

Memo



To: Planning Commission
From: Sam Perry, Community Development
Date: 7/5/2018
Re: 104 McKee Ave music lessons, PC 2018-10

Since the time of the June 12 hearing on this case:

- Staff met with Oxford Police Department to discuss some of the safety concerns raised. The department looked at the area at different times of day.
- The June 12 meeting minutes are only complete for this case. See attached. June and July minutes will be provided at the August meeting.
- We received four email messages from members of the neighborhood. All of those have been forwarded to owner/applicant Mr. Jon Sanford. Mr. Sanford has reached out to neighbors again and also researched other options. Staff has had good collaboration with Mr. Sanford.
- Mr. Sanford has submitted the attached written proposal to the Commission to reduce the impact of the business primarily by limiting the number of non-resident teachers from 7 to 2. The number of client visits per week would likely still exceed 10, which would require the conditional use process, rather than the permitted home occupation. A permitted home occupation would mean that Mr. Sanford could withdraw his conditional use application.
- The Commission can remove the case from the table and continue discussion or re-open the hearing to take any new information. All other previous findings and information for the case will be contained in the June agenda/packet. A recommendation of the conditional use for music school in a residential district should be forwarded to City Council. The recommendation based upon written findings of fact can be for:
 - Approval with conditions or
 - Denial

June 28, 2018

Dear Mr. Perry,

After learning about the concerns from a number of neighbors at the public hearing on June 12, 2018, I'd like to present a number of significant changes to my original Conditional Use Application which I believe will satisfy the desires of the community and neighborhood. These changes will require a significant amount of sacrifices made by me, the teachers of Oxford Music Academy, as well as the students and families who are currently enrolled in the school. Ultimately, it's my goal to continue to attract teachers to this community who otherwise wouldn't be teaching in Oxford to offer the best services at a price that residents can afford.

After the last hearing, I took immediate action to search for potential locations that could house the entire music school. Comments were made at the last hearing which made me think the Oxford Community Arts Center might be an easy solution. I met with the executive director the very next day and was disappointed to find out that things haven't changed since the last time I contacted them over a year ago. I was told that the spaces weren't conducive for music studios because of issues with sound. Noise complaints are already being made by other renters about the two music studios that are already in operation without adding the 7 teachers that are affiliated with Oxford Music Academy to the mix. Even if there wasn't a noise issue, they simply don't have the space available to house Oxford Music Academy.

Additionally, I enquired about a number of other available commercial spaces in town. None of them were at a price that would be feasible for a school of this size to afford without making a significant increase to the tuition families pay. Raising the rates would make it difficult for many in the community to continue music lessons.

I've also looked into space at the Fitton Arts Center in Hamilton. They only have a total of two studio spaces which are already in use by other instructors. This would have been a last resort because it would be a challenge for many in this community to regularly travel that distance each week for lessons.

Finally, I've contacted a number of churches in the area after learning that there are music studios in other communities that operate out of churches at a cost less than the traditional commercial space. Several are beginning the process to request approval by their boards and committees. These churches would not have the space to house the entirety of Oxford Music Academy, but might be of assistance by housing a portion of our instructors to help with my revised plan.

The first part of my revised plan is to eliminate the third teaching space from my home that was added after the first instructors were hired about a year and a half ago. This would just leave the two rooms that I originally had when I was only teaching by myself – which is the room with the semi-concert grand piano and the digital piano lab on the opposite side of the home.

This one change alone would reduce the total number of vehicles, teachers, and students that are present at any given time as well as significantly reduce the number of potential students throughout the course of the entire week.

I'm proposing that I would continue to offer my own Accelerated Piano Group Program and Traditional Private Piano Lessons out of my home. Even though I hope to relocate the violin, voice and guitar lessons, it's not as easy as it might seem to relocate the other piano teachers as well. Even though many churches do have pianos, many are not at a quality suitable for professional lessons. Even if they were, they are often in spaces that are already used for weekly rehearsals or meetings. It took a lot of work and loans to acquire the instruments we currently have and we would not be in a position to provide additional instruments of the same quality to the each piano teacher if they were forced to teach in different locations. These instruments are something we're currently able to share which benefit both the teachers and students from the community.

Because of these reasons, I'm requesting to have up to two non-resident instructors teaching out of my home – one to assist in the accelerated group classes and the other to offer private piano lessons. With the potential of a church hosting 1 or 2 studio spaces, it would hopefully be possible for me to relocate the violin, guitar, and voice lessons. Additionally, it would be much easier for me to implement a buffer zone between group classes. I would no longer be able to coordinate schedules for multiple students in the same family learning multiple instruments at the same time, which unfortunately is a loss and inconvenience to the families enrolled in the school.

These changes would produce a large cut in the number of teachers, students and parents present at one time. One of the major issues presented at the previous hearing was the danger to pedestrians when vehicles park on McKee Avenue. This change would completely eliminate the need for any parking on McKee. Another concern was a congested cul-de-sac on Tenney Court. However, anybody coming for the group piano class would be able to park on my driveway which holds at least 4 vehicles. These vehicles wouldn't have a need to even enter the cul-de-sac. This reduction would perhaps only require a maximum of 1-2 cars parked on Tenney Court, if any at all.

Some were concerned about reckless drivers coming into the neighborhood. Although I'm sure that could still happen whether this conditional use was permitted or not, the studio contract would remind our students about simple traffic rules to obey such as speed limits, U-turns, stop signs, or inappropriate parking. I would ask parents, students and neighbors to report any violations to me – not that I'd be taking on the role of law enforcement – but to let any offenders know that future offenses would be grounds for dismissal from the studio so that the poor actions of one client don't ruin the opportunities we provide to the rest of the community.

I'm confident that these changes will satisfy the desires of the neighborhood, as they address the major concerns that have been brought up to me. These changes come with me, our teachers, our students and parents making a significant amount of sacrifice in order to continue to offer our services to the community, so I hope it will be seen as a fair compromise when considering conditional use approval.

Sincerely,



Jon Sanford

OXFORD PLANNING COMMISSION

Meeting Minutes

Tuesday, June 12, 2018

7:30 p.m.

*THESE MINUTES ARE INCOMPLETE

Call to Order

Those members present: Richard Daniels, Robert Bell, Steve Dana, Mike Smith, Pete McCarthy, William Snively, and Shana Rosenberg.

Those members excused: None.

Staff members present: Sam Perry, and Steve McHugh.

Staff members excused: None.

Approval of Minutes of the May 8, 2018 Planning Commission Meeting

Mr. Dana made motion to approve the May 8, 2018 minutes with a minor correction from Ms. Rosenberg. Mr. Daniels seconded the motion. All were in favor. Mr. Bell abstained as he was not at the meeting.

Public Comments Related to Items Not on the Agenda

There were none.

Reports from Commissions, Boards, Committees & Staff

Mr. Dana reported on City Council discussion regarding a vigorous effort to work with staff on a complete streets policy with special concern the future of Sycamore Street and striping for bicycles. Mr. Smith stated that a couple alternatives are being discussed for Sycamore Street. Mr. Bell stated he had met with City staff and discussed whether there should be a committee for this, making clear there is a plan for sharrows versus bike lanes, versus shared lanes.

Mr. Snively reported on the Environmental Commission presentation from Butler County Solid Waste District. Discussion followed regarding littering and recycling.

Mr. McCarthy reported on HAPC and having met with Hillel Center regarding their renovation project.

Mr. Perry discussed short term rentals and hopefully coming back next month with the Planning Commission. Mr. Perry stated that soon staff would be submitting some zoning code cleanup. Mr. Perry thanked Mr. Bell and Mr. McCarthy for their service on the Planning Commission.

Items Related to Zoning

PC-2018-10, CONDITIONAL USE, 104 McKee Avenue, to allow for a home based business in an R1A Zoning District, Jon Sanford, Applicant

Mr. McCarthy made motion to enter into public hearing PC-2018-10. Ms. Rosenberg seconded the motion. All were in favor.

Mr. Perry reported that Mr. Sanford, the Applicant, was present for a conditional use application for a home based music school. Mr. Perry stated that the private music lessons has gone beyond what the city allows for a home occupation. Mr. Perry stated the property was zoned R1A. The property is located on the corner of McKee Avenue and Tenney Court. Mr. Perry read aloud the general purpose of a conditional use and the need to look at how it affects the neighborhood. Mr. Perry provided an aerial

view of the property. Mr. Perry noted there were multiple teachers at the school, not just Mr. Sanford.

Mr. Perry reviewed the following discussion points:

Limit the number of cars parked on the street; limit the location of parked cars; owner occupancy; non-resident employee limit, buffer time between appointments.

Mr. McCarthy inquired if the conditional use was for a private music school or for a home based business. Mr. Perry responded music school, a school conditional use. Mr. McCarthy responded he felt a school has different rules. Mr. Perry referred to page 7 of the agenda - its potential concerns and regulations.

Mr. Bell recused himself from the case, as he is a patron of the business.

Mr. Perry suggested that three cars be allowed parking on McKee Avenue
No cars parked on the other side of the street associated with this business
Remain an owner occupied home
Non-resident employees limited to two
Buffer a number of minutes in between clients

Limit the number of teachers possibly. Discussed the drop off/pick up times. Mr. McCarthy inquired if the City could put up signage.

Mr. Dana inquired about three cars allowed to park on McKee. Mr. Perry responded that he looked at standard length of vehicles and the property location and felt three was a more comfortable number; however, suggests not allowing parking on the other side of McKee and 3 allowable parking on the other side.

Mr. Jon Sanford, homeowner and owner of music school stated that he has been giving lessons for 2 years. Mr. Sanford provided his background and having not received negative comments. Mr. Sanford stated that he talked to his neighbors and felt they have been supportive. Mr. Sanford stated he planned on continuing living in his home. Mr. Sanford stated he would share parking information to his customers. Mr. Sanford stated he had six other teachers however, many teach on a very limited basis. Mr. Sanford stated that his home functions as a single family home. Mr. Sanford stated that buffering visits may cause a total of one hour added to the end of every day. Buffering would also cause the teachers to be present for a longer period of time. Multiple family scheduling could be affected. Three was plenty to allow for three on McKee as long as parking on Tenney Court. Mr. Sanford stated that several of his students carpool, and a lot of students' parents drop them off.

Mr. Snively inquired if he had multiple instructors there at the same time. Mr. Smith inquired if the max number of students at a single time possibly totaled eight.

Mr. Daniels referred to the agenda containing 31 letters of approval. Mr. Daniels referred to the owner stating that the neighbors approved. Mr. Daniels inquired about looking at the Oxford Community Arts Center. Mr. Sanford responded that would require every teacher to rent studio space. Mr. Dana asked for Mr. Sanford's opinion regarding staff recommendations.

Herman Dornbusch, 10 Peabody, stated he moved in at the same time and that unfortunately as the business grew, it became a dangerous street. Mr. Dornbusch felt the 200 feet Public Notification didn't cover the neighborhood. Mr. Dornbusch described students and others walking in the neighborhood and described the curve in the road being dangerous. There are no sidewalks and traffic is a problem.

Jessica McCarty-Kem, 5 Peabody Drive referred to the blind curve and it being difficult for anyone to see without a sidewalk is very dangerous. Ms. Kem suggested speed limit signs be posted and children at play signage. Ms. Kem felt there were improvements that could be made to ensure safety.

Anita Jones, 106 Tenney Court stated her having noticed a significant amount of traffic. Ms. Jones stated that she wasn't aware of multiple teachers. Ms. Jones suggested to Mr. Sanford that group lessons carpool together.

Mr. Russ Jones, 106 Tenney Court stated he was not aware of multiple teachers. Mr. Jones referred to the driveway always empty and suggested parking there would take away some of the congestion. Mr. Jones agreed there being a blind spot.

Gayle Luna, 208 McKee Avenue stated her grandson takes lessons and agreed the cars on the street were a problem if parking on both sides of the street. Ms. Luna stated a sidewalk would be nice but this is such a positive environment.

Marla Murrey, 861 Dufour, stated we need to do everything we can to support the arts and that we can't blame the cars solely on music lessons for rolling through the stop sign.

Amy West Poley, 638 Honor Lane, children are students and she has nothing but utmost respect for Mr. Sanford. Mr. Sanford is very affordable and that they try very hard to be safe in the neighborhood. Ms. Poley stated that music has changed her son's life.

Brenda Dornbusch, 10 Peabody stated that Mr. Sanford has never been in compliance and that no one has anything against music lessons but felt he has grown to where he should be in commercial space. Ms. Dornbusch stated that no one was policing the issue of traffic and speed and that the music school is too large for this secluded residential area.

Bill Short, 200 McKee stated the issue of driving into the curve and having to drive into oncoming traffic was a valid point. Mr. Short agreed the driveway could accommodate 4 cars and inquired if that would take them off McKee.

Richard Kornylak, 6155 Brown Road, suggested taking lessons at same time. Mr. Kornylak stated he wants to support Mr. Sanford. Mr. Kornylak stated he understood traffic issues. Mr. Kornylak stated all were conscientious about making this work and felt that the students would make sure this would work for everyone.

Matt Troy, 6 Patrick, stated he and his kids take lessons; kids are from 6:30-7:30, then he followed. Mr. Troy stated his teaching was invaluable, and that it would not be economically feasible if he had to teach outside of his home. Mr. Troy referred to all the emotional letters attached to the application and that regulation of his business should be simple.

Mr. Dana made motion to close public hearing PC-2018-10. Mr. Snavely seconded the motion. All were in favor.

Mr. McCarthy made motion to approve PC-2018-10. Mr. Snavely seconded the motion with conditions to be discussed.

Mr. McCarthy discussed there being no sidewalks so people are walking in the street on a regular basis, so that is a safety issue. Also, too many teachers, which sets a precedent; streets aren't wide enough for parking on both sides of the street; however, the Community Art Center has space.

Ms. Rosenberg stated she agreed with Mr. McCarthy, and that she was really troubled as this business is too big for this neighborhood.

Mr. Snavely stated he was conflicted about it.

Mr. Perry stated that if he would have known the questions beforehand, he would have had met with Mr. Sanford, the Police Chief, Zoning, and Engineering to discuss issues.

Mr. Snavely stated that the people who spoke had valid concerns.

Mr. McCarthy stated he was torn, but it is too big, so he would have to say no.

All agreed that cars and traffic were the identifiable issues to be addressed and felt that a meeting would be beneficial.

Mr. McCarthy felt there was plenty of opportunity to run the business at the Art Center.

Discussed tabling.

Mr. Daniels made motion to table. Mr. Snavely seconded the motion.

All were in favor.

AYE: Mr. Daniels, Mr., Smith, Mr. Snavely, Ms. Rosenberg, Mr. Dana

NAY: Mr. McCarthy (1)

ABS: None (0)

MINUTES INCOMPLETE FROM THIS POINT FORWARD

PC-2018-11, CONDITIONAL USE, 21 Lynn Avenue, Suite 101, LaRosa's, to allow for a drive through pick up window addition, Joel Engelhard, Applicant, Agent

PC-2018-12, ZONING MAP AMENDMENT, 5111 Morning Sun Road, for 1.25 area parcel from an OI (Office Industrial) District to a R2MS (Single- and Two-Family Mile-Square Residential) District, Scott Webb, Applicant, Agent

Administrative Approvals

PC-2018-13-ADM, LOT CONSOLIDATION, 117 W. Church Street, Part Lot #117, #118 and 16.5' of Vacated W. Church Street, New Lot #3927, Kristine & David Winkler, Applicants

Adjournment

Mr. Daniels made motion to adjourn the meeting. Ms. Rosenberg seconded the motion. All were in favor. The meeting was adjourned at 10:30 p.m.

Lynn Taylor

From: Shana Rosenberg <shanarosenberg@gmail.com>
Sent: Tuesday, June 19, 2018 12:13 PM
To: anita@jones4him.com
Cc: Bill Snavelly; Connie McCarthy; Mike Smith; Rich Daniels (Planning Comm); Robert Bell; Steve Dana; Sam Perry; Lynn Taylor
Subject: Re: Follow Up to Planning Commission Meeting of 06/12/18 re conditional use permit for Jon Sanford's music business

Hi Anita,

Thanks for reaching out to us about the pending case regarding Oxford Music Academy. I am including city staff in my reply as your communication should be in the public record for consideration at our next meeting on July 9th at 7:30pm. I encourage you to attend!

Shana Rosenberg

On Tue, Jun 19, 2018 at 11:32 AM, Anita Jones <anita@jones4him.com> wrote:

8

Concerns regarding Oxford Music Academy (OMA) operated by Jon Sanford

by Anita Jones (106 Tenney Court)

Summary of concerns with elaboration in the following correlating paragraphs:

- 1) Gross violation of a city ordinance undermines our confidence in Oxford's management
- 2) Four to five decades of established peace and quiet has been compromised by one resident

- 3) Inability to pursue stress-free enjoyment of our property
- 4) Dangerous precedent being established for the entire city of Oxford
- 5) Classifying OMA as a “school” is a disturbing sleight of hand
- 6) Compliance, relocation or termination

1) As law-abiding citizen of this fine city, I find it extremely disturbing that OMA (Oxford Music Academy) has been allowed to continue conducting business in the residential neighborhood of Juniper Hills. I was at the recent City Council hearing and learned for the first time that city ordinances have been violated with a volume of activity/traffic/visits that exceed the limits for a home business ten-fold!! I was under the impression that laws regulating the use of property within a city are established to ensure residents have a safe and mutually enjoyable experience while living in harmony and peace. This is no longer the case for the Juniper Hills neighborhood, the present location of the OMA.

2) There are quite a few homeowners who have been here forty years or more. Our family is one of them. My husband’s parents previously owned this house and we visited for many holidays and family occasions. We remember Juniper Hills and the Tenney Court cul-de-sac in particular, being a quiet, safe place for our children to ride bikes and play. The low traffic made the streets safe for jogging, walking, babies in strollers and pets. These are the main reasons why we purchased this home even though there was a sewage treatment plant at one end of the neighborhood. We carefully weighed the risk of moving near a potentially unpleasant facility. But our preference for a “no outlet” neighborhood fueled our decision. Since OMA has ramped up its operations, the quality of our experience has significantly diminished.

3) My husband and I have had health issues that are mitigated by minimal stress. But I feel our ability to achieve this at our home has been greatly threatened by OMA. Not only has traffic increased exponentially but now cars are being parked in front of our property. Teenage students drive too fast around the circle. horns are tooting as people lock cars, doors are slamming and in colder weather idling cars generate noticeable exhaust. This causes me to agonize over what other protective ordinances will be violated next.

I like Mr Sanford and am not opposed to a home-based business (one teacher with one student at a time.) However, I feel he was deceptive about the breadth of his operations when he enlisted my sympathies and support for his music lessons. I asked why there were so many cars at times. He told me that he was providing “group” lessons. I thought that meant multiple students all at one lesson. Because he seemed to welcome feedback, I suggested all “group lesson” students meet somewhere else and carpool to our neighborhood to reduce the congestion. He must have known that I

misunderstood what he meant by "group." He paused a long time but offered no clarification. I now suspect he was silent because he didn't want me knowing that "group" lessons were actually four or more teachers each giving instructions to separate students in separate rooms, all under one roof. It was also disappointing that he did not inform the committee/council about my car concerns. He only provided the positive neighbor feedback... much of which may have been based on incomplete understanding of the business model. If Mr. Sanford hid facts to achieve his goals, I am left to wonder what else would be done to harm the integrity of this neighborhood. Will a parking lot or multi-story building be the next thing we have to resist? Many sleepless nights have been spent pondering this stressful dilemma.

