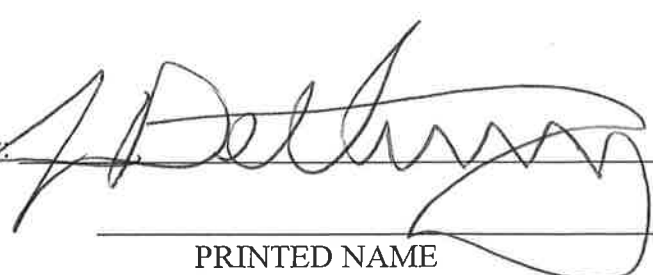
PC-2018-27, FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, **Scott Webb Applicant/Agent**

 X Review Revisions Other

Please return no later than: **November 5, 2018** 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:



PRINTED NAME

Date: 10-16-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-27, FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, **Scott Webb Applicant/Agent**

 X Review Revisions Other

Please return no later than: **November 5, 2018** 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: Scott Otto Date: 10/30/18

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-27, FINAL PLANNED DEVELOPMENT, 5990 Contreras, finalizing previously approved 2015 preliminary plan Ordinance 3334 for up to 3 units, **Scott Webb Applicant/Agent**

 X Review Revisions Other

Please return no later than: **November 5, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

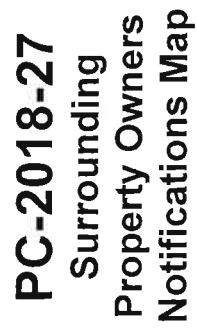
Drawings reviewed by: _____

Date: _____

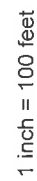


JOHN A. JONES

PRINTED NAME



Paved Roadway



Prepared on Wednesday, October 24, 2018

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

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding a proposed Planned Development at 5990 Contreras Road.

Thank you,

Signed:

Peter & Constance McCarthy

Constance McCarthy
Peter McCarthy

10/10/18
Date:



Internal Use Only:

Case No.

PC-2018-27

Date Filed

9/28/18

Planned Development Application

Application Type

Choose One

☐

Preliminary

☒

Final

☐

Preliminary & Final

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 *

Email Address

pecomcc@gmail.com

Engineer/Surveyor Information

Name *

Bayer Becker Engineers & Surveyors

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 *

See 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 fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$470.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *



Date *

9/28/2018

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 containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the 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).**

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/>

Sam Perry
Community Development director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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 Sam,

Please accept this letter as a formal request for a Final 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 as approved in the Preliminary Planned Development.
 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 as approved in the Preliminary Planned Development.
 3. Hours of operation for such a professional office would be limited to 7:00 am to 8:00 pm. as approved in the Preliminary Planned Development.
 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 Application for a Planned Development was undertaken to allow for the various uses as described in order to allow the adaptive reuse of this grand old home for a potential new owner.

Now that the house is under contract, the current owners are looking to finalize the parameters of the approved preliminary planned development for the new owners prior to the property changing ownership.

The Approved Planned Development included no construction, changes in utilities, or paving, so no engineering review is required. Nothing has changed or been added to the structure or site since the Preliminary Planned Development was approved, and no new construction is proposed.

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: 43,564 SF. (1 ACRE)
 LAND USE: MULTI-FAMILY RESIDENTIAL & PROFESSIONAL OFFICE
 RESIDENTIAL DENSITY: 100% OF UNDERLYING R-1A ZONING DISTRICT
 R-1A • 15,000 SF. PER DWELLING UNIT • 2.5 DWELLING UNITS
 100% OF 2.5 • 32 DWELLING UNITS
 (12) OCCUPANTS • (3) DWELLING UNITS • MAX (4) PER DWELLING
 DIMENSIONAL REGULATIONS:
 BUILDING HEIGHT MAX 35' (UNDERLYING ZONING DISTRICT)
 FRONT SETBACK: 30' (UNDERLYING ZONING DISTRICT)
 REQUIRED PERMETER SETBACK = 25'
 OPEN SPACE:

MIN 20% OF LOT NOT INCLUDING SETBACK AREAS

4,740 OPEN SPACE AREA 1

4,474 OPEN SPACE AREA 2

9,214 SF. • 21%

LOT COVERAGE:

MAX 25% ENCLOSED BUILDINGS

3,491 SF. EXISTING RESIDENCE

5,300 SF. EXISTING ACCESSORY STRUCTURE

4,671 SF. • 9.25%

MAX 35% LOT TOTAL

4,671 SF. • ENCLOSED BUILDINGS

5,351 SF. • DRIVES, SIDEWALKS & PATIOS

9,418 SF. • 21.62% EXISTING

• 800 SF. • FUTURE COMMERCIAL PARKING

• 442 SF. • FUTURE RESIDENTIAL PARKING

10,610 SF. • 24.45% 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

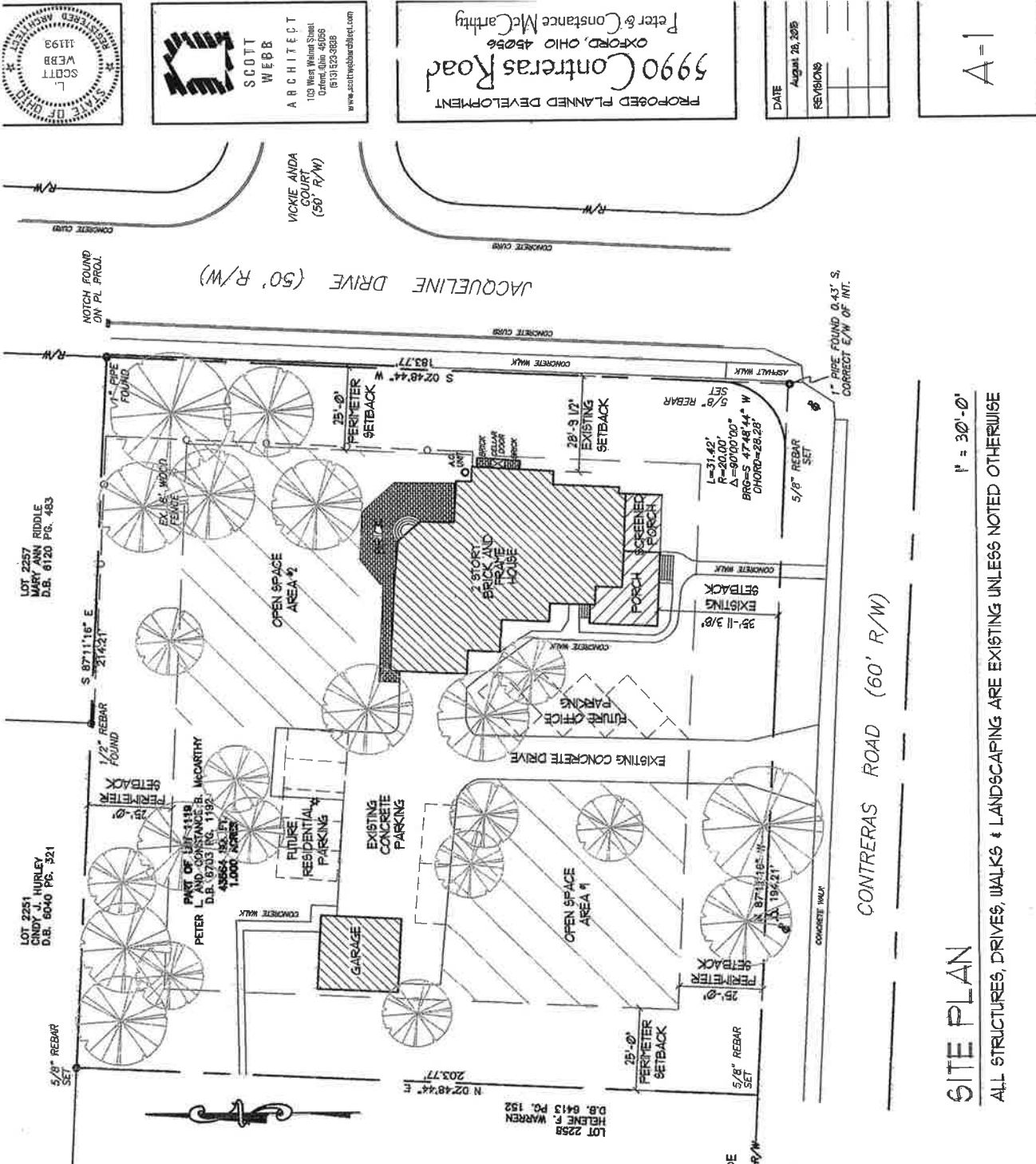
UTILITIES & INFRASTRUCTURE:

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
 Oxford, Ohio 45056
 (513) 522-3338
 www.scottwebbarchitect.com

5990 Contreras Road
 PROPOSED PLANNED DEVELOPMENT
 OXFORD, OHIO 45056
 Peter & Constance McCarthy

DATE	August 28, 2018
REVISIONS	

A-1

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-28

Date – November 13, 2018

APPLICATION

Applicant:	Engineer Mark Rosenberger (Bayer Becker)
Action Request:	Zoning Map Amendment from R1B (Single-Family Medium) to GB (General Business)
Location:	5234 Hester Road
Acreage:	2.17 Acres
Owner:	Christopher Rodbro
Current Use:	Vacant land (no buildings)
Surrounding Land Uses:	Medium and low density single family, hotel, bank, vacant
Comp Plan Designation:	Neighborhood Enhancement/Neighborhood General 3

DESCRIPTION

This is a map amendment request (rezoning) from Mark Rosenberger on behalf of the potential buyers, Century Hotel Group. The request is to amend the Oxford Zoning Map for one parcel from Single Family Medium Density Residential to General Business.

SITE BACKGROUND

The property was formerly a homestead with one house which was cleared within the past decade. Following the US 27 North improvements in 2007 there have been new businesses build and grow along the nearby commercial corridor. A closed business (former Dairy Queen) near the intersection was eventually acquired by the city and converted to green space. On the other side of the subject parcel, residential growth has occurred: The first half of the Habitat for Humanity subdivision (Carter and Fuller) is now complete followed by gradual infill of larger lot residential in Northridge Subdivision. Therefore the site sits in the middle between the two distinct land uses.

COMPREHENSIVE PLAN

The 2008 Comprehensive plan does not provide specific guidance on this individual parcel. The land is labeled as an ‘already Developed’ parcel on the Conservation and Development Map 3.6. This is likely because there was a house on it at the time of the adoption of the plan. The Character Area Map 3.7 labels the land as part of Neighborhood General 3, which is, generally speaking, all of the residential areas outside of the Mile Square.

Although the 2008 Comp Plan does not provide specific guidance, it does provide general guidance through the Land Use Principles found on pages 3.8 to 3.12, objectives in Economic Development Chapter 6 and objectives in Housing Chapter 7. Some pertinent excerpts of those principles and objectives are included below. *Italics are staff comments.*

Infill development and redevelopment of underutilized sites is a priority (Page 3.9)

- Specific sites will be targeted for redevelopment.
 - *The subject site was not targeted for redevelopment in the 2008 Comp Plan. However since that time the house has been removed and the commercial corridor has experienced some infill.*

Streets will create an attractive public realm. (Page 3.11)

- *The 2008 Comp Plan identifies that the streetscape is important to the pedestrian experience and goal of small town character. The streetscape includes abutting private development. The proposed map amendment would allow a wide range of commercial uses which, if not sensitively designed, could have a negative effect on the streetscape.*

Expand housing options (Page 7.4)

- Housing Strategy 2.5: Incorporate a variety of housing types and prices as part of mixed-use development
 - *The proposed map amendment removes a large parcel from the residential supply. The parcel is large enough (over one acre) for a Planned Development, which is an additional development option that would be lost with this rezoning.*
 - *This particular location of residential land is less likely to be targeted for university student housing because of the distance from Miami campus.*

Economic Development Objective 2 (Page 6.5)

- Attract new businesses consistent with the skills of the local community, quality of life, and identified economic needs
 - *While the rezoning would not guarantee a hotel, the likelihood is very high because of the current applicant scenario. Recent discussions regarding short term rental legislation have highlighted the fact that the supply of only 377 hotel rooms in Oxford causes tourism dollars to be spent in other communities.*

AGENCY REVIEWS

Police:	Returned without comments.
Engineering:	Returned without comments.
Econ. Dev.	No comments returned.
Fire:	Returned without comments.

DECISION CRITERIA

A copy of the Zoning Text Amendment Decision Criteria is attached.