- 4) Making an exception for this business because OMA "serves a need for many families" sets a very dangerous precedent. It puts every neighborhood in Oxford at risk for the disruptions we are presently experiencing. Applying the same logic would excuse a petting zoo, movie theater or amusement park in the middle of Forest Hills. Why should anyone living in an R1 zone embrace a business next door to their home... their sanctuary... their retreat from chaos? While I appreciate the heart-warming testimonials about children benefitting from music lessons, they are smoke and mirrors to disguise the real issue - city ordinances are being ignored. Rules are not established to be broken, but enforced.
- 5) The argument that OMA can be called a "school" is alarming. I have noticed that in other cities, neighborhoods are built around schools. However, schools are not usually built into established neighborhoods. In the former people know they are buying into a community with traffic issues. In the latter, the traffic issues are being foisted upon an unsuspecting community. I would not have bought this home if I knew a school was going to be started next door. When house-hunting my husband and I would not consider homes near major thoroughfares, shopping centers, schools or businesses. The nearby Talawanda high-school was a concern until we found that it had a lengthy driveway and sufficient distance. We also didn't want to be too close to Miami's campus. Thankfully there is a dense buffer of woods between us. We bought our home because we valued the peace and quiet that Juniper Hills afforded.
- 6) I am not asking Mr. Sanford to close his business, just relocate or bring it into compliance. His beliefs that he must have extra teachers and thus he cannot use the very affordable Arts Center is irrelevant. The profit margin goals and staffing preferences of an enterprise should never dictate whether or not it complies with city ordinances. We must guard against a false sense of responsibility. It is not the city's duty to ensure Mr Sanford maintains an acceptable income stream. Every other business in Oxford has to decide the cost benefit of being in business.

Mr Sanford has it pretty easy compared to most. There are virtually no overhead costs teaching music lessons from the home and only \$100 a month to use the Art Center. If that is not adequate surely a church would open their door for this admirable enterprise. But again, that is not our burden to bear.

From my experience as a mom who had children taking private lessons, most instructors traditionally have other jobs. I was told by Mr. Sanford that he works at Miami University. An interesting fact that was not mentioned at the hearing. We were led to believe his survival was at stake. But again, it is not our responsibility to ensure Mr. Sanford maintains adequate employment. Those are concerns that can be remedied by those who wish to benefit from his music lessons. (By the way, assigning "contractor" status to the other music teachers hired by Mr. Sanford is questionable. If they are required to be in a designated place for a specified time frame, I believe they are considered employees. If I so he would be violating tax laws as well.)

Conclusion:

I have heard it said that Oxford is a top ranked place to live. However, I suspect that this revered status would be severely jeopardized if we don't properly administer ordinances for the sanctity of our subdivisions. The conditional use permit for Mr. Sanford's music business should be revoked if he cannot comply with the visitor/traffic limitations for a residential zone.

I appreciate your reading and regarding my insights. Please feel free to contact me for further clarification.

Thanks so much for your service to the Oxford community.

Sincerely Anita Jones.

Lynn Taylor

From: Sam Perry
Sent: Monday, June 18, 2018 8:20 AM
To: Lynn Taylor
Subject: FW: Comments regarding a Conditional Use Zoning Application pertaining to 104 McKee Avenue
Attachments: Fig.1.jpg

For the 104 McKee file

SAM PERRY, AICP
Planner

Community Development Department
sperry@cityofoxford.org
513-524-5204 phone
513-524-5266 fax

15 S. College Ave., Oxford, OH 45056



NOTICE: This email communication is informal in nature and is for general guidance and information purposes only. It is not intended to serve as an administrative ruling, decision, determination, or interpretation by the Community Development Department. If you have a question relating to a specific permit application, variance request, interpretation of the Oxford Planning and Zoning Code, or other matter requiring administrative action, please direct a written inquiry to the Community Development Department, 101 East High Street, Oxford, OH 45056.

From: Scott, William <scottwe@miamioh.edu>
Sent: Saturday, June 16, 2018 10:40 AM
To: Sam Perry <sperry@cityofoxford.org>
Subject: Fwd: Comments regarding a Conditional Use Zoning Application pertaining to 104 McKee Avenue

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

From: Scott, William <scottwe@miamioh.edu>
Date: Sat, Jun 16, 2018 at 9:22 AM
Subject: Comments regarding a Conditional Use Zoning Application pertaining to 104 McKee Avenue

To: snaves51@gmail.com, sdana@cityofoxford.org, mikesmith@cityofoxford.org, shana Rosenberg@gmail.com, Richard Daniels
<radaniels45@yahoo.com>, sperry@cityofoxford.com

To: Members of the Oxford Planning Commission; Mr. Sam Perry, City Planner

From: Bill and Ginny Scott, 200 McKee Avenue

We writing to oppose strongly the application by Mr. Jon Stafford for a conditional use permit for a private music school at 104 McKee Avenue. The school has been in operation since 2016. It has grown to the point at which the traffic and parking situation associated with the school has become a danger and nuisance to the residents of the neighborhood due to the practice of parking cars on McKee Avenue in front of the music school.

McKee Avenue begins at Route 27. It ends at the Oxford Waste Treatment Plant. Peabody Drive, Tenney Court and Thompson Court are cul du sacs attached to McKee. The speed limit is 25 mph. The property in question, 104 McKee Avenue, lies between Tenney Court and Thompson Court (Fig. 1 attached).

Sidewalks are located only on the east end of McKee Avenue beginning at our house and extending east to the end of the street. Consequently, due to the absence of sidewalks, it is a common practice for children and adults to walk on the McKee Avenue road surface for exercise. Local drivers know this and take careful precautions to avoid accidents. Waste treatment plant vehicles also are aware of walkers and drive accordingly.

By and large, McKee Avenue is a relatively safe road with good traffic sight lines except where the music school is located. At that location, the road forms a "blind curve". This means that opposing traffic and pedestrians cannot be seen by persons driving into the curve from either direction. (Fig. 1) In his staff report to the Oxford Planning Commission on June 12, 2018, Mr. Sam Perry, Planner, recommended that up to three cars be allowed to park on the north side of McKee Avenue in front of the music school. It is my contention that this practice will create an extremely unsafe condition for both drivers and pedestrians. There should be no cars allowed to park in this area. Previous residents of 104 McKee recognized this situation and rarely if ever parked a car in that location.

The reasoning is as follows. In front of 104 McKee Avenue the road is 25 feet wide (Each lane is 12.5 feet wide). My Honda Odyssey minivan (a typical model of car being parked by music school parents) is 7.5 feet wide. That means that if I drive into the curve from the east side and have to move over for a parked car, our combined car widths become 15 feet. Adding a couple of feet for clearance gives a total of 17 feet of car width in a 12.5-foot-wide lane. Therefore, one cannot avoid overlapping the opposing lane by 4.5 feet. This is a particularly dangerous situation because the curve is a "blind" curve and it is impossible to tell whether or not there is east-bound traffic entering the curve. The situation is actually worsened by the fact that east bound cars tend to "hug" the centerline in an attempt to spot incoming traffic.

Another effect of having cars parked on the north side of the curve is that west-bound drivers tend to pay more attention to avoiding the parked cars than to the street in front of their car. This has lead to several close calls where pedestrians were almost hit by a west bound car.

In conclusion, I oppose the recommendation that car parking by music school students be allowed in front of 104 McKee because I believe that such action will create a very dangerous situation for drivers and pedestrians.

Other residents of our neighborhood spoke about their experiences and concerns at the Planning Commission meeting. The problems associated with moving all parking to Tenney Court or Thompson Court were addressed also. Taking all of this input into consideration, I believe that there are only two possible solutions to the situation:

1. Have the music school remain in its current location in the scaled-back form that it was originally intended to have, or:
2. Require the music existing school to move to a new, more suitable location.

Thank you very much for listening to our concerns.

Bill and Ginny Scott



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

CASE NO.: PC-2018-10

DATE OF HEARING: June 12, 2018

CONDITIONAL USE, 104 McKee Avenue, to allow for a home based business in an R1A (Single-Family Low Density Residential) District, **Jon Sanford, Applicant**

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

Name:

(Print)

Address:

Leighton Peterson
104 Tenney Ct.

Telephone:

Home: 512-497-5077

Work: 513-529-1422

COMMENT:

I support this in Full.

Signature

[Signature]

Date

8 June '18

Memo



To: Planning Commission
From: Sam Perry, Community Development
Date: 7/6/2018
Re: Administrative Approvals Report

As is typical, no action is needed for these two items, as they have already been administratively approved by an officer of the Commission, typically the Chair or Vice-Chair. Let us know if you have any questions.

PC-2018-17-ADM, LOT CONSOLIDATION, 5093 & 5097 College Corner Pike, (Burger King) Lot 1265 and Lot 3350, New Lot 3928, for a total of 2.658 acres, FSZ One, LLC, Applicant

Zoning

PC-2018-18-ADM, MINOR AMENDMENT TO AN APPROVED CONDITIONAL USE, 800 Maple Street, Oxford Bible Fellowship, Pastor Garrett Nates, Applicant



Internal Use Only:

Case No.

PC-2018-17-ADM

Date Filed:

6/4/18

Lot Split/Consolidation Application

Requested Action

Choose One

☐

Lot Split (\$20)

☒

Lot Consolidation (\$20)

☐

Lot Split & Consolidation (\$40)

Applicant Information

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

Name *

FSZ One, LLC

Mailing Address *

635 Brooksedge Blvd.

City, State & Zip Code *

Westerville, Ohio 43081

Telephone Number(s) *

614-301-5469

Email Address

jsmiley@L-Strategies.com

Surveyor Information

Name *

Freeland & Associates, Inc.

Mailing Address *

323 West Stone Ave.

City, State & Zip Code *

Greenville, South Carolina 29609

Telephone Number(s) *

(O) 864-672-4927 - (C) 864-918-9803

Email Address

jclark@FreelandSC.com

Location and Lot Information

Location of Property *

5093 and 5097 College Corner Pike, Oxford, Ohio

Legal Description *

DB 9145 Pg 1750 Butler County, Ohio

Zoning District *

GB

Number of Lots

2 into 1

Total Area

2.658

Acres

2 currently-combine to 1

Submission Requirements and Documentation

From Chapter 1101 Subdivision Regulations, Attachment G¹.

No.	Required Item Description	Have	Need
1	1 8½ X 14 per Butler County Tax Map Room & Eng	X	
X	Electronic version of all documentation submitted (PDF preferred)		
X	Digital copy in Auto CAD format submitted on a CD. Shall utilize the NAD-83 Ohio South State Plane Coordinate System for horizontal control and the NAVD-1988 for vertical control. All subdivision boundary corners shall also be tied to the NAD-83 Ohio South State Plane Coordinate System and labeled with a northing and easting, as well as centerline intersections, temporary turn-around center points and easement centerline that does not follow a lot line. AutoCAD layouts shall be provided allowing for the reproduction of a complete set of plans as needed.		

No.	Required Item Description	Have	Need
4	The name, mailing address, and telephone number of the applicant and owner.	*	
X	Letter of Agency (A statement from the owner that the applicant is entitled to apply on his or her behalf)		
X	Attach a written, detailed description of the request.		
7	Metes and bounds description of the property (Legal Description).	*	
8	Vicinity Map	*	
9	The zoning district in which the site is located.	*	
10	Required Fee.	*	
11	Number of proposed lots.	*	
12	Plat shall show the following:	*	
12	A. The seal, registry number and signature of the registered surveyor and professional engineer who prepared the plat.	*	
12	B. The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses and drainage ways.	*	
12	C. Size of the tract in acres and square feet and the boundary lines along with the linear measurements.	*	
12	D. The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels including mailing addresses and parcel numbers within 200 feet of the site.	*	
12	E. North point, scale and date.	*	
12	F. Any portion of the floodplain as delineated by the Flood Insurance Rate Map (FIRM) must be clearly illustrated and labeled on the plat.	*	
12	G. Exact location shall be shown for all buildings, septic tanks, wells or similar features with respect to existing or proposed lot lines or right-of-ways lines.	*	
12	H. Other information as deemed necessary by staff in order to create building sites and promote the public health, safety and welfare.	*	
12	X Notification will be sent to direct abutters within two business days of the application filing. This notification will include comment forms. Not needed according to City		
12	J. Any existing building(s) to remain or to be razed.	*	
13	Turn in proof of recording to City of Oxford Community Development Department		

X Not needed according to City

Fees & Receipt

The fees are:

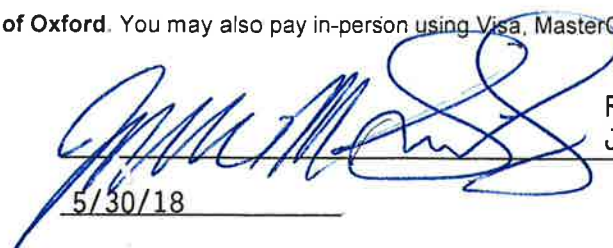
- Lot Split – \$20
- Lot Consolidation – \$20
- Lot Split & Consolidation – \$40

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


5/30/18

FSZ One, LLC
Joseph M. Smiley, Member

Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with the original and required copies of the plat and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

LINE TABLE		
LINE	LENGTH	BEARING
L1	8.89'	S 87°59'43" E
L2 TIE	9.89'	N 51°11'23" E

LOT 1285
6,088 SQ.FT.
0.140 ACRES
PARCEL# H4100019000014

LOT 3349
PARCEL# H4100019000057
N/F
DAVID C. AND SARAH S. MABRY

AREA DEDICATED TO THE
CITY OF OXFORD PER
BOOK 784, PAGE 772

ZONING INFORMATION:

ZONED: GB (GENERAL BUSINESS)
SETBACK LINE:
FRONT: 35'
SIDE: NONE
REAR: 25'
MAXIMUM BUILDING HEIGHT: 45'

(STATE ROUTE #27) (VARIABLE WIDTH R/W)
OXFORD COLLEGE
CORNER PIKE

IPF 4" OPEN
TOP BENT
27.81'; 0.63
RIGHT OF LINE

LOT 1266
PARCEL# H4100019000015
N/F
RUMALYNN LCC

10' SANITARY SEWER
EASEMENT PER D.B.
875, PAGE 34 AND
P.B. 6452-184

15' SANITARY SEWER
EASEMENT PER D.B.
875, PAGE 34 AND
P.B. 6452-184

LOT 3350
PARCEL# H4100015000097
109,695 SQ.FT.
2.518 ACRES

LOT 3190
PARCEL# H4100015000089
N/F
AUTO ZONE, INC.
DB 5413-134

LOT 1177
PARCEL# H4100015000003
N/F
DUBOIS RENTALS LLC
DB 8003-1848

FLOOD INFORMATION:

THIS PROPERTY IS LOCATED IN FLOOD
ZONE "X"
(AREAS DETERMINED TO BE OUTSIDE THE
0.2% ANNUAL CHANCE FLOODPLAIN)
PER NFIP FIRM COMMUNITY
PANEL NO. 39017C0019E
EFFECTIVE DATE: DECEMBER 17, 2010

CERTIFICATE OF SURVEY:

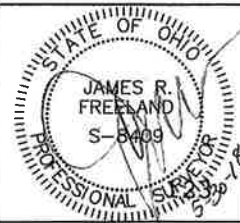
I HEREBY CERTIFY THAT THIS SURVEY IS
BASED ON AN ACTUAL FIELD SURVEY
PERFORMED UNDER MY DIRECT
SUPERVISION AND IS TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE
AND BELIEF.
JAMES R. FREELAND
NO. S-8409

NEW LOT ENTIRE
LOT 3928
2.658 ACRES

SURVEYOR'S NOTES:

- 1) ZONING PROVIDED BY THE APPROPRIATE GOVERNMENTAL AGENCY: TO BE USED FOR INFORMATIONAL PURPOSES ONLY.
- 2) THE WORDS "CERTIFY", "CERTIFIES" OR "CERTIFICATION" AS USED HEREIN ARE UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR, BASED UPON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AS SUCH, DO NOT CONSTITUTE A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.
- 3) I HEREBY CERTIFY THAT THE RATIO OF PRECISION OF THE FIELD SURVEY IS 1: 10,000 AS SHOWN HEREON AND THAT THE AREA WAS DETERMINED BY DMD METHOD.
- 4) THIS PLAT IS MADE PURSUANT TO SECTION 5713.16 OF THE OHIO REVISED CODE.

0' 100' 200' 300'
SCALE 1"= 100'



STATE OF OHIO
BUTLER COUNTY
CITY OF OXFORD
SEC 22-T5-R1E
CONSOLIDATION
PLAT FOR
FSZ ONE, LLC

FREELAND & ASSOCIATES, INC.
ENGINEERS & LAND SURVEYORS
303 WEST STONE AVENUE
GREENVILLE, S.C. 29608
(864) 271-6624 FAX: (864) 233-0316
REF. PLAT BOOK 6452-184
REF. DEED BOOK 7804/1271 AND 7598/868
TAX MAP H4100015000097/H4100019000014
PARTY CHIEF CB
DRAWN OF
DATE OF SURVEY 5-9-17
DATE OF SURVEY DRAWING 5-16-2018
DRAWING 60078-SUBC7D

REVIEWED & APPROVED

Sam Perry

BY:

DATE:

6-6-18

REVIEWED & APPROVED

Robert Bell

BY:

DATE:

6/6/18

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-14

Date –July 10, 2018

APPLICATION

Applicant:	Scott Webb
Location:	22 South Beech Street
Owner:	Michael and Mark Mesler
Action Request:	Conditional Use Permit Application for a single-level hotel use within a four story building in the Uptown District
Current Use:	Automotive Service
Zoning:	UP (Uptown)
Surrounding Existing Land Uses:	Mixed-Use Residential, Institutional, Professional Office

GENERAL DESCRIPTION

Architect Scott Webb is seeking a conditional use for a single-level hotel within a proposed new four story building at the corner of Walnut and Beech Streets. If the ground level space were intended for a retail tenant, the Planning Commission would not review this case. However, the conditional use process presents an opportunity for a more public process to influence the outcome. The discussion and decision should be related to the hotel aspect due to the fact that the project would not otherwise require a special approval.

The site is currently an automotive service (Mesler Auto) with an apartment above the commercial space. The proposal presented on behalf of Stewart Developers LLC is for a new four-story building to replace the current automotive service/parking lot. A 12-unit hotel would use the ground floor as an extension of The Elms Hotel, which is located one block to the east.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners, a notice was posted on the property and in the newspaper. No comments were received in response to these notices.

AGENCY REVIEWS

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

Police:	Comment returned
Fire:	No comment
Engineering:	Comment returned
Econ. Dev.:	No comment returned

ZONING CODE REVIEW

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use.

1147.02(c) Planning Commission Review: The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

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

(1) Burden of Proof.

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
 - B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.
- (2) General Decision Standards. All Conditional Uses shall satisfy these General Decision Standards.
- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
 - B. The use and site will satisfy the general intent of this Zoning Code.
 - C. The use and site will be compatible with the general intent of the Comprehensive Plan.
 - D. The size and shape of the site are sufficient for the proposed use.
 - E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
 - F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
 - G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
 - H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
 - I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
 - J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
 - K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
 - L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
 - M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.
- (d) Action by Planning Commission.
- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
 - (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

1147.03(b)(4)

- (27) Motels.
- A. Potential Concerns.
 - 1. Proximity to residential.

2. Screening from residential.
3. Appropriate street access.

ANALYSIS:

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

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

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

Yes, the use can be allowed as a conditional use. It is specifically listed in 1143.10(b)2.B.

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

Refer to Chapter 1123 for the general overall intent of the Zoning Code and 1143.10 for the intent of the Uptown district. Overall, the intent is for 'health, safety and welfare' of the residents of Oxford. Uptown, the intent is for a walkable mixed-use district.

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

Given that the 2008 Comp Plan does not specifically address this property for future land use changes, the objectives of the individual chapters of Land Use, Urban Design, Transportation, Economic Development and Housing, should be reviewed. Although the site is currently developed, it is underutilized and contains a nonconforming land use. Throughout the Comp Plan, infill development is preferred versus sprawl at the City's perimeter where resources would be further stretched from the core.

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

Mixed-use buildings in Oxford typically have dedicated areas for necessities such as utility connections and solid waste storage. None appear on the preliminary site plan. The addition of a hotel with restaurant to a mixed-use building could add additional demands such as food deliveries, guest drop-offs and pick-ups that may be forced to spill over onto public land such as streets or sidewalks. A more complete design and operational plan would be helpful for the city to have confidence in moving the project forward.

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

The hotel suites facing north would have patios facing the historic Bethel African Methodist Episcopal Church, potentially a noise concern. The proposed building would also be considerably taller than the church, blocking natural light into the sanctuary portion of the historic building. The church is believed to be the second continuously operating A.M.E. church in the state of Ohio. A historic plaque was granted by the city in 2014. Any negative impacts such as the construction, hotel guests or parking should be considered before moving the project forward. No comments have been received from the church at the time of this report.

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

Potentially, see above. Although new four-story buildings are common in Uptown Oxford, adjacency to an operating church is a special condition that should be fully evaluated.

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

An accessory use of an upper level restaurant is indicated in the application and drawings.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately. *Opportunity for comment was provided to Fire, Police and Service Departments. See comments/questions from Police.*

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

Opportunity for comment was provided to Fire, Police and Service Departments. See comments/questions from Police.

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

There is not sufficient detail for staff to make a determination. Once detailed construction drawings are completed staff can review the plans to determine compliance with all requirements of Police, Engineering, Zoning, Building and the HAPC. Some areas of concerns are:

- *Police comments regarding parking design, operation and public impact*
- *Pedestrian safety with sidewalk re-alignment and crossing at an intersection without a north/south stop*
- *Zoning questions such as height detail and floor area ratio detail*
- *Design review of the Historic and Architectural Preservation Commission*

K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.

This is partly not applicable because there is no direct access to this site for vehicles. There is no on or off-street parking requirement for this mixed-use building. However, the hotel use does present a unique opportunity for Uptown that staff does not believe is accounted for in the city's parking requirements. A hotel guest is likely arriving to Oxford by car, therefore additional parking demand will be created somewhere in Oxford. The applicant has addressed this issue by proposing a change to the on-street parking. Whether this is the appropriate solution is yet to be determined.

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

The existing automotive service building with apartment is considered 'non-contributing' in the 2018 Uptown Historic District Inventory. Therefore, its removal would not be considered a loss of a historic feature.

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

There is no record of necessary permits having been obtained since the proposed construction has not begun. However, the proposal is from an experienced local architect and property developer.

1147.03(b)(27)

(27) Motels.

A. Potential Concerns.

1. Proximity to residential.

- Residential use is planned for the upper levels of the subject building. Adjacent residential to the west is owned and managed by the same prospective owner.*
2. Screening from residential.
There is no place for screening in the Uptown area intended for a mix of uses versus a suburban hotel setting with adjacent low density residential.
 3. Appropriate street access.
There is no direct street access provided.

RECOMMENDATION:

An additional hotel option Uptown, simultaneously removing a nonconforming land use, presents a unique opportunity. Additional information presented through the hearing and deliberation process should assist the Commission in defining a recommendation to City Council. The Commission can:

- Recommend approval
- Recommend approval with conditions
- Recommend denial with written findings of fact or
- Table the case

At this time, staff does not have a recommendation but can provide one at the end of the hearing if requested.

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: July 3, 2018

ATTACHMENT

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof.

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

July 3, 2018

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-14, CONDITIONAL USE, 22 S. Beech Street, Mesler Auto Body, to allow for a new mixed use building with a proposed hotel, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **July 2, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 7-5-18

Drawings reviewed by: H. Pope Date: 7-5-18

VICTOR POPESEU
PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.

RE: PC-2018-14
Conditional Use – Mesler Auto Body
22 S. Beech Street

DATE: July 5, 2018

The Engineering Division offers the following comments.

- Fire protection (i.e. fire hydrants, FDC) shall be determined by the Fire Chief.
- Due to the limited size of the facility, a traffic impact study would not be necessary.
- The submittal proposes to modify the existing parking on W. Walnut Street. Angle parking is proposed. To accommodate this proposal, vehicles parking spaces will be designed partially within the Right-of-Way, and partially within the vacated Right-of-Way, now private property. This design proposal will eliminate the tree lawn, and require that the sidewalk be constructed on private property.
- The existing public utilities (sanitary sewer, storm sewer, and water) are to be evaluated for their capability to adequately server the proposed development.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-14, CONDITIONAL USE, 22 S. Beech Street, Mesler Auto Body, to allow for a new mixed use building with a proposed hotel, Scott Webb, Applicant, Agent

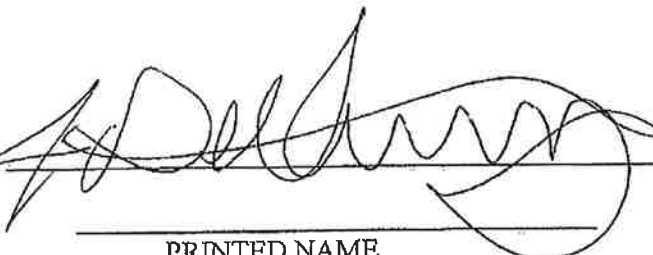
 X Review Revisions Other

Please return no later than: July 2, 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: 6-28-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

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

From: Community Development Department

PC-2018-14, CONDITIONAL USE, 22 S. Beech Street, Mesler Auto Body, to allow for a new mixed use building with a proposed hotel, Scott Webb, Applicant, Agent

☒ Review ☐ Revisions ☐ Other

Please return no later than: **July 2, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

- ① Is the angled parking along Walnut Street to be controlled by private owner or public entity (the City)?
- ② Has the angled parking been designed by an engineer as I have concerns regarding the proximity to the intersection (Beech/Walnut) and backing crashes?
- ③ In the area of the angled parking are currently 3 metered parallel parking spaces that serve the public. What are the arrangements to compensate for the loss of those public resources?
- ④ Police Dept would not support rooftop access for the residents of the building outside the use of a restaurant. Restaurants only is okay.

Drawings reviewed by: [Signature] Date: 6-18-18

Sam A. Jones, Police Chief
PRINTED NAME



PC-2018-14 **Surrounding** **Property Owners** **Notifications Map**

Legend

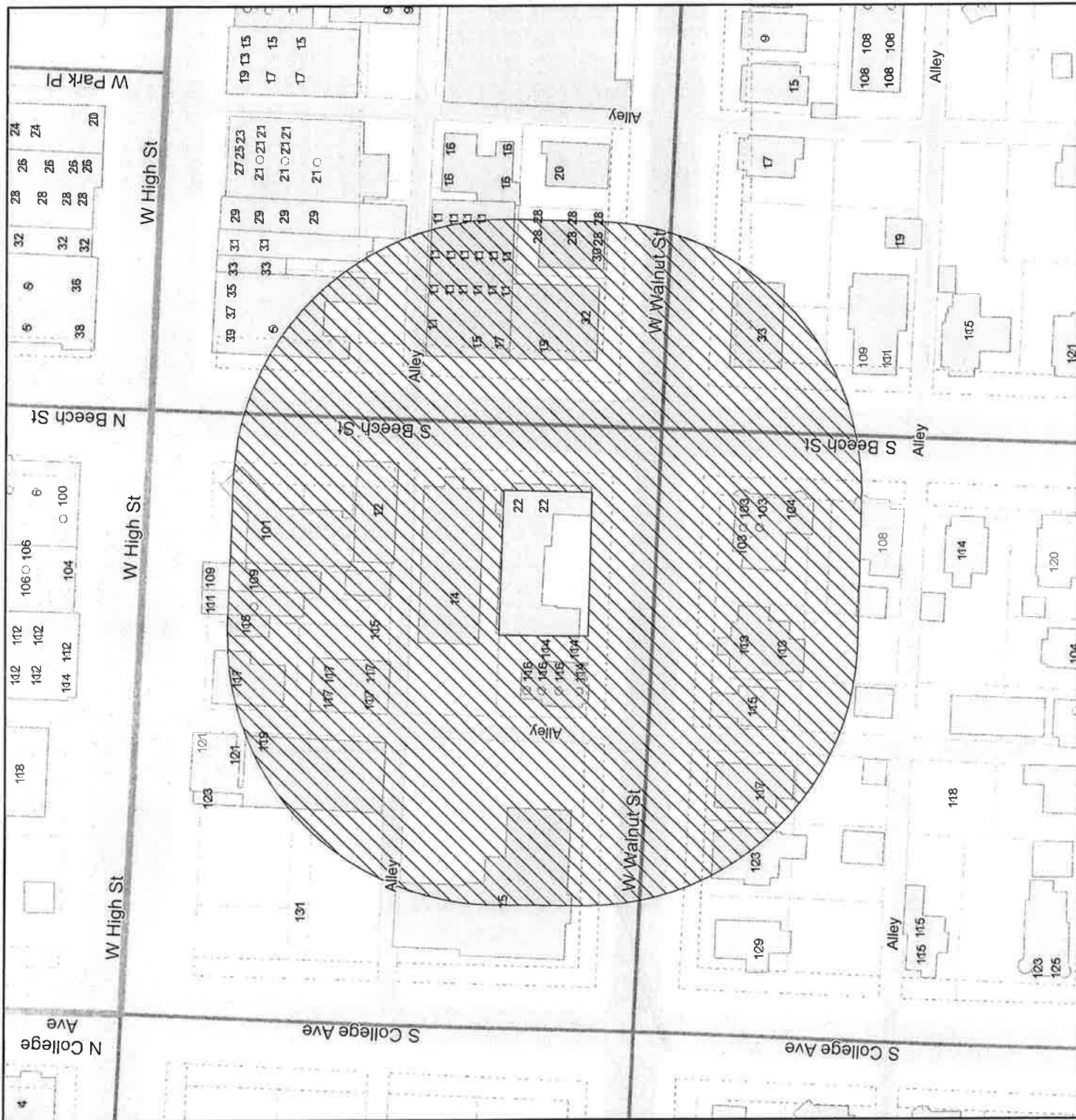
-  Subject Parcel
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet

Prepared on Monday, June 25, 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

May 24, 2018

City of Oxford, et al
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb, Architect, has permission to represent our interest with the City of Oxford, Planning Commission, Board of Zoning Appeals, Historic and Architectural Preservation Committee, and any all other legislative committee counsels, to act on our behalf as relates to the property we own at 22 South Beech Street, Oxford, Ohio.

Thank you,

Signed: 
Michael Mesler

5-24-18
Date:

Signed: 
Mark Mesler

5-24-18
Date:



Internal Use Only:

Case No.

Date Filed

 PC-2018-14
 5/25/18

Conditional Use Permit Application

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(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name * Michael & Mark Mesler

Mailing Address * 22 South Beech Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3735

Email Address _____

Location and Lot Information

Location of Property * 22 South Beech Street

Legal Description * Parcel H4100004000156

Zoning District * UP, Uptown

Total Area * 10,128 → Check One * Acres ☐ Square Feet ☒

Existing Use Description * Auto Body shop

Proposed Use Description * Mixed-Use Building with Hotel

Submission Requirements and Documentation

From Section 1147.02(a)¹.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.
- Application Fee.
 - Description of Use and Site.
A written, detailed description shall include the following information. A separate response is required for each subsection.
 - The name, mailing address, and telephone number of the applicant and the property owner.
 - If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
 - A legal description of the site, including all separate lots.

- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Fees & Receipt

The required fees are \$400.00 plus \$10.00 for postage. You may write a \$410.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *



Date *

5/25/2018

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

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

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

For Staff Use Only

Fee Paid Date *



Receipt Number *

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

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

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



SCOTT
WEBB

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Hotel Use & Alternate Parking Arrangement
22 South Beech Street
Parcel H4100004000156

May 25, 2018

Community Development Director,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for a Proposed Hotel Use in the Uptown (UP) District. Additionally, we would like consideration of a slight increase in commercial space causing the max. permitted gross floor area to exceed the 3:1 ratio and an alternate parking arrangement along West Walnut Street.

In accordance with the submission requirements and documentation required by the Conditional Use Application we offer the following:

- A. *The application fee has been submitted with this application*
- B. *Description of Use and Site.*
 - 1. *The name, address, and telephone number of the applicant and property owner.*

Property Owners:

Michael & Mark Mesler
22 South Beech Street
Oxford, Ohio 45056

Purchaser / Developer:

Stewart developers LLC
125 West Spring Street
Oxford, OH 45056

Architect:

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

Civil Engineer:

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

2. *If the Applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.*

A Letter of Agency is included in this application

3. *A legal description of the site, including all separate lots.*

Information is included regarding the lots from the County Auditor and Engineer's GIS information. A survey will be provided to verify this information as the application progresses.

4. *A description of the current uses of the site*

The site is currently occupied by Mesler Auto Body, a family run business that has occupied the site for decades.

5. *The Zoning District in which the site is located.*

The site is in the UP, Uptown Zoning District

6. *A description of the proposed use.*

- a. *A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery & service vehicles*

The proposed Mixed-Use Building is designed in accordance with the development regulations of the UP Zoning District. The Floor Area Ratio (F.A.R.) provides for a min. commercial use and maximum residential use of each site based on the land area of the property.

The new Mixed-Use building is designed to provide a lobby for the Extended Stay Hotel Suites on the ground floor and elevator access to a 2,500 s.f. rooftop restaurant to meet the requirements of the commercial use. The 2nd, 3rd, and a portion of the 4th floor will provide a variety of dwelling units.

The ground floor will provide (12) individual extended stay hotel suites. These suites will be managed as an annex to the Elms Hotel a block from the site.

Based on the size of the lot and limitations/requirements of the F.A.R. , the building may contain as many as (34) residents in apartments.

- b. *Hours of operation*

The proposed hours of operation for the rooftop restaurant would be typical for businesses of this type, potentially offering breakfast, lunch, dinner, and nightlife. The hotel suites and apartments are typical for their use.

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

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

The Uptown Area provides a variety of uses as encouraged by the Comprehensive Plan with Mixed-Use buildings, featuring restaurants, retail and entertainment with residential units on the upper floors.

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

The property has been an auto body and repair shop for decades, and includes a paint booth, garage areas, and an apartment. The existing structures are not appropriate in their use, design or scale, and would be demolished to facilitate redevelopment of the site.

The proposed building will be designed in accordance with the F.A.R. of the Zoning District and the guidelines of the Historic District.

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

The proposed building is similar in uses to the uptown district and is not expected to produce nuisance odors, fumes, vibrations, or emissions.

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

The design of the building aligns with the goals of the uptown district, with no particular need for mitigation.

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

Extended Stay Hotel rooms are an underserved market in the City. Hotel development typically requires 75-80 suites on 10 acres of property, forcing them to the perimeter of the City and increasing traffic and parking problems into the Uptown entertainment area.

With the independent Elms Hotel in the Uptown District, a unique opportunity to expand the hotel use with additional suites as an annex to the primary hotel is presented here. Combining the reservations, service, laundry, etc. typically required for a stand-alone hotel into the existing one, requiring less property and duplication of services.

The slope of the site allows a unique opportunity to allow the ground floor hotel suites to be set above the street level to the south, above headlights and pedestrian traffic.

The proposed diagonal parking arrangement is appropriate in this location, providing (8) off-street spaces, tucked into the vacated right-of-way, and below the ground floor suites.

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

Extended Stay Hotel rooms are an underserved market in the City and in the Uptown area in particular as described above.

The Uptown area is becoming saturated with ground floor restaurants. A ground floor hotel use adds consumers and pedestrians to the uptown district. Providing a rooftop restaurant would be a unique and distinguishing, providing some variety in the uptown

Additional parking is always requested and desirable in this uptown district. Off the main through streets, Walnut street provides a unique opportunity to provide additional parking without dramatically changing the streetscape.

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

Based on the potential concerns of Motels itemized in 1147.03(b)(27) we offer the following;

A. Potential Concerns:

1. Proximity to Residential

The Uptown District is intended as a mix-use area with residential and a variety of commercial uses, generally in the same building.

2. Screening from Residential

Screening from residential is not required in this urban setting.

3. Appropriate Street Access

Street access is provided for pedestrians along South Beech Street.

An alternate parking concept is included in this application with direct, angled parking from the street.

11. A list of the names and mailing addresses of all landowners within 200 feet of the site.

Provided under a separate cover

12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission

Based on the potential concerns of Motels itemized in 1147.03(b)(27) we offer the following;

C. Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand

Site plans and 3D Concept illustrations are provided

Planning Commission Review

Decision Standards

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

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

Hotels & Motels are considered a Conditional Use in the UP Uptown Zoning District. In the proposed Mixed-Use Building, the Hotel use occupies the ground floor as the required commercial use.

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

The Zoning Code for the Uptown District encourages Mixed-Use Buildings through the Floor Area Ratio (F.A.R.). The building as proposed meets these guidelines.

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

The **Character Area Map** and **Character Area Matrix** refers to this area as the "Core", reflecting its place as the center of the Mile Square and primary business district emphasizing walkability and describing the area as a center for entertainment uses.

The **Conservation and Development Map** and the **Concept Area Matrix** refer to this area as a "Neighborhood Enhancement Area", recommending the stabilization of the Mile Square neighborhoods and commercial features to enhance the Uptown

Land Use Objective 3 proposes that we "*Continue to Enhance Uptown*", encouraging higher density new construction where appropriate to provide new space for business. It further suggests that we support new Mixed-Use developments that combine ground floor retail with upper story office and housing.

The **Economic Development Section** directs us to retain and expand existing businesses. The proposed unique expansion of the Uptown's only hotel is in line with this objective.

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

Building sizes and shapes are prescribed by the development standards of the Uptown District. The building as proposed meets these guidelines, respecting the goals for redevelopment of underused site in the district.

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

The proposed use will not be disturbing to neighbors, providing compatible transient and rental residences with a unique upper level restaurant.

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

The Hotel Use is compatible with other uses in the district.

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

No Accessory uses are proposed.

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

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

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

No public expense is anticipated by this project.

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

In addition to the building envelope limitations provided by the Zoning Code, the building and site design in the uptown historic district is governed by the HAPC guidelines and review by the Historic and Architectural Preservation Commission. The review will insure that the design is appropriate and compatible and will not change the essential character of the neighborhood

- K. *The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.*

Traffic will be eliminated from the site.

Per 1149.03(j)(1) & (2), all residential and non-residential uses in the UP district are exempt from parking requirements.

A proposed parking area, combining a portion of the vacated right-of-way with the space currently used for parallel parking will provide parking above what is currently available.

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

The proposal contained herein is designed to replace an auto body shop and not a natural, or historic feature of major importance.

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

A professional review of the building code has been performed, and all necessary permits and licenses can be obtained for this use in this location.

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

Respectfully,

A handwritten signature in black ink, appearing to read "Scott Webb", written over the word "Respectfully,".

Scott Webb, Architect

22 South Beech Street

Floor Area Ratio (F.A.R.) Analysis

Zoning District: UP Uptown District

Development Regulations

All Dimensional & Occupancy Regulations are based on the Lot Area as follows:

Total Lot Area	10,128 s.f.
Less Vacated Right-of-Way	3,112 s.f.
Calculable Area for F.A.R.	7,016 s.f.

Note: Lot areas County G.I.S. and adjacent surveys

Gross Floor Areas	Commercial	Residential
Ground Floor	5800 s.f.	
Second Floor		5800 s.f.
Third Floor		5800 s.f.
Fourth Floor	2500	2400 s.f.
TOTALS	8300 s.f.	14000 s.f.
Uncovered Outdoor Area	s.f.	
	8300 s.f.	14000 s.f.