Oxford Zoning Code Chapter 1135 outlines the map amendment process and decision standards that the Planning Commission needs to follow, and the decision standards are as follows and attached:

- A. There is an error on the Official Zoning Map or in the delineation between the districts.

As stated by the applicant, the RO zoning was formally established by Oxford City Council in 2003. This was not an error. An error would be something that was made due to a technical problem in the recording of the line on the map. This same boundary line was clearly known and advertised the same before the hearing as it was after the publication.

- B. The proposed amendment will make the map conform more closely with the Comprehensive Plan.

There appear to be competing goals (housing and economic needs) in the 2008 Plan that could be applied to this property. However, the amount of discussion in the Comp Plan on diversifying housing seems to be a prominent theme. The Commission discussion and information presented should determine which goals will tip the scale in one direction or the other.

- C. There has been a substantial change in area conditions that necessitated the amendment.

Recent substantial changes since the adoption of the 2008 Comp Plan:

- *Completion of the US 27 North right of way improvements (widening, trees and sidewalks)*
- *As previously stated, the additional infill development on the US 27 North Corridor. The Dairy Queen was removed and the nearby Somerville bank was added since the plan adoption.*
- *Removal of the one house on this lot that came after the plan adoption.*

- D. There is a legitimate need for additional land area in the zoning district that will be expanded.

There is existing land in the GB district in this immediate area that contains single-family homes and small businesses. However, there is complexity of assembling those properties for a single commercial development compared to vacant land. There is also completely vacant GB land further north on this corridor.

The inverse of this decision criteria can also be discussed: Is there is a legitimate need to remove land area from this zoning district in this particular location? (R1B)

The Planning Commission needs to evaluate the application based on the decision standards outlined in Chapter 1135 to determine whether the request meets at least one criteria and if the benefits will likely outweigh any potential pitfalls. Staff analysis is that decision criteria C has the strongest link in support of the request, but not to the degree of ***necessitating*** the proposed amendment since there is vacant or underutilized GB land on this corridor.

RECOMMENDATION

If the Commission does not find that any of the four criteria have been met, it can forward a recommendation of denial to City Council. It can cite staff findings as written and/or add it's own findings before forwarding a recommendation. Staff findings are that none of the four criteria have been met.

SUBMITTED

BY:



Sam Perry, AICP
Community Development Director

DATE: November 9, 2018

ATTACHMENT

(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 legitimate need for additional land area in the zoning district that will be expanded.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

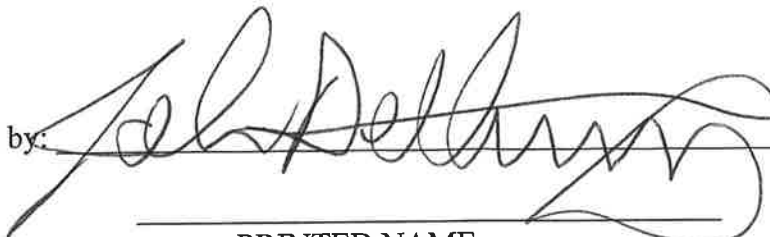
PC-2018-28, ZONING MAP AMENDMENT, 5234 Hester Road, 2.17 acre vacant parcel, from R-1B (Single Family Medium Density Residential) District to GB (General Business) District, Danny Nagar, Century Hotel Group, Applicant/Agent

 X Review Revisions Other

Please return no later than: **November 5, 2018** 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:



PRINTED NAME

Date:

10-16-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-28, ZONING MAP AMENDMENT, 5234 Hester Road, 2.17 acre vacant parcel, from R-1B (Single Family Medium Density Residential) District to GB (General Business) District, Danny Nagar, Century Hotel Group, Applicant/Agent

 X Review Revisions Other

Please return no later than: **November 5, 2018** 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:

Scott Otto

Date:

10/30/18

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: October 10, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-28, ZONING MAP AMENDMENT, 5234 Hester Road, 2.17 acre vacant parcel, from R-1B (Single Family Medium Density Residential) District to GB (General Business) District, Danny Nagar, Century Hotel Group, Applicant/Agent

 X Review Revisions Other

Please return no later than: **November 5, 2018** 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 A. Jones