Gross Floor Areas	Commercial	Residential
Regulation:	4,911 s.f. Min	14,032 s.f. Max.
(0.7 x Calculable Area)		

Total Building Envelope	22,300 s.f.
Regulation:	21,048 s.f. Max.
Max. Building Envelope per Floor Area Ratio (F.A.R.)	
(3 x Calculable Area)	

Occupancy	35.08 Residents
(1) Occupant per 200 s.f. calculable area	

**LARGER PRINTS ARE
AVAILABLE UPON REQUEST**

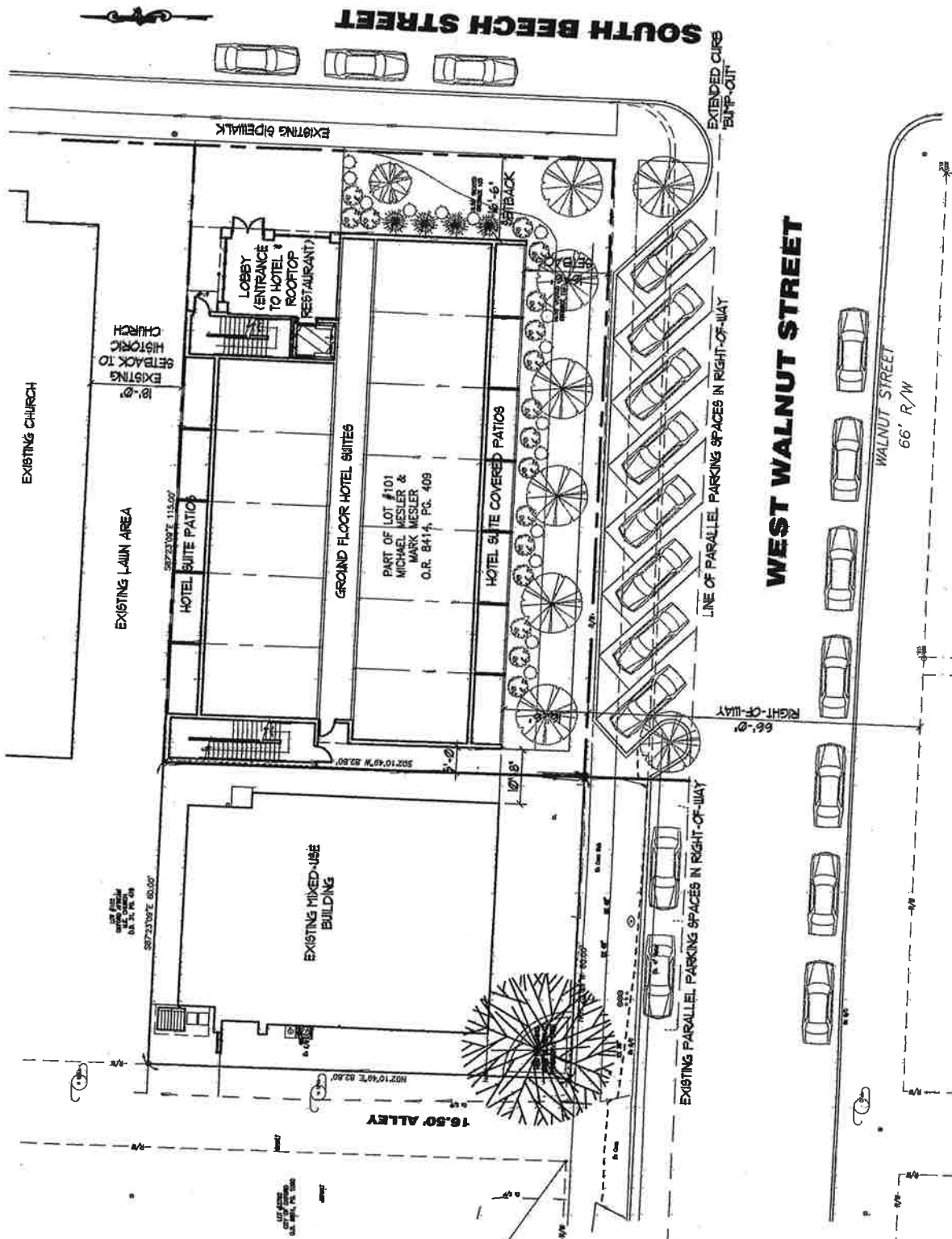


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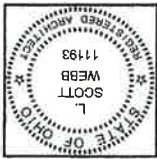
PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45057
FOURTEEN WHEELER AUTO BODY SITE

DATE	May 28, 2015
REVISIONS	

A-1



PRELIMINARY SITE PLAN 1" = 20'-0"
GROUND FLOOR SHOWN

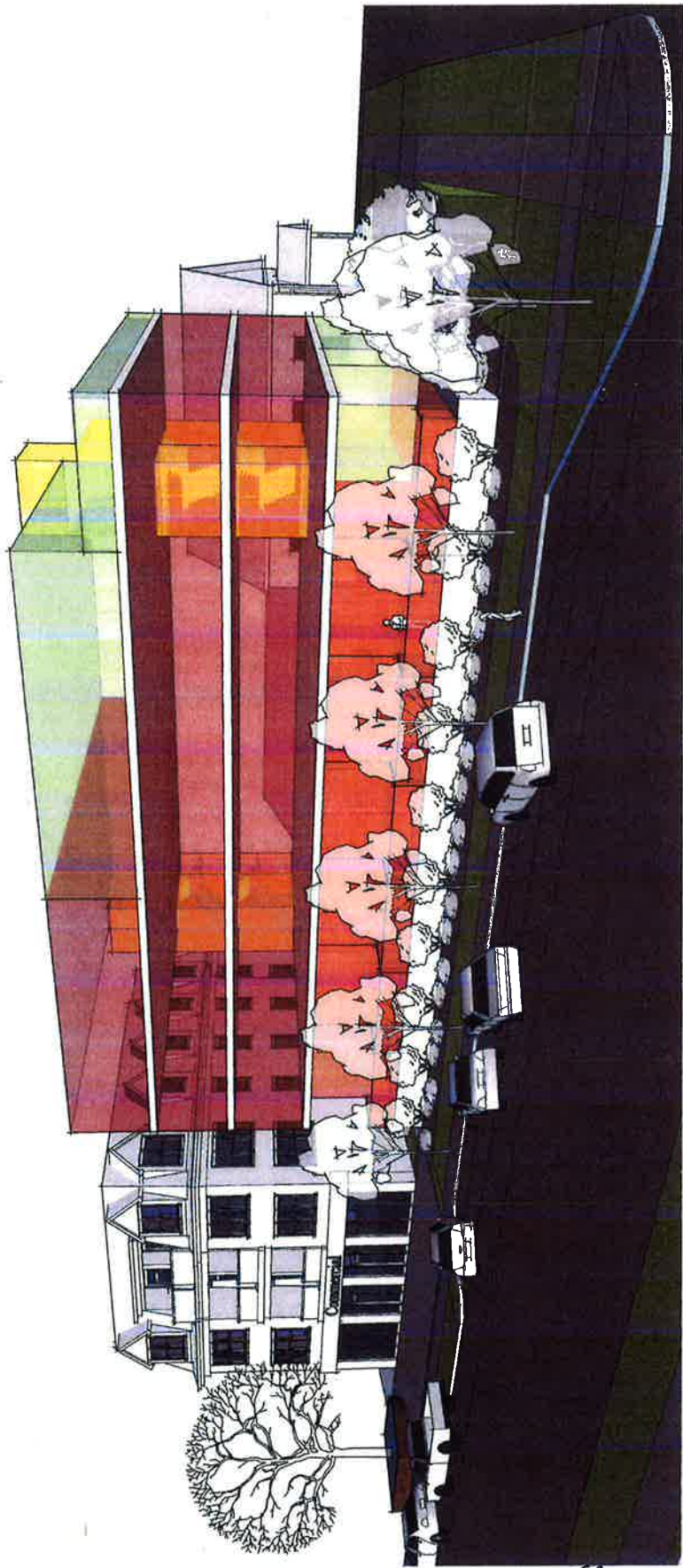


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PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45056
FORMER MESLER AUTO BODY

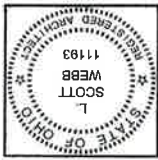
DATE	May 25, 2018
REVISIONS	

A-2



ILLUSTRATIVE CONCEPT MODEL

- GROUND FLOOR HOTEL AREA
- UPPER FLOOR DWELLING UNITS
- 4th FLOOR ROOFTOP RESTAURANT

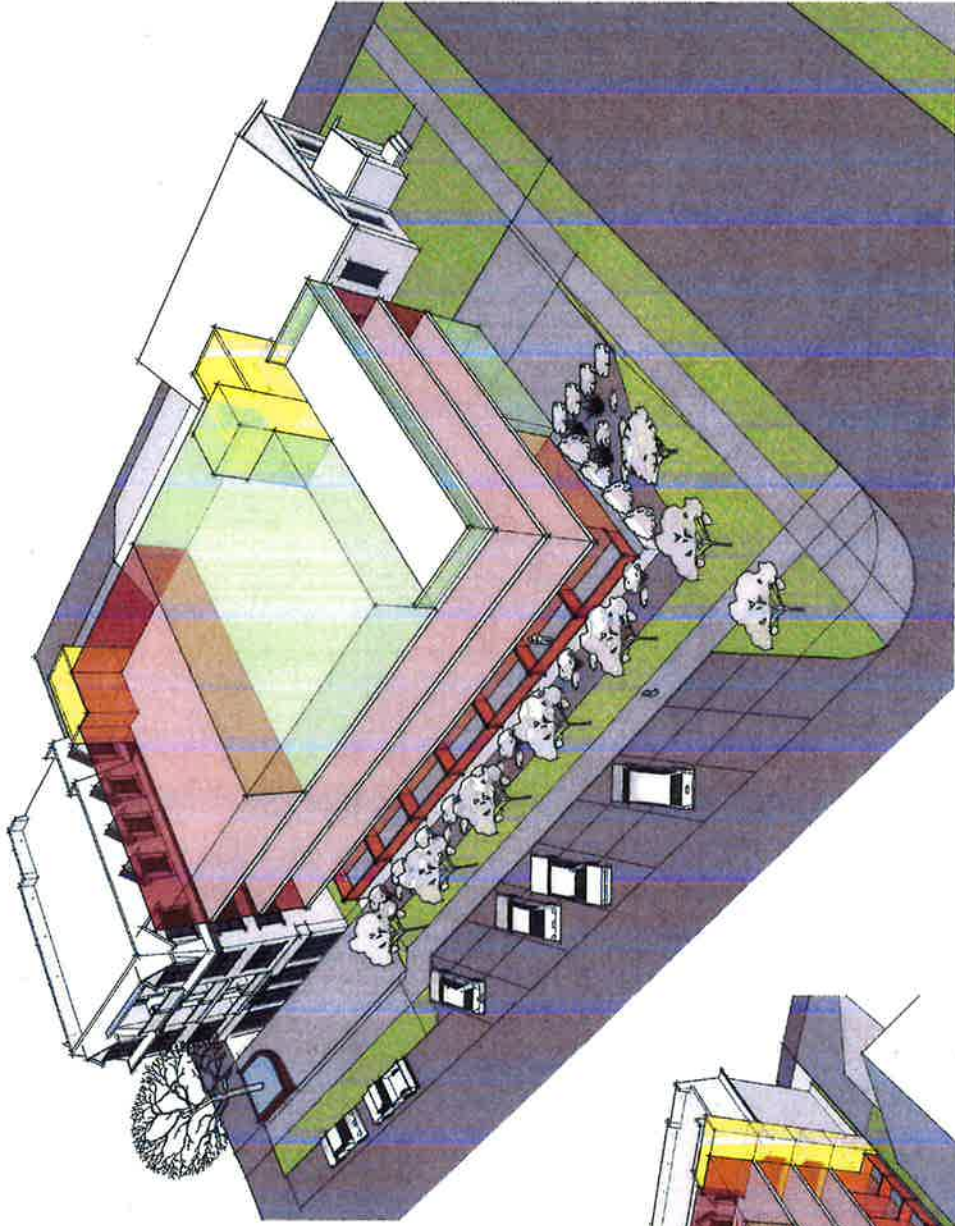


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PROPOSED NEW MIXED-USE BUILDING
22 South Beech Street
OXFORD, OHIO 45056
FOSTER MEELER AUTO BODY, INC.

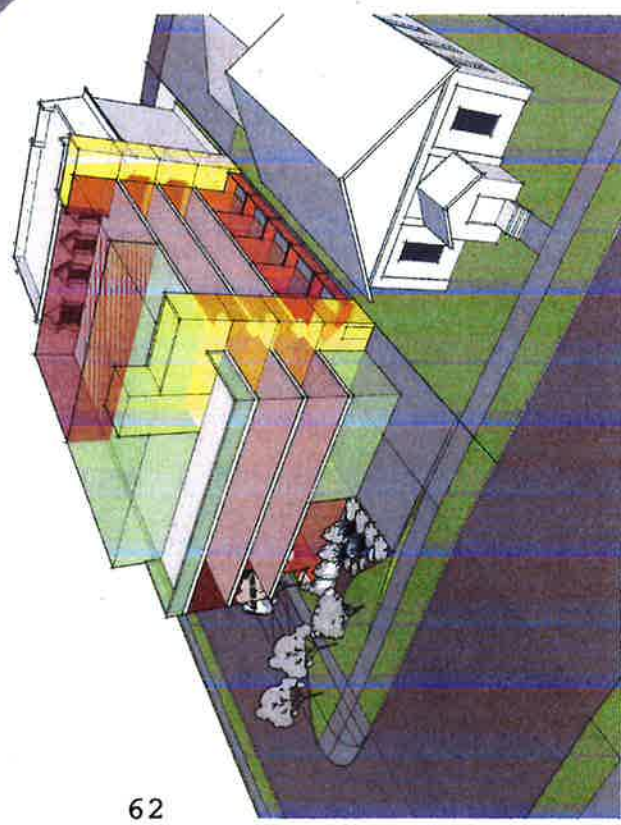
DATE	May 25, 2009
REVISIONS	

A-3



ILLUSTRATIVE CONCEPT MODEL

- GROUND FLOOR HOTEL AREA
- UPPER FLOOR DWELLING UNITS
- 4th FLOOR ROOFTOP RESTAURANT



City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-16

Date –July 10, 2018

APPLICATION

Applicant:	Craig Moyer (The Architectural Group)
Location:	11 East Walnut Street
Owner:	B’Nai B’Rith Hillel Foundation Inc (Marcy Miller, Director)
Action Request:	Conditional Use Permit Application for a place of worship and non-profit office in the RO (Residential Office) district
Current Use:	Student center place of worship and non-profit office
Zoning:	RO (Residential Office)
Surrounding Existing Land	
Uses:	Place of worship, hotel, restaurant, single, two and multi-family res.

GENERAL DESCRIPTION

The Hillel Foundation at Miami University has operated the off-campus student center at 11 East Walnut Street in the current building since 1973. On behalf of the Foundation, Architect Craig Moyer is requesting a conditional use to expand the center under the provisions for ‘place of worship’ and ‘non-profit office’ in the RO district. The proposal is to utilize the existing building with major renovations to the front façade, rear addition and exterior design treatments to open up the building to the community. The rear addition would nearly double the square footage to accommodate current needs and future plans of the Foundation. The conditional use review offers an opportunity for a public process to determine compliance and cohesion with city policies in the form of a recommendation to City Council. The Certificate of Appropriateness was granted by HAPC in June. A concept review was presented to Planning in April.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners, a notice was posted on the property and in the newspaper. No comments were received in response to these notices.

AGENCY REVIEWS

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

Police:	No comment returned
Fire:	No comment returned
Engineering:	No comment returned
Econ. Dev.:	No comment returned

ZONING CODE REVIEW

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use.

1147.02(c) Planning Commission Review: The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

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

(1) **Burden of Proof.**

A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning

Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

(d) Action by Planning Commission.

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

1147.03(b)(15)

(15) Churches, Libraries, Community and Recreation Centers.

- A. Potential Concerns
 - 1. Adequate lot size to permit future expansion.
 - 2. Location and screening of outdoor recreation areas.
 - 3. Bus or van storage.

4. Lighting.
 5. Parking and traffic impact.
- B. Regulations.
1. None.

ANALYSIS:

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

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

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

Yes, the use can be allowed as a conditional use. The use is a combination of two categories permitted as conditional uses: Places of worship and offices for non-profit organizations.

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

Yes, the proposed use can satisfy the general intent of the Zoning Code, one of which is to promote and protect the health, safety and general welfare of the people of Oxford. (Chapter 1123) There are, however, numerical conflicts with the Zoning Code, which will need to be discussed: Lot coverage, front and side yard setbacks, in order to determine if the conflicts are appropriate in this particular context.

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

One of the objectives of the 2008 Comp Plan is to preserve and enhance historic resources in the Mile Square and Uptown. (Section 4.5) A strategy within that objective is to guide new construction and renovation of buildings. The building is currently non-contributing with regard to its exterior design. The renovated building would be contributing to the Uptown Historic District.

An additional focus of the Comp Plan has been to maintain development within existing urbanized areas rather than at the perimeter of the City. This application represents a desire of the foundation to remain in close proximity to the community and its user base.

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

The facility is increasing in square footage, which seems counterintuitive to its impact on the surrounding neighborhood. Particularly with parking demand. However, many of the targeted users could arrive on foot, as part of the Miami University community.

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

None anticipated.

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

None anticipated.

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

No unrelated accessory uses are being proposed.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

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

The exterior design has been approved by the Historic and Architectural Preservation Commission because of its location within the Uptown Historic District of Oxford.

K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.

Vehicular access is provided directly from the rear east/west alley. There would likely be additional parking demand because of the increased gathering space or future additional staff. Hillel should develop an operational plan for how to meet any increased parking demand without negatively impacting the surrounding neighbors that have their own off-street parking provisions.

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

The existing 1973 building is considered non-contributing in the 2018 Uptown Historic District Inventory. The renovated building would be contributing. Therefore there is no loss expected.

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

The project has not yet been submitted for building permit application review until after the conditional use process has moved forward. Staff does not expect any permit or license issues with an experience architecture firm working on the project.

1147.03(b)(15)

(15) Churches, Libraries, Community and Recreation Centers.

A. Potential Concerns

1. Adequate lot size to permit future expansion.
This place of worship is existing therefore lot selection is pre-determined.
2. Location and screening of outdoor recreation areas.
The basketball court is in the rear only visible from the alleys.
3. Bus or van storage.
None expected.
4. Lighting.
Any exterior lighting is required to comply with zoning code requirements for glare and fixture height.
5. Parking and traffic impact.
The location is walkable from other local destinations; however, some parking from attendees outside the Miami community may occur. As stated earlier, the Foundation should plan for this as part of the expansion. Discussions with neighboring owners and the city should occur. There is not a city-required parking standard for the use or the expansion.

There is not a specific set of potential concerns for a non-profit office expansion beyond 2,500 square feet. The current square footage is 5,000 square feet, increasing to 9,000 which is not all used for office activities. Therefore, this is a hybrid of the two categorical uses.

Zoning Code Analysis:

Front Yard Setback:

The front yard setback requirement for the RO district is 20 feet. There is a new accessible ramp proposed which encroaches into the front yard 10 feet. A six foot encroachment is permitted, therefore, the additional four feet would have to be permitted as a waiver recommended by this Commission.

Side Yard Setback:

The side yard setback requirement for the RO district is 7.5 feet. The existing building is 5 feet from the side lot line rather than the required 7.5 feet. Any expansion is required to comply with the setback. The proposed rear addition is 7 feet along the alley and 5 feet along the west property line. Therefore, the side yards for both sides would need waivers recommended by this Commission.

Lot Coverages:

The total lot coverage is currently 50%. The proposed lot coverage with the rear addition and other features is 75%. The code required total lot coverage limit is 35% which has already been exceeded by current conditions.

The front yard lot coverage is around 10%. The proposed front yard lot coverage with the front ramp entrance addition is around 50%. The code required front yard coverage limit is 5%.

Therefore, both lot coverages would need waivers recommended by this Commission.

Height: compliant

Rear yard setback: compliant

RECOMMENDATION:

This application represents a strong effort by Hillel to be a neighborhood and community partner in the way it grows to fit current needs. A majority of the HAPC believed the exterior design was sensitive and appropriate to the area. The aspect of the increased total lot coverage may need further review in order to be consistent with other similar projects where mitigation was required. The Commission or Council is not duty-bound to grant waivers of Zoning Code without deliberation and a full understanding of any negative impacts that may occur.

Staff does not have any major concerns with the front yard lot coverage or front and side yard encroachments. Any safety concerns that may arise from side setback encroachments are typically handled by the Building Code review, which has yet to occur.

If the total lot coverage is resolved through deliberation, staff recommends that the Commission forward a recommendation of approval with any waivers or conditions in writing to City Council. Commission options:

- Recommend approval/with conditions and waivers
- Recommend denial with written findings of fact or
- Table the case

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: July 5, 2018

ATTACHMENT

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof.

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

City of Oxford
Inter-Office Review Transmittal Sheet



Date: June 5, 2018

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

From: Community Development Department

PC-2018-16, CONDITIONAL USE, 11 E. Walnut Street, to allow for the renovation of the existing Hillel Student Center, Craig Moyer, The Architectural Group, Applicant, Agent

 X Review Revisions Other

Please return no later than: **July 2, 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:

6/11/18

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

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

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PC-2018-16, CONDITIONAL USE, 11 E. Walnut Street, to allow for the renovation of the existing Hillel Student Center, Craig Moyer, The Architectural Group, Applicant, Agent

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Please return no later than: **July 2, 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: 6-7-2018

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-16, CONDITIONAL USE, 11 E. Walnut Street, to allow for the renovation of the existing Hillel Student Center, **Craig Moyer, The Architectural Group, Applicant, Agent**

 X Review Revisions Other

Please return no later than: **July 2, 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: _____

6/18/18

John A. Jones

PRINTED NAME



PC-2018-16 **Surrounding** **Property Owners** **Notifications Map**

Legend

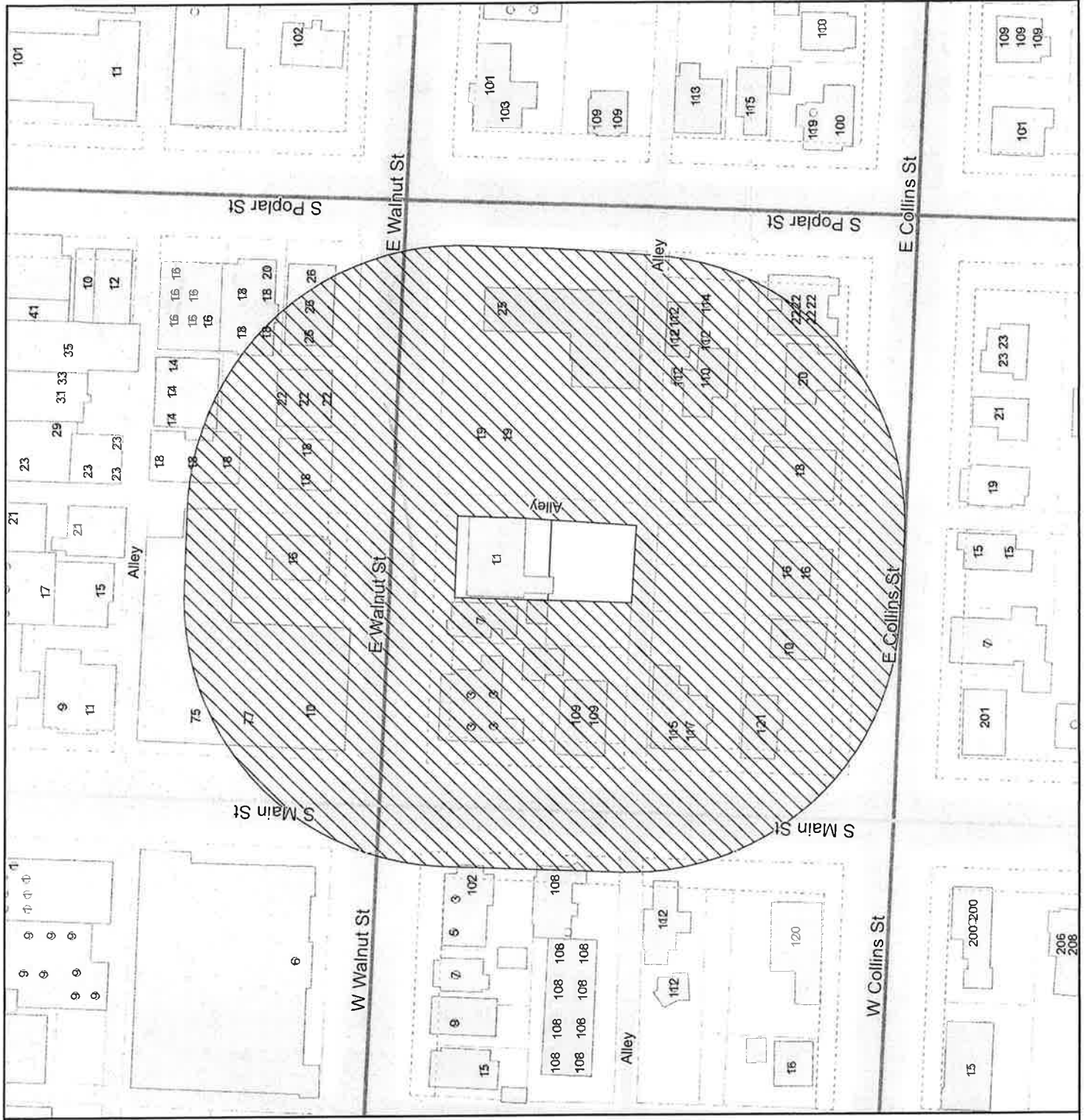
-  Subject Parcels
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet

Prepared on Monday, June 25, 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.





AGENT AUTHORIZATION

April 12, 2018

To the Historic & Architectural Preservation Commission,

Please be advised that The Architectural Group, Inc. has permission to represent our interest with the City of Oxford and act on our behalf for the Historic and Architectural Planning Commission hearing 05/02/2018 regarding the Hillel Foundation Renovation at our property located at 15 E. Walnut St., Oxford, Ohio 45056

Thank-you,

A handwritten signature in cursive script that reads "Marcia Miller".

Marcia Miller
Executive Director

Hillel Foundation at Miami University, Arthur Beerman Center

11 E. Walnut Street * Oxford, OH 45056 * Phone: (513) 523-5190 * Fax: (513) 524-3342

admin@muhillel.org * marcym@muhillel.org * www.muhillel.org



Supported by donations made to the
Ohio Valley Hillel Consortium





Internal Use Only:

Case No.

Date Filed

PC-2018-16
5/25/18

Conditional Use Permit Application

Applicant Information

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

Name * CRAIG MOYER
Mailing Address * 135 N. MAIN ST.
City, State & Zip Code * DAYTON, OHIO 45402
Telephone Number(s) * 937-223-2500
Email Address MOYERC@TAGUIT.COM

Owner Information

Name * B'NAI B'RITH HILLEL FOUNDATION INC
Mailing Address * 11 E WALNUT ST
City, State & Zip Code * Oxford, OH 45056
Telephone Number(s) * 513-523-5190
Email Address marcym@muhillel.org

Location and Lot Information

Location of Property * 11 E WALNUT ST
Legal Description * 61 E61.5 & PT VAC ST CONS W/106
Zoning District * RO
Total Area * 10141 → Check One * Acres ☐ Square Feet ☒
Existing Use Description * RELIGIOUS STUDENT & COMMUNITY CENTER FOR HILLEL FOUNDATION
Proposed Use Description * RELIGIOUS STUDENT & COMMUNITY CENTER FOR HILLEL FOUNDATION

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

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

- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Fees & Receipt

The required fees are \$400.00 plus \$10.00 for postage. You may write a \$410.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *


 5/24/18

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

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

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

For Staff Use Only

Fee Paid Date *

Receipt Number *

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

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



135 north main street
dayton, oh 45402-1730
tel 937.223.2500
fax 937.223.0888
www.taguit.com

1721727 May 25, 2018

Conditional Use Application
City of Oxford
101 E. High St.
Oxford, OH 45056

TAG COMMISSION NO.: 1727

RE: Conditional Use Application

Hillel Foundation Renovation
11 E. Walnut St.
Oxford, OH 45056

Dear City of Oxford Planning Commission,

We are pleased to submit these documents to you in support for the renovation of the Hillel Student Center at Miami University. We hope that this application, and the documentation contained within can aid and assist you in making your decision in support of our project. We look forward to your review and welcome any commentary from the Planning Commission or the Community at large.

The written, detailed description and responses to the questions in the Conditional Use Permit are as follows, written in bold.

1. *The name, mailing address, and telephone number of the applicant and the property owner.*

Please see attached Condition Use Permit Application for the name(s), mailing addresses and telephone numbers of the applicant and property owner.

2. *If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.*

Please see the attached Agent Authorization Letter dated 4/12/2018.

3. *A legal description of the site, including all separate lots.*

**Parcel Number: H4100003000101; 61 E61.5 & PT VAC ST CONS W/106
Parcel Number: H4000003000106; 62 E 61 ½**

A lot consolidation is desired.

4. *A description of the existing uses of the site.*

The existing site serves community and religious functions open to all residents of Oxford and the Miami University community.

5. *The zoning district in which the site is located.*

The zoning district is RO.

6. *A. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.*

The Hillel Center serves a number of community, educational, and religious functions for the Miami University community and the Community of Oxford as well. Community functions on site include: spaces for meetings and gatherings, public dining and meal preparation, as well as community outreach. Educational functions include spaces for student meetings and lectures, a library, and computer equipment for student use. Religious functions include spaces for large gatherings, private consultation rooms, facilities for religious services and facilities to prepare Kosher meals.

B. The hours of operation

The facility is open seven days a week 10AM-6PM and most evenings with the exception of Thursday evenings.

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

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

The existing use will remain unchanged. The new use will be essentially the same as it exists today.

B. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.

This shiplap banding serves a few purposes: first, it reflects the current character of surrounding residential buildings (see attached photographs for an example). Since the existing building does not have a traditional base, shaft and capital, this modification rectifies this problem by defining a capital condition in the language of the surrounding context. Second, the shiplap banding ties the distinct forms of the existing building and the new addition as well as the clerestory together and adds cohesion to an otherwise monolithic configuration. Third, the banding softens the monolithic character of the existing building in form and materiality (rather than underscoring the existing cold, metallic mansard which is out of place in this neighborhood) by introducing some familiarity and warmth.

The increased amount of glazing on the north façade of the building also reflects the surrounding character from the perspective of the neighboring Episcopal Church's new addition which contains a large amount of glazing. It is important in the overall design of the building that the Oxford Community and University functions and activities taking place on the inside of the building are visible and expressed to the Community of Oxford.

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

The use will remain unchanged and introduction of excessive noise, lighting, odor, et cetera is unlikely. We will be adding a trash enclosure, so the improvements will further mitigate existing externalities.

D. How any potential negative effects on adjacent land will be mitigated.

Provisions for a new trash enclosure are included in the scope of work.

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

For over twenty years the Hillel Foundation has existed in the Oxford Community, with its contributions increasingly being felt by the Miami University, the Community, and the Hillel Foundation itself. Currently, the existing building obstructs Hillel's ability to functionally meet current and future needs. The existing facility is within one-block of Miami University, which is extremely important for proximity to the student body. Additionally, the facility is located directly adjacent to the uptown district, the heart of the Community of Oxford, which is of equal importance and relevance to the operations of the Center.

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

The Hillel Center has been operating in Oxford for over twenty years, providing gathering and organizing spaces for the students of Miami University but also the Community of Oxford at large. With the renovation and addition of the existing facility, these services will be expanded and enhanced. Currently, religious services can be limited at the existing facility because of its size. It is the intent of the project to not only increase the services available to the community and the students but also be able to service the growing religious needs of the community and the students.

10. *A list of the names and mailing addresses of all land owners within 200 feet of the site.*

Please see the attached document with the mailing addresses of neighboring properties.

Thank you for reviewing our documents and we look forward to any commentary or questions that may arise!

Respectfully,

Craig E. Moyer
Senior Project Manager

**LARGER PRINTS ARE
AVAILABLE UPON REQUEST**

RENOVATION & ADDITION OF HILLEL STUDENT CENTER MIAMI UNIVERSITY

11 E. WALNUT ST. OXFORD, OHIO 45056

MASTERPLAN DOCUMENTS

DRAWING INDEX:

TU	TITLE SHEET
C1	EXISTING SITE PLAN
C2	NEW MOOR SITE PLAN
C3	VACUITY PLAN
A25	NORTH & SOUTH ELEVATION
A26	EAST ELEVATION
A27	WEST ELEVATION
A28	NORTH & SOUTH RENOVATED ELEVATIONS
A29	EAST RENOVATED ELEVATIONS
A30	WEST RENOVATED ELEVATIONS
A31	EXTERIOR 3D VIEW
A32	EXTERIOR 3D VIEW
A33	EXTERIOR 3D VIEW
A34	EXTERIOR 3D VIEW
A35	EXTERIOR 3D VIEW
A36	EXTERIOR 3D VIEW
A37	ELEVATION OF E. WALNUT ST.



the architectural group
135 north main street
oxford, ohio 45056
tel: 513.223.0908
fax: 513.223.0908
www.legall.com

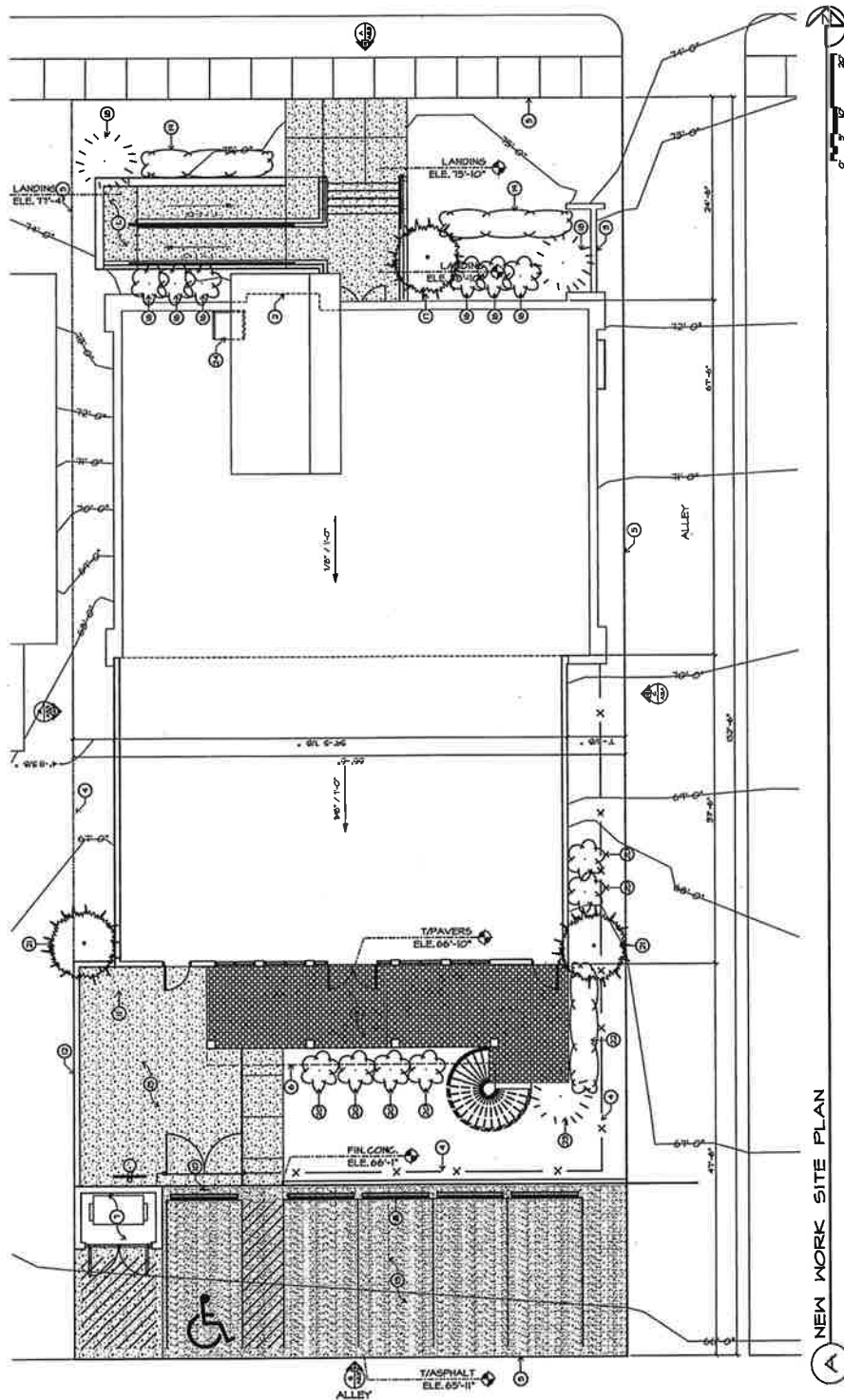
HILLEL MIAMI UNIVERSITY
11 E. WALNUT ST.
OXFORD, OHIO 45056

CONTRACT NUMBER:
11277
DATE: 05/25/2016
SHEET TITLE:
TITLE SHEET
SHEET NO.:
T.1

LETION FROM MEN O

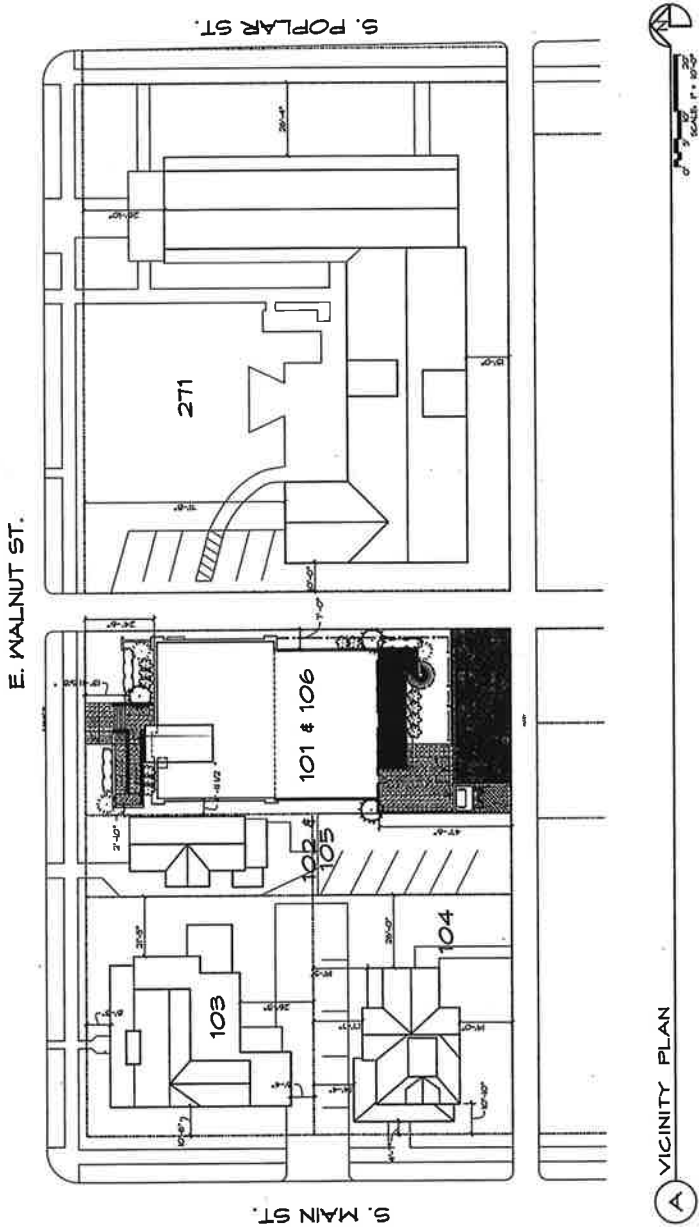
EXISTING	PROPOSED	% CHANGE FROM EXISTING
FRONT YARD DEPTH	24'-6"	0%
REAR YARD DEPTH	65'-0"	-44%
SIDE YARD DEPTH	5'-2" / 4'-11"	NA
BASELINE FOOTPRINT	2,934.5 SF	+10%
PARKING COVERAGE	1,340.5 SF	+10%
HARDSCAPE COVERAGE (TOTAL)	1,201.5 SF	-150%
ADA RAMP COVERAGE	NA	NA
ADA COVERAGE	447.5 SF	-46%
COURT COVERAGE	906.5 SF	-68%
PATIO COVERAGE	471.5 SF	-152%
ROOF COVERAGE	2,410.5 SF	+17%
SCREENED COVERAGE	2,401.5 SF	-50%
BUILDING LOT COVERAGE	45%	+10%
TOTAL LOT AREA	10,141 SF	NA
68,755 SQUARE FOOTAGE	9,112.5 SF	+91%

- | | | | |
|-----|---|-----|---|
| 1. | NEW 40W ACCESSIBLE RAMP | 21. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 2. | NEW 40W ACCESSIBLE RAMP | 22. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 3. | LINE OF CONSTRUCTION ENLIGHT | 23. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 4. | ENLIGHTENED BRIDGE RETAINING WALL TO REMAIN | 24. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 5. | NEW FENCING | 25. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 6. | NEW FENCING | 26. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 7. | NEW FENCING | 27. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 8. | NEW FENCING | 28. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 9. | NEW FENCING | 29. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 10. | NEW FENCING | 30. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 11. | NEW FENCING | 31. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 12. | NEW FENCING | 32. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 13. | NEW FENCING | 33. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 14. | NEW FENCING | 34. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 15. | NEW FENCING | 35. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 16. | NEW FENCING | 36. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 17. | NEW FENCING | 37. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 18. | NEW FENCING | 38. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 19. | NEW FENCING | 39. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |
| 20. | NEW FENCING | 40. | INTERSECTOR SHAED 30"X 40" MAJORE RESUM |