PRINTED NAME

Date: _____

10/15/18



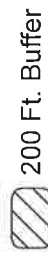
PC-2018-28

Surrounding Property Owners Notifications Map

Legend



Subject Parcel



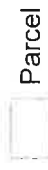
200 Ft. Buffer



Oxford Corp. Limit



Address Point

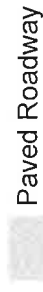


Parcel

16.5' Vacated ROW



Building Footprint



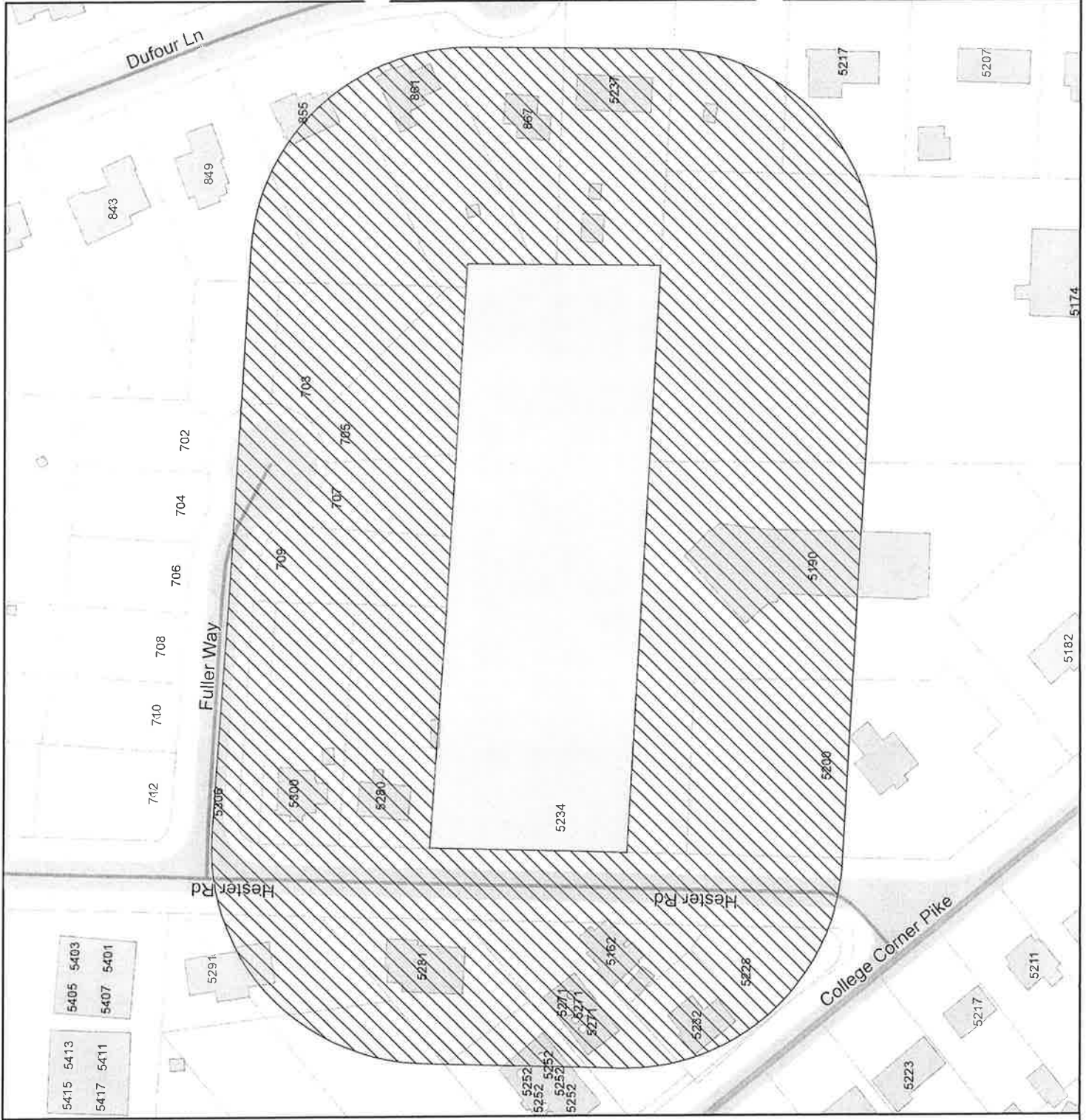
Paved Roadway



1 inch = 125 feet

Prepared on Wednesday, October 24, 2018

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.