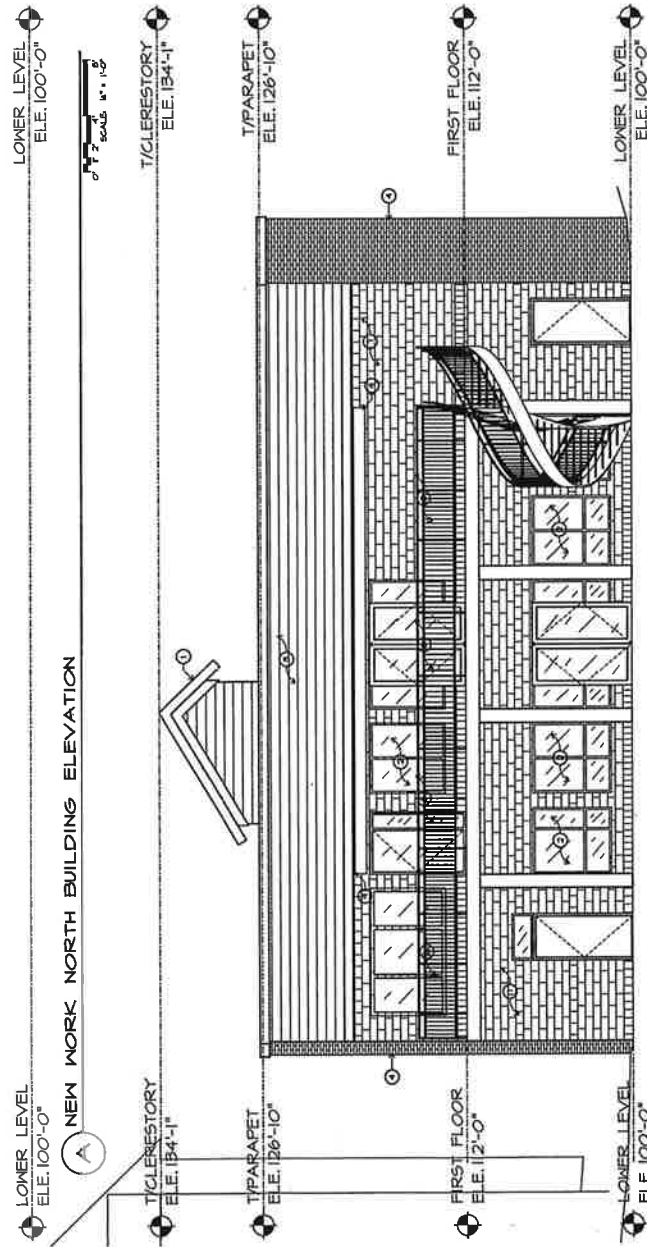
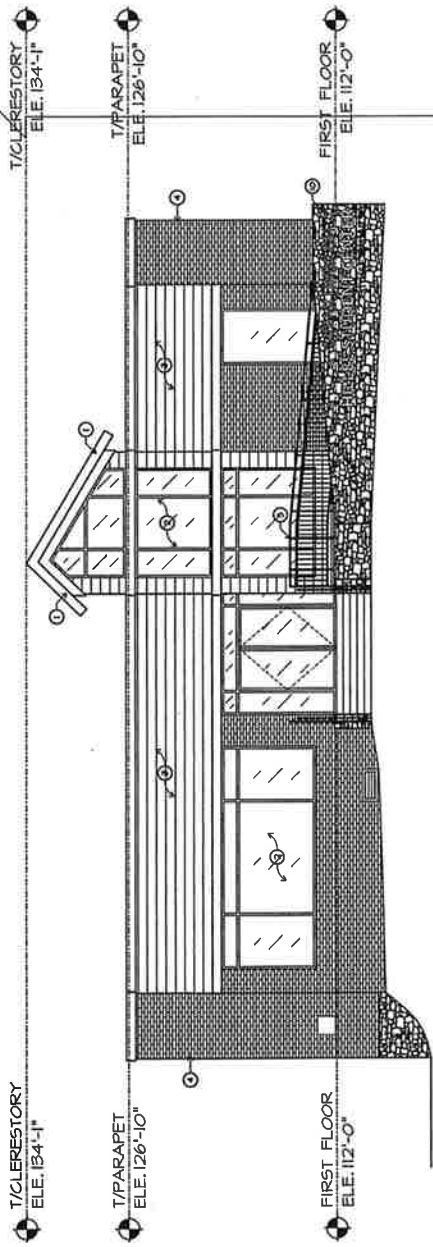
NEW WORK SITE PLAN

PARCEL NUMBER	TOTAL LOT AREA	BUILDING LOT COVERAGE	GREENSPACE COVERAGE	PARKING COVERAGE	HARDSCAPE COVERAGE
101 & 106	10,141 SF	4,581 SF (45%)	2,481 SF (25%)	1,946 SF (19%)	1,635 SF (16%)
102 & 105	4,466 SF	1,024 SF (23%)	526 SF (12%)	2,021 SF (45%)	502 SF (11%)
103	6,033 SF	1,851 SF (31%)	3,046 SF (50%)	1,041 SF (17%)	310 SF (5%)
104	24,111 SF	9,134 SF (38%)	11,145 SF (46%)	4,644 SF (19%)	4,020 SF (17%)
271					



NEW WORK NOTES:

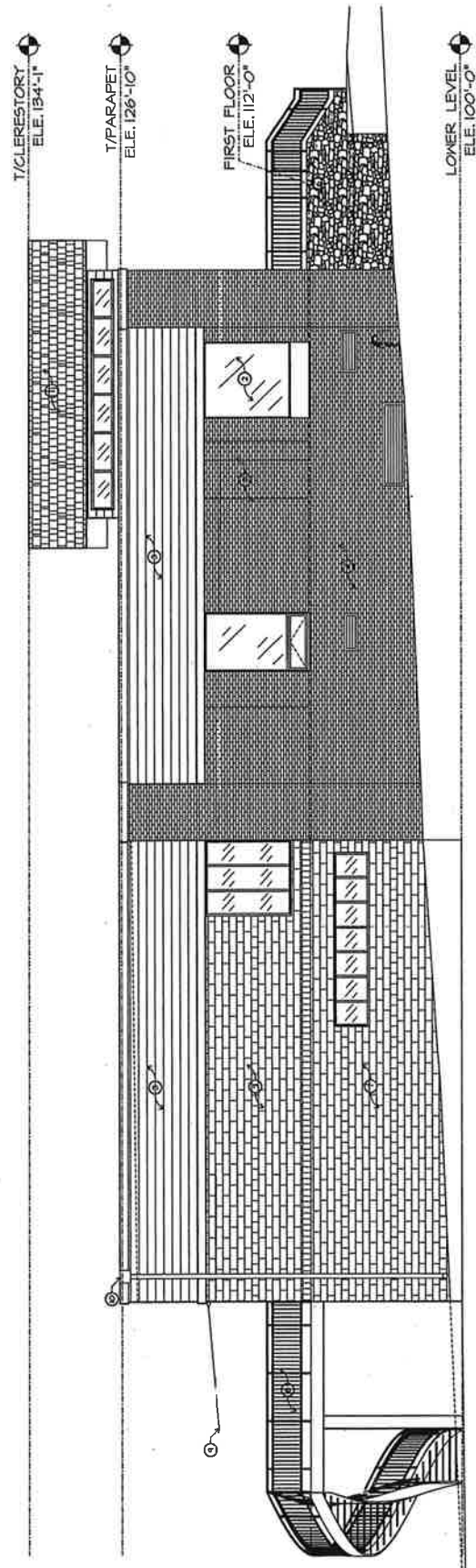
1. NEW ROOF CLADDING
2. NEW GLAZED GREEN HALL
3. NEW GLAZED BRIDGE
4. REPAIRED EXISTING BRIDGE
5. NEW METAL GUARDRAIL
6. REPAIRED STONE HALL
7. METALLIC GLAZED BRIDGE
8. METAL GUARDRAIL & HANDRAIL
9. NORTH CANOPY SYSTEM
10. FRONT-ILLUMINATED METAL BUILDING SIGNAGE



NEW WORK SOUTH BUILDING ELEVATION

NEW WORK NOTES:

1. NEW ROOF CURBWORK
2. STRUCTURAL GLASS PROTECTIVE MASON
3. BRICKWORK
4. BRICKWORK
5. BRICKWORK
6. BRICKWORK
7. BRICKWORK
8. BRICKWORK
9. BRICKWORK
10. BRICKWORK

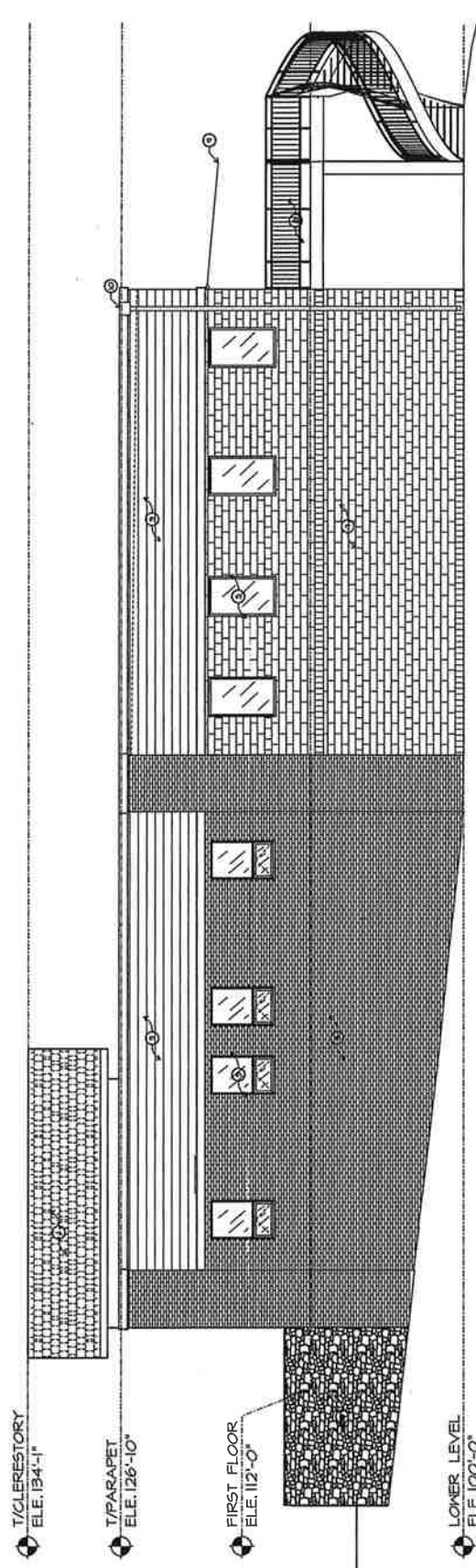


C NEW WORK EAST BUILDING ELEVATION

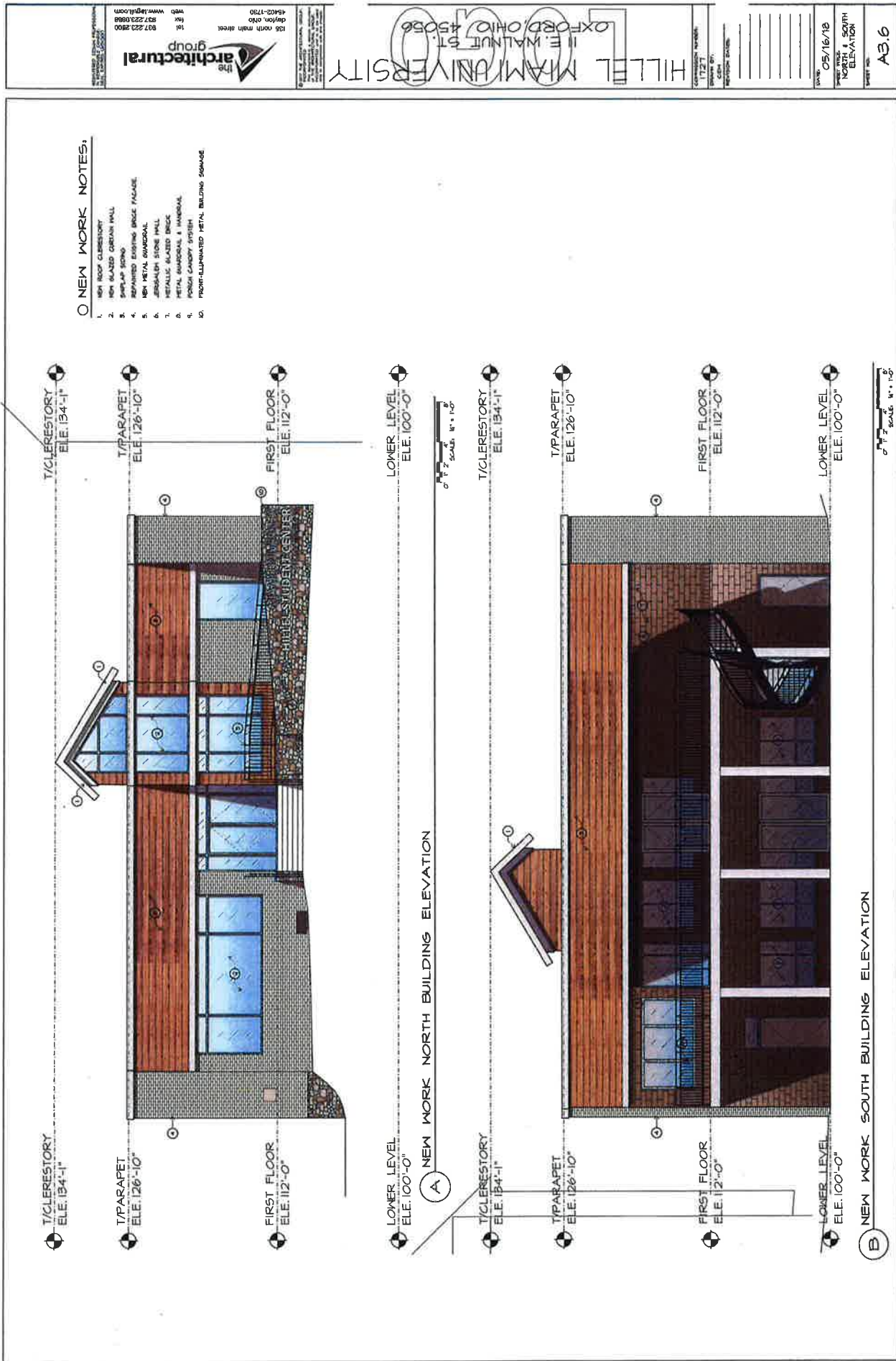
SCALE: 1/8" = 1'-0"

NEW WORK NOTES:

1. NEW ROOF GLAZING
2. NOT USED ON THIS SHEET
3. SHIP LIFT SCISSOR
4. REPAINTED EXISTING BRICK FACADE
5. NEW MOON
6. JERUSALEM SCENE MALL
7. METALLIC GLAZED BRICK
8. STEEL SHADOWS & HANGERS
9. PUGH CANOPY SYSTEM
10. OVERLAP SCISSOR & CORNERPOST

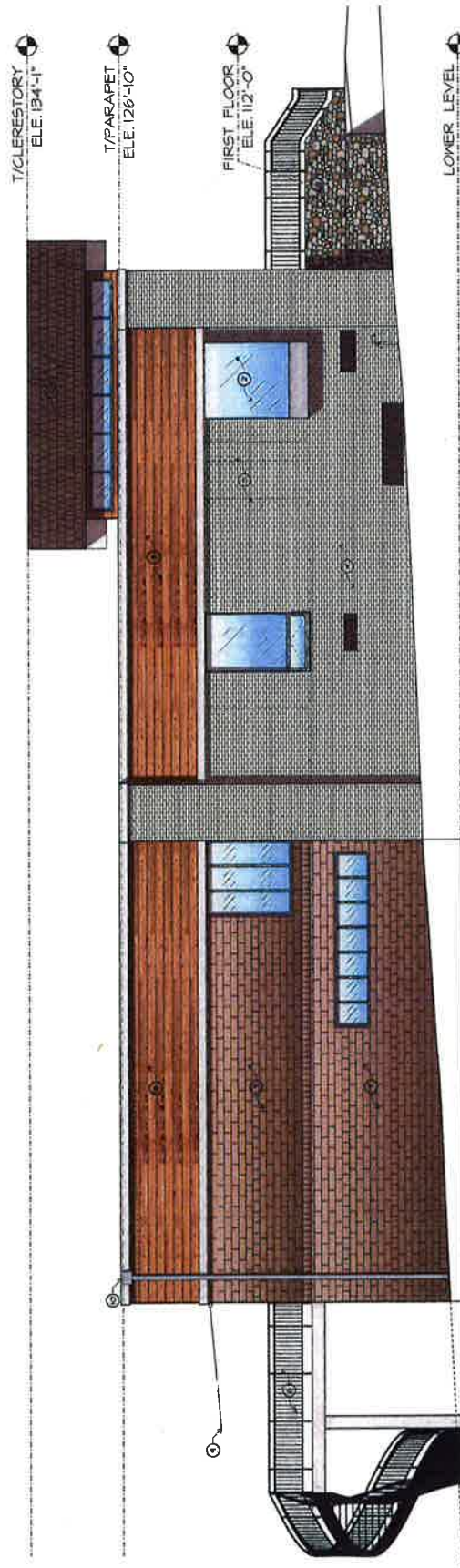


D NEW WORK WEST BUILDING ELEVATION



NEW WORK NOTES:

1. NEW ROOF CLERESTORY
2. STRUCTURAL GLASS PROJECTING MAROON SHIP-LAP SIDING
3. REPAINTED EXISTING BRICK FACADE
4. REPAINTED BRICK WALL
5. REPAINTED STONE WALL
6. METALLIC SLATED BRICK
7. METALLIC SLATED BRICK
8. METAL SHOWER + HANDRAIL
9. PORCH CANOPY SYSTEM
10. OVERLAP SCUPPER + DOWNPOUT

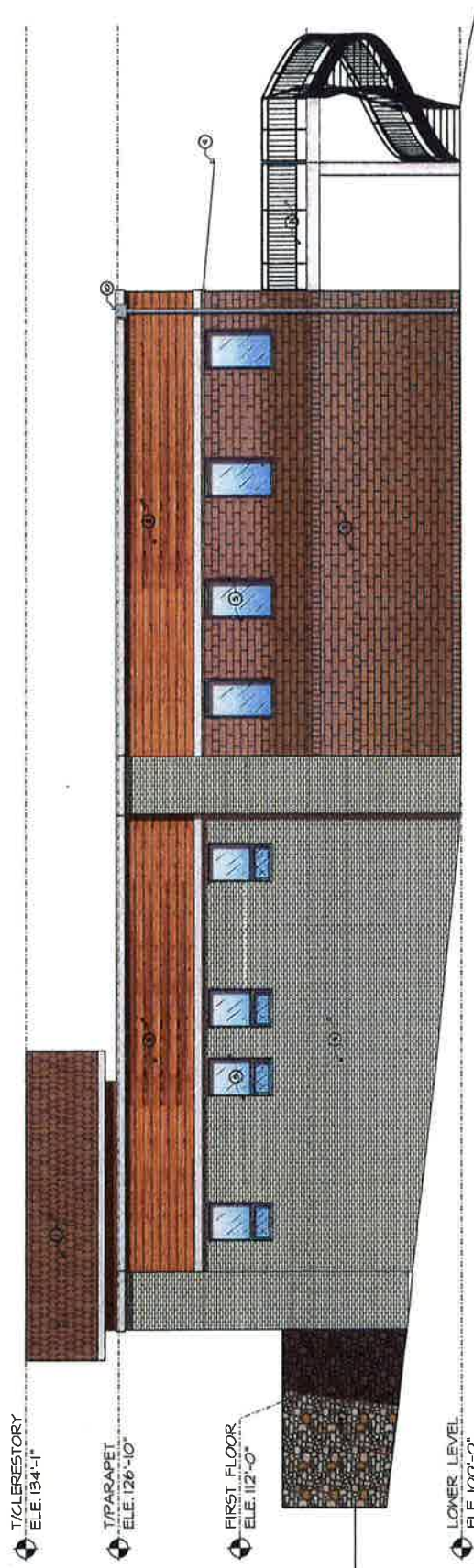


C NEW WORK EAST BUILDING ELEVATION

SCALE: 1" = 10'-0"

0 NEW WORK NOTES:

1. NEW ROOF CLESTORY
2. NOT USED ON THIS SHEET
3. SHIMLAP SIDING
4. REPAINTED EXISTING BRICK FACADE
5. NEW WINDOW
6. JEWELRY STORE HALL
7. METALLIC GLAZED BRICK
8. STEEL GARDENAL & HANDRAIL
9. FORTH GARDY SYSTEM
10. OVERLOOK SUMMER & DOMINANT



D NEW WORK WEST BUILDING ELEVATION



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the architectural group

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HILLEL OXFORD
11 E Walnut St.
Oxford, OH 45056

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1 Front Exterior 1



A3.18



156 North Main Street
Dayton, Ohio 45402-1720
Tel: 937.223.2600
Fax: 937.223.0888
Web: www.agrui.com

HILLEL OXFORD
11 E Walnut St.
Oxford, OH 45056

DATE: 08/19/18
DRAWN BY: JLT
CHECKED BY: JLT
APPROVED BY: JLT

08/19/18
EXTERIOR 3D
VIEW
A3.19



1 East Exterior 1



136 North Main Street
Oxford, OH 45056
Tel 937.223.2800
Fax 937.223.0800
Web www.hqadl.com

Architectural Group
136 North Main Street
Oxford, OH 45056
Tel 937.223.2800
Fax 937.223.0800
Web www.hqadl.com

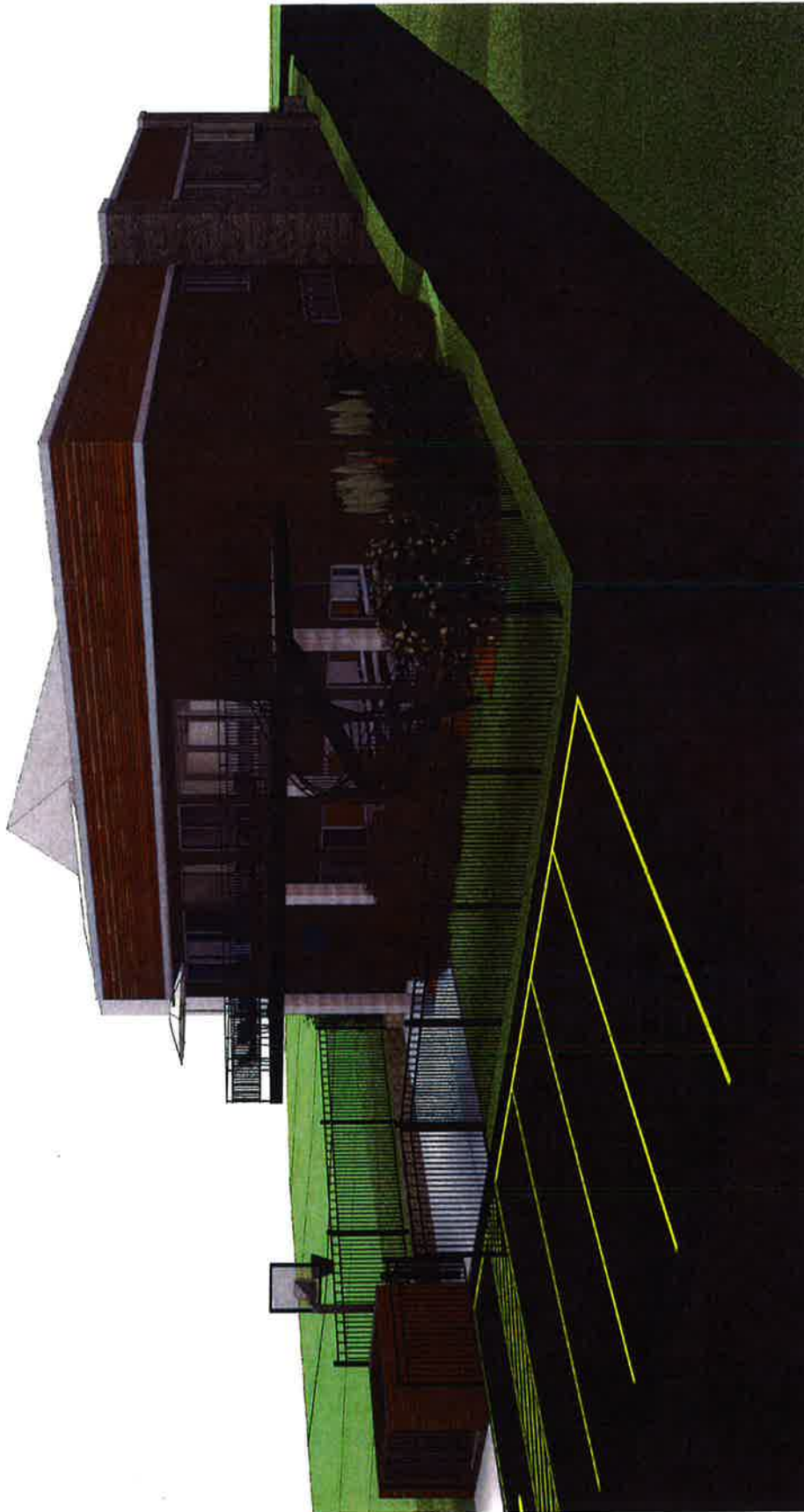
HILLEL OXFORD
11 E Walnut St.
Oxford, OH 45056

11271
11271
11271

DATE
05/16/19

VIEW
EXTERIOR 3D

A3.20



1 South Exterior 1



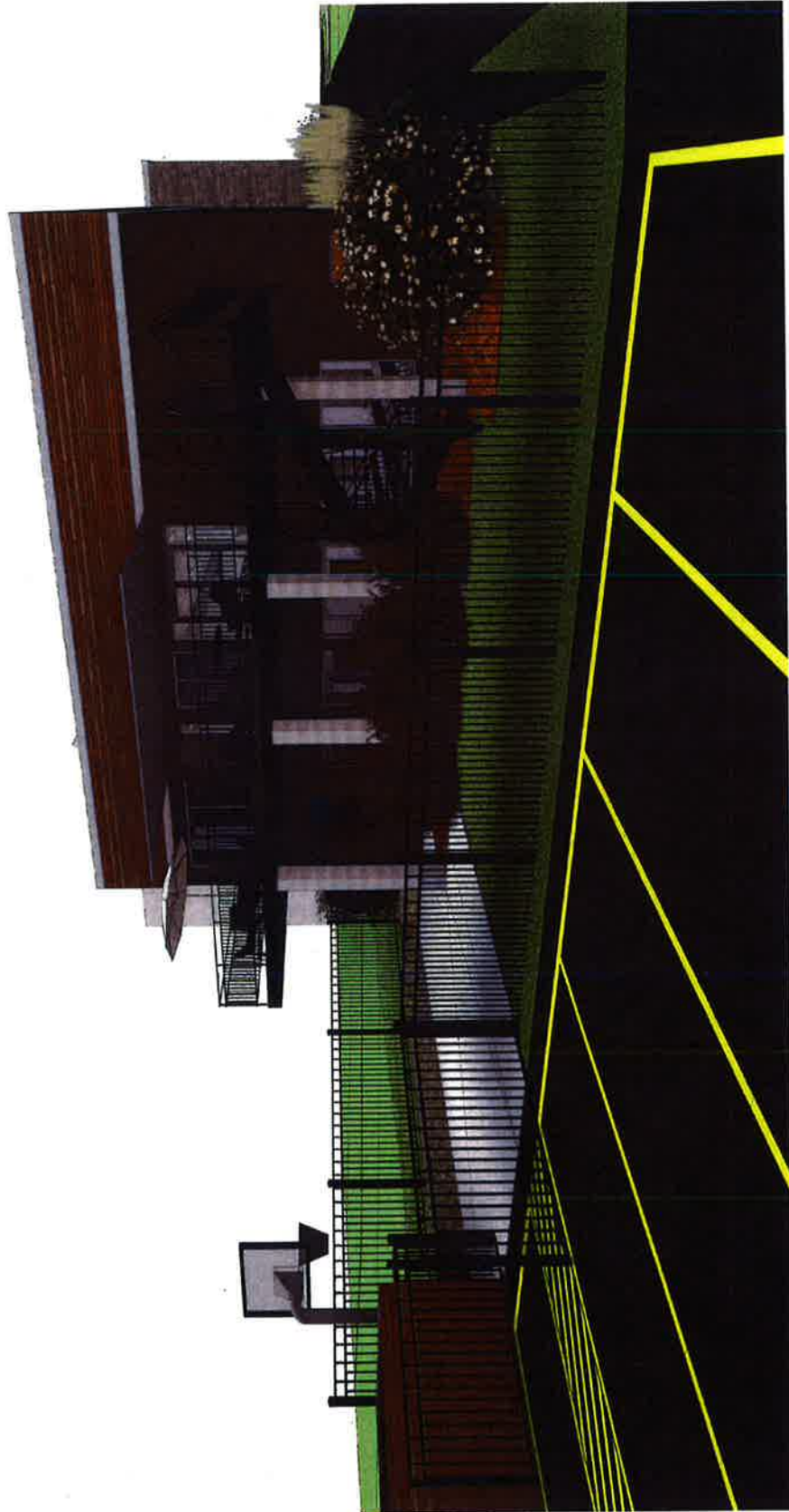
136 North Main Street
Oxford, OH 45056
Tel: 887.223.2000
Fax: 887.223.0888
Web: www.hagun.com

DATE: 05/04/10
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

HILLEL OXFORD
11 E Walnut St.
Oxford, OH 45056

DATE: 05/04/10
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

A3.21



1 South Exterior 2

HILLEL OXFORD

11 E Walnut St.
Oxford, OH 45056

the architectural group
128 North Main Street
Oxford, Ohio 45056
Tel 607.223.2800
Fax 607.223.0888
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05/16/13
BIRDSEYE
VIEW
A3.22



1 Birdseye View Facing Southwest



135 North Main Street
Oxford, OH 45056
Tel: 937.233.2500
Fax: 937.233.0888
www.thegroup.com

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HILLET OXFORD

11 E Walnut St.
Oxford, OH 45056

Project No. 1127
Date: 05/16/13
Client: BIRDSEYE VIEW

05/16/13
BIRDSEYE VIEW
A3.23



1 Birdseye View Facing Northwest



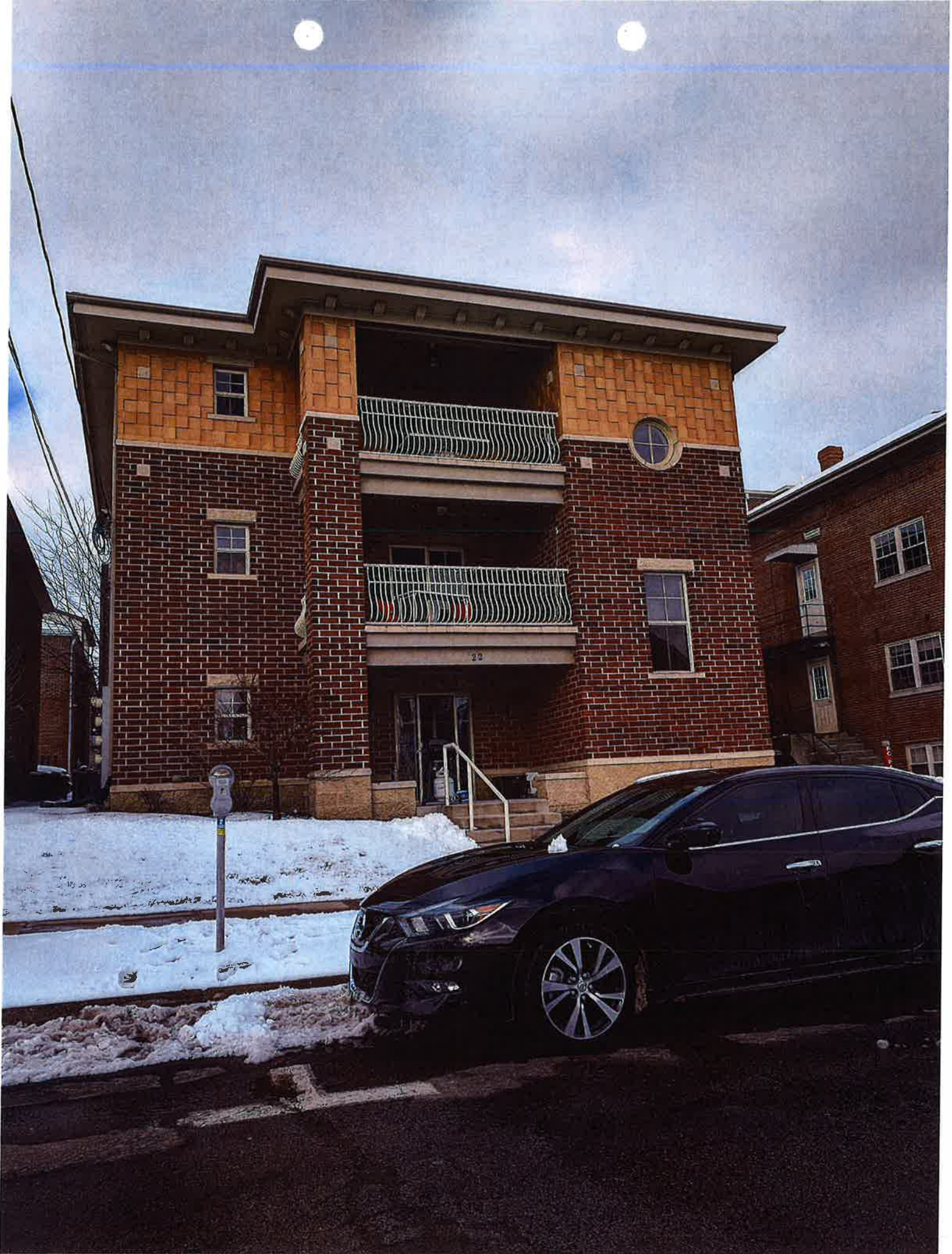
1 ELEVATION OF E. WALNUT ST. BETWEEN S. POPLAR AND S. MAIN ST.

SCALE NOT TO SCALE

HILLIAR MAMUNIVERSITY
E. WALNUT ST.
OXFORD, OHIO 43056

DATE	05/16/2016
DESIGNER	THE ARCHITECTURAL GROUP
PROJECT	ELEVATION OF E. WALNUT ST.
SCALE	A3.24

the architectural group
125 South Main Street
Oxford, Ohio 43056-1730
Tel: 687.223.0986
Fax: 687.223.0986
Web: www.thegroup.com





City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-15

Date – July 10, 2018

APPLICATION

Applicant:	Architect Scott Webb
Action Request:	Zoning Map Amendment from RO (Residential Office) to UP (Uptown)
Location:	4 North College Ave
Acreage:	0.123 Acre
Owner:	First Merchants Bank (Kevin Scharnowske)
Current Use:	Vacant Bank with parking lot
Surrounding Land Uses:	Gas Station, Community Center, Single and Multi-Family
Comp Plan Designation:	Neighborhood Enhancement/Neighborhood General 1

DESCRIPTION

This is a map amendment request for a 0.123 acre parcel at the intersection of North College Ave and West High Street. The request is proposed by Architect Scott Webb on behalf of First Merchants Bank.

The request is to amend the zoning map for this parcel from RO (Residential Office) to UP (Uptown). The land to the north, south and west is zoned RO, while the land across College Ave is zoned UP. The RO district forms a buffer ring around the UP district, bordered by North and South College Avenue, in this case.

Mr. Webb has provided a letter regarding the map amendment decision standards.

Below is the staff analysis:

SITE BACKGROUND

The 2018 Uptown Historic District Inventory lists the building as being built in 1965 as Columbia Federal Savings and Loan. The building has remained unchanged since. The First Merchants Bank recently relocated to Stewart Square; therefore, the building is vacant. There are no records of denied development applications, such as building permits, variances or conditional uses for the subject property.

COMPREHENSIVE PLAN

The comprehensive plan does not provide specific guidance on this individual parcel. The land is labeled as Neighborhood Enhancement Area on the Conservation and Development Map 3.6. The Character Area Map 3.7 labels the land as part of Neighborhood General 1, which is the northern section of the Mile Square.

Although the 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 Urban Design Chapter 4 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. The proposed map amendment would mean that the site would be targeted for redevelopment.*

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 small town character. The streetscape includes building placement. The proposed map amendment would allow up to a four story building without any setback requirement or off-street parking, essentially a western extension of the streetscape that exists one block east of the subject property.*

Preserve and enhance historic resources in the Mile Square including Uptown (Page 4.5)

- Urban Design Strategy 4.1: Support the work of the Historic and Architectural Preservation Commission to preserve historic buildings and resources.
 - *The proposed map amendment would remove the preservation protection of the existing building due to the fact that development rights of the zoning district supersede the historic district guidelines and regulations*

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 to Uptown would likely mean a new mixed-use building. This could be an opportunity for a development that offers units at a different price point or marketed to different demographic sectors than has occurred in recent years Uptown*

Provide diverse housing options (Page 7.5)

- Housing Strategy 6.2: Encourage new housing options for young professionals in the Uptown
 - *The proposed map amendment to Uptown would likely mean a multi-story mixed use building with apartments on the upper three levels. This could be an opportunity for a development that offers units intended for permanent residents rather than students.*

AGENCY REVIEWS

Police:	No comments returned
Engineering:	No comments returned
Econ. Dev.	No comments returned
Fire:	No comments returned

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.

The map amendment is for a specific single parcel of land, which will result in increasing the development rights of a single parcel of land. Very little, if any specific guidance can be found for the proposed map amendment. Additionally, the city cannot control the details of a development, only the development rights.

- 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 which may or may not be relevant to the map amendment request:

- *The Uptown Zoning District has experienced several single-parcel redevelopment projects in the past decade.*
- *The former BP gas station site was cleared for future redevelopment, on the southeast corner of this same intersection.*
- *The City's brick street repair/replacement projects for the High Street corridor have been completed.*
- *The Oxford Lane Library has relocated out of this area and been replaced with the Oxford Municipal Building, perhaps shifting the Uptown clientele demographics on the western side of the district.*
- *The Oxford Community Arts Center has grown internally and externally to establish a stronger community presence over the past decade.*

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

There are vacant and underutilized sites that exist in the Uptown Zoning District, without the need for the proposed expansion. However, it is unknown if there are insurmountable development obstacles with these sites or if they are otherwise not available for development at this time. Sites noted by staff:

- *Aforementioned former BP gas station – 131 W. High Street (0.36 Acres)*
- *Former funeral home site – 101 N. Beech St 70% unutilized (0.6 Acres)*
- *Sideyard to 102 E. Walnut St – Catholic Church lot – (0.11 Acres)*
- *City surface parking lot – “Lot 52” – (0.4 Acres)*

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.

Criteria C or possibly B seem the mostly likely to be cited with any findings of fact, whether from staff, applicant or through the deliberation process. However, if the Commission does not find any of the four, it can forward a recommendation of denial to City Council.

RECOMMENDATION

Based upon staff findings, a recommendation of denial can be forwarded to City Council. However, the deliberation could likely pull out additional information unknown to staff at the time of this report.

SUBMITTED

BY:

A handwritten signature in black ink, appearing to read "Sam Perry", with a long horizontal flourish extending to the right.