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Meets Functionality*

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Mark R. Rosenberger, Project Manager at Bayer Becker Inc has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding a proposed Zoning Map Amendment at 5234 Hester Road, Oxford Ohio 45056

Thank You,

Signed: 

9.28.18

Date:

Printer Name: Christopher Boshart

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>



Internal Use Only:

Case No.

Date Filed

PC-2018-28

9/28/18

Zoning Map Amendment Application

Applicant Information

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

Name * Century Hotel Group

Mailing Address * 5100 Natorp Boulevard

City, State & Zip Code * Mason, Ohio 45040

Telephone Number(s) * 513-225-2137

Email Address Danny@Centuryhg.com

Location and Lot Information

Location * 5234 Hester Road

General Description of Proposed Amendment * The proposal is to rezone a 2.17 +/- Acre parcel from R-1B to GB - General Business.

Current Zoning * R-1B Single Family Medium Density Residential

Proposed Zone(s) * GB - General Business

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

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

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

Surrounding Property Owners

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

Decision Process

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

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

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

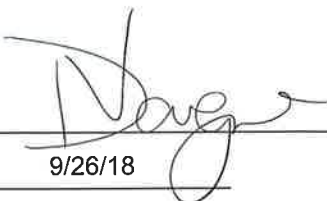
Fees & Receipt

The required fee is \$150.00, plus \$10.00 postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *

 Danny Nagar
9/26/18

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 charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

Note: You must adhere to notification and publication requirements. Submit materials 45 days prior to the 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).**

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/>



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Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

Sam Perry, Director
City of Oxford
Municipal Building
15 South College Ave
Oxford OH 45056

RE: Application for Zoning Map Amendment
5234 Hester Road
Oxford, OH 45056

September 28, 2018

Dear Mr. Perry,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning commission and Oxford City Council for a Zoning Map Amendment for the property located at 5234 Hester Road. The current zoning is R-1B (Single Family Medium Density Residential District) and the request is to change the property zoning designation to GB (General Business District).

Statement responding to Decision Standards from Section 1135.02 (c -1) on the application.

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

A. *There is an error on the official Zoning Map or in the delineations between districts.*

There is no error on the map, however the vacant and narrow property does not lend itself to maximizing the use under the R-1B district for future residential development opportunities.

B. *The proposed amendment will make the map conform more closely with the Comprehensive Plan.*

The subject parcel is currently vacant and is located contiguous to the GB – General Business district zoning. Per Chapter 6 “Economic Development” the proposal for a hotel will clearly make this conform more closely with the Comprehensive Plan. Especially noting the following objectives.

Objective 1 *“Retaining and expanding businesses”*

ED 1.2 states: Identifying key local business concerns. This proposal addresses local business concerns for the need of additional overnight accommodations.

Objective 2 *“Attracting new businesses consistent with the skills of the local community, quality of life and identified economic needs”*

ED 2.3 states: Create strategies to specifically attract service-based retailers to the redevelopment area along Locust Street and the U.S. 27 North corridor. The proposed hotel will provide this very service and job opportunity for the residence in the area.

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

110 South College Ave, Suite 101
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

The addition, the parcel to be developed will be consistent with the existing hotel currently operating next door. The proposed use could add up to 30 new employees with a payroll approaching \$700,000 and investment of \$10,000,000.

- C. *There has been substantial change in the area conditions that necessitates the amendment.*

As mentioned previously the current parcel of land is vacant and is located contiguous to an existing hotel currently operating next door. The U.S. 27 North corridor has seen significant business development in past years and this parcel is very viable for this use.

- D. *There is legitimate need for additional land area in the zoning district that will be expanded.*

This proposal will provide additional, much needed, overnight accommodations for the Oxford area. The population growth and increase of weekend and weekday activities is supporting evidence for this need.

Bayer Becker has been authorized to act as agent for the Century Hotel Group for this request. In addition to this letter we have attached a copy of the legal description, vicinity map, zoning map, current conditions map, letter of agency and the list of adjacent owners within 200 feet of subject parcel.

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

 Respectfully,

Mark A. Rosenberger
Project Manager





SITE

R1A

GB

7

R3

D1D