Sam Perry, AICP
Planner

DATE: July 5, 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: June 5, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-15, ZONING MAP AMENDMENT, 4 N. College Avenue, .123 acres, from RO (Residential Office) District to UP (Uptown) District, Scott Webb, Applicant, Agent

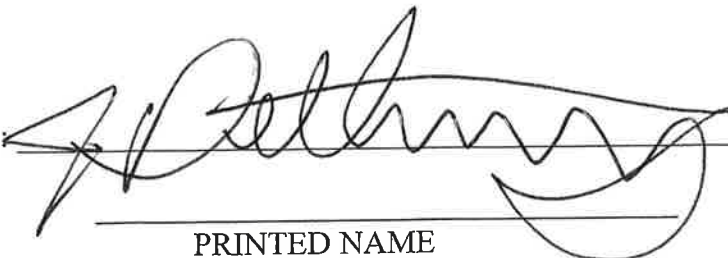
 X Review Revisions Other

Please return no later than: **July 2, 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: 6-8-18

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

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

From: Community Development Department

PC-2018-15, ZONING MAP AMENDMENT, 4 N. College Avenue, .123 acres, from RO (Residential Office)
District to UP (Uptown) District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **July 2, 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:

A. Popescu

Date: 6-7-18

VICTOR POPESCU

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

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

From: Community Development Department

PC-2018-15, ZONING MAP AMENDMENT, 4 N. College Avenue, .123 acres, from RO (Residential Office) District to UP (Uptown) District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **July 2, 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: 6-18-18

John A. Jones, Police Chief
PRINTED NAME



PC-2018-15 **Surrounding** **Property Owners** **Notifications Map**

Legend

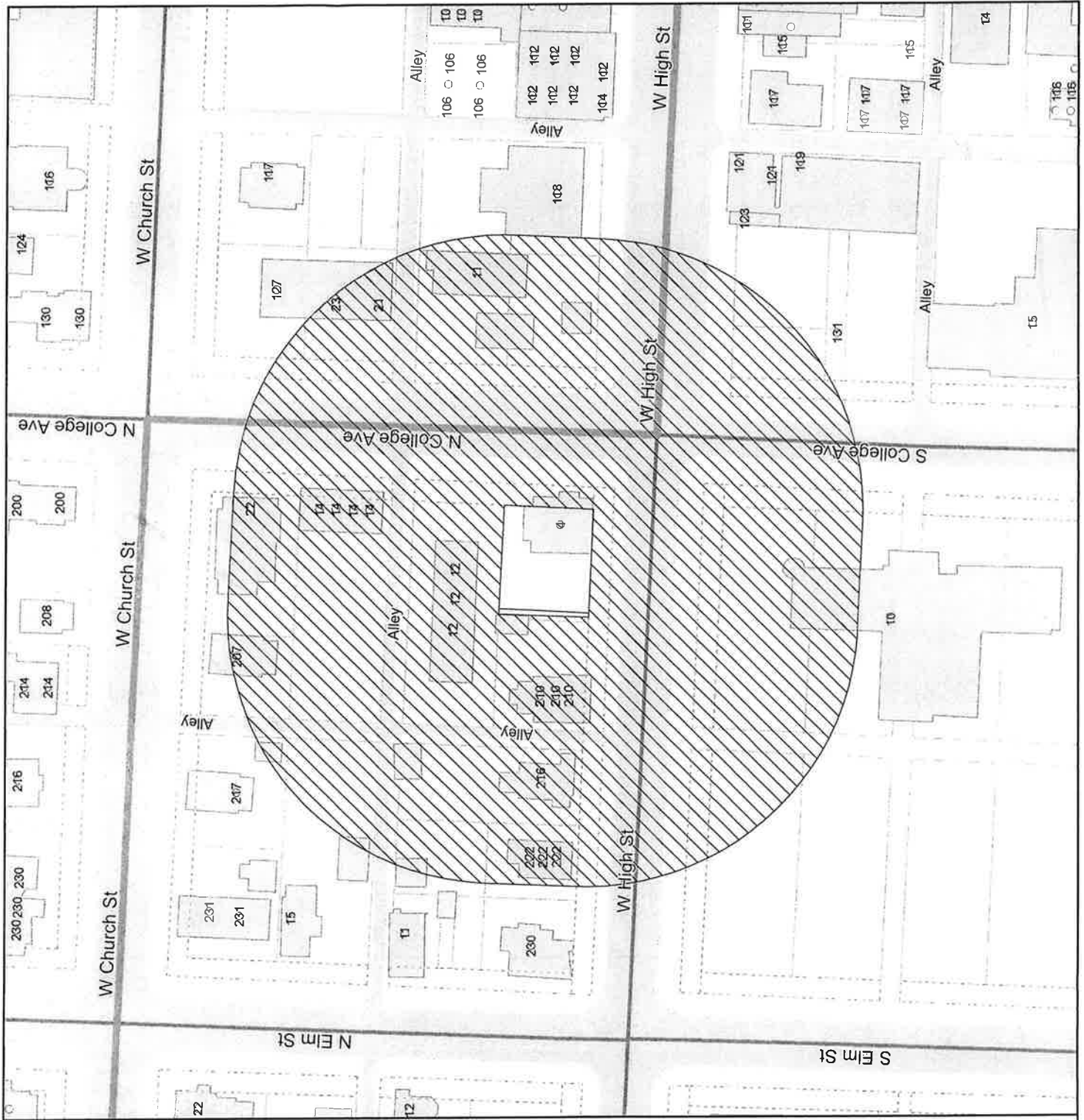
-  Subject Parcels
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet

Prepared on Monday, June 25, 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

May 21, 2018

City of Oxford, et al
101 East High Street
Oxford, OH 45056

To Whom It May Concern:

Please be advised that Scott Webb, Architect, has permission to represent our interest with the City of Oxford, Planning Commission, Board of Zoning Appeals, Historic and Architectural Preservation Committee, and any all other legislative committee counsels, to act on our behalf as relates to the property owned by First Merchants Bank at 4 North College Avenue, Oxford, Ohio.

Thank you.

First Merchants Bank

Signed:

Printed Name:

Printed Title:

Date:



KEVIN SCHARNOWSKI
V.P. DIRECTOR OF FACILITIES



Internal Use Only:

Case No.

Date Filed

PC-2018-15
5/25/18

Zoning Map Amendment Application

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(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Location and Lot Information

Location * 4 North College Ave.

General Description
of Proposed Amendment * Change of zoning from RO to UP

Current Zoning * RO

Proposed Zone(s) * UP

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

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

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

Surrounding Property Owners

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

Decision Process

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

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

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

Fees & Receipt

The required fee is \$150.00, plus \$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 *


 5/25/2018

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

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

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

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/>

Community Development Department
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Application for Zoning Map Amendment
4 North College Street
Oxford, Ohio 45056

May 25, 2018

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 Northwest corner of High & College Street. The proposed Zoning Map Amendment will change the affected property from RO (Residential Office) to UP (Uptown District)

The Property at hand represents 0.123 acres (5,326 s.f.) on the northwest corner of North College Ave. and West High Street.

The site is currently occupied by a vacant, small, 1,600 s.f. building, having operated as a branch bank since its erection.

The site provides parallel, one-way traffic for the drive-through and the on-site parking from North College Ave. with (9) non-compliant parking spaces and traffic exiting onto West High Street.

The property is currently zoned RO (Residential Office). At 5,236 s.f., the property is allowed an office and a single residential unit under current zoning.



The small size of the lot and the development regulations of the district render redevelopment of this nearly impossible;

- The existing 1,600 s.f. building already exceeds the lot coverage restriction for buildings, occupying 30% of the lot where 25% is the maximum.
- The 35% overall lot coverage restriction and the parking requirement are in conflict, requiring multiple variances for any redevelopment of the site.

With limited opportunities for redevelopment, the building and parking areas would likely remain, searching for a new tenant.

While the drive-up window might be attractive to other types of businesses, the lack of queuing spaces and the proximity to the intersection would likely be a concern for Planning Commission when considering a drive-through as a **Conditional Use**. The fact that this occurs on US 27 must also be considered.

Proposed Zoning Change to UP (Uptown District)

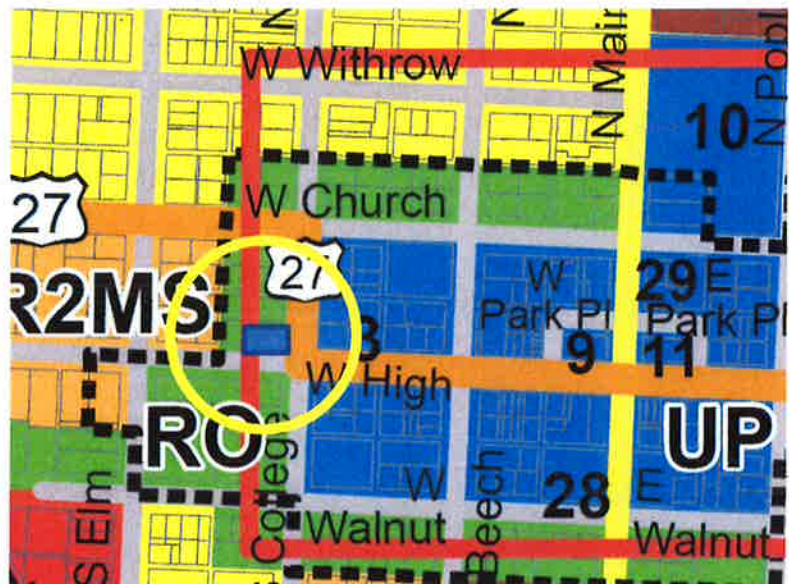
A change in the Zoning designation encourages the redevelopment of the site:

- Eliminates Lot Coverage Restrictions.
- Relieves on-site parking requirements, eliminating curb cuts at the intersection, and returns additional parallel parking along the streets.
- Removes the drive-through and queuing onto US 27, making the intersection safer for vehicles and pedestrians.
- Provides for a historically appropriate, mixed-use building to complement the Uptown Streetscape at an important intersection.
- Anticipates the redevelopment of the former BP site and the extension of the Uptown Business district.

The property at hand is surrounded by a multitude of zoning districts.

The RO District is intended as a buffer between the Uptown District and the residential districts of the Mile Square. As the change in Zoning Districts currently occurs at the Alley an area of RO would remain as a separation between the UP and the R2MS district to the west.

With the large scale historic Community Art Center occupying the corner to the South and the future development of the former BP site, development of a larger scale building than the current zoning allows would provide a visual bookend for the Uptown Business District



A zoning change in this area will affect the properties in the neighborhood; by stretching the Uptown District to follow US 27. With the inevitable redevelopment of the former BP site and the Community Art Center sharing this intersection, a more substantial building would improve the overall area with regard to the streetscape. Elimination of the drive-through will make the intersection safer, and more accommodating to pedestrians.

Statement responding to Decision Standards 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.*

Prior to the 2003 Map Amendment, the property was included in the C-3, Urban Business-Commercial District.

In 2003, despite being a commercial business since its construction, the Zoning was changed to RO, Residential Office. The RO District does not include banks in either permitted or conditional uses, making the property a non-conforming use.

Further, the RO Zoning designation requires that business activity shall be conducted wholly within a completely enclosed building, calling into question the existing drive-through.

The current RO zoning also prescribes a 35% max. lot coverage. This standard represents the goals of a transition to a residential, Mile Square building type as is found along Church and Walnut Streets, but not along High Street and US 27.

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

In the **Land Use Chapter** of the Comprehensive Plan, the **Conservation and Development Map**, the **Concept Area Matrix** labels this area as a "Neighborhood Enhancement Area", intended for improvements that reflect the traditional neighborhood characteristics and commercial features that exist in this area.

The **Character Area Map** refers to this part of the Mile Square as a "Neighborhood 1" in "Developable Character Area" with specific recommendations to preserve the character, street grid and walkability of this area.

Bordering the "Core" Character Area of the Uptown and located along the US 27 North entrance to this uptown, the lot currently houses an abandoned bank, with few opportunities for reuse. "The Neighborhood 1" Character Area suggests that some Mixed-Use Development can occur in this areas as well.

Objective 3 from the Land Use Chapter encourages us to Continue to Enhance Uptown, supporting more mixed-use developments, sidewalk uses, and higher density where appropriate.

Objectives and Strategies from The Urban Design Section support this as well, in its objective to enhance the beauty and character of Oxford, recommending the modification of existing ordinances to support the development of Mixed-use developments as shown on the aforementioned *Conservation and Development Map* and *Concept Matrix*.

Other **Urban Design Objectives** encourage the promotion of *Neighborhood General Patterns* described in the *Character Area Maps*, and walkability. The removal of the drive-through, curb cuts and parking will improve the walkability and safety of drivers and pedestrians.

It is or contention that the Uptown Core begins at the corner of North College and High Street, where US 27 continues through the High Street Business District. This is an area prime for redevelopment, currently housing poorly placed and/or maintained apartment buildings, and a modest bank with no queuing space for the drive-through.

Redevelopment is not encouraged under the current RO Zoning by the limited size of the lot and the opportunities in the RO district, allowing only a single office and a single apartment at one of the gateway corners to the historic Uptown District.

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

The renaissance of the Up District has created new mixed-use developments and has extended the business district the entire length of High Street. The current designation does not reflect the occupancy of this site, or the vision of the Uptown District in this location as a gateway to the Uptown.

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

While there are a number of properties in the UP District that are currently vacant and under consideration for redevelopment, economic development lists very few properties as available. The property at hand occupies a significant corner, as a visual bookend and a natural extension of the uptown district.

The existing building, with its drive-through spilling out into the street, has limited reuse potential if it is not returned as a bank. The parking lot is small and hard to maneuver, with less than prescribed turning radii.

The economics simply do not support the removal of the building, with the limits of a single dwelling unit with an office use. With little reuse potential, and limited redevelopment, it is likely the building will remain vacant for the foreseeable future.

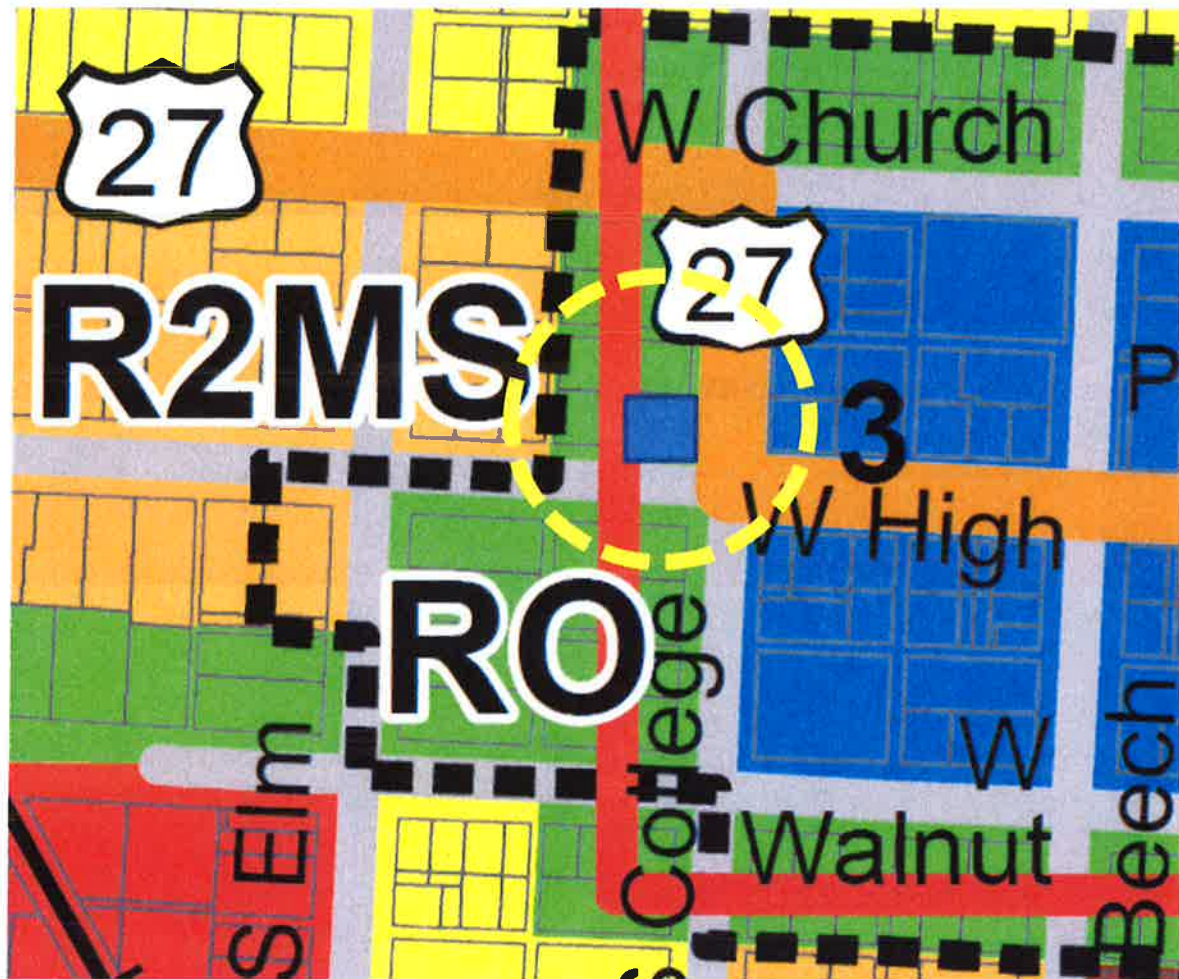
Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

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

Scott Webb, Architect

Zoning Area Map Showing Adjacent Zoning



City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2018-13

Date –July 10, 2018

APPLICATION

Applicant:	Kristine and David Winkler
Location:	117 West Church Street
Owner:	Kristine and David Winkler
Action Request:	Conditional Use Permit Application for a lodging service in the Uptown District
Current Use:	Professional Office
Zoning:	UP (Uptown)
Surrounding Existing Land Uses:	Mixed-Use Residential, Institutional, Retail

GENERAL DESCRIPTION

The owners of the existing two-story historic home located at 117 West Church Street are requesting a conditional use for a lodging service in the Uptown District. The property was formerly a residential rental before becoming a professional office for the past several years. This district provides for a lodging service under the traditional bed and breakfast model which includes on-site management as well as a meal. The Winklers are requesting permission to convert the use of the property without the on-site management and meal being provided.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners, a notice was posted on the property and in the newspaper. No comments were received in response to these notices.

AGENCY REVIEWS

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

Police:	Comment returned
Fire:	No comment returned
Engineering:	No comment returned
Econ. Dev.:	No comment returned

ZONING CODE REVIEW

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use.

1147.02(c) Planning Commission Review: The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

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

(1) **Burden of Proof.**

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

(d) Action by Planning Commission.

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

1147.03(b)(4)

(4) Bed & Breakfast.

- A. Potential Concerns.
 - 1. Appropriate number of rooms for the neighborhood in which it is proposed.
 - 2. Location of separate entrances.
- B. Regulations.
 - 1. No more than 8 rooms for rent in any structure.
 - 2. Owner or manager must live in the structure.

3. At least one meal must be provided to guests on site.

ANALYSIS:

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

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

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

Yes, the use can be allowed as a conditional use. It is specifically listed.

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

Yes, the proposed use can satisfy the general intent of the Zoning Code, one of which is to protect areas from the harmful encroachment of incompatible uses.(Chapter 1123)

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

*One of the objectives of the Comp Plan is to preserve historic properties. (Section 4.5)
Allowing feasible adaptive re-uses for existing buildings meets this objective.*

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

The site size needs for the use are a result of the building size related to maximum number of transient occupants. There is on-street and off-street parking adjacent to the building.

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

None anticipated.

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

Not applicable.

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

No unrelated accessory uses are being proposed.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

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

Opportunity for comment was provided to Fire, Police and Service Departments.

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

The building is existing. No significant changes to the building are proposed. A 3-stall parking area is accessed by the north/south alley.

- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.**
The site is accessed by foot from the front sidewalk or by car from the side parking.

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

There is no proposed construction. The existing building is considered historic and is in the Uptown Historic District.

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

The proposed use is considered a change of use by zoning and building codes. The owners plan to apply for a change of use permit from the Oxford Building Official after the conditional use hearing.

1147.03(b)(4)

(4) Bed & Breakfast.

A. Potential Concerns.

1. Appropriate number of rooms for the neighborhood in which it is proposed.
The neighborhood is a mixed-use area between low density housing and core uptown commercial and institutional services. Four overnight rooms for a use such as this is an appropriate number for the immediate area.
2. Location of separate entrances.
The Building Official will review the floor plan for compliance with this requirement. This review is coordinated with the Oxford Fire Department.

B. Regulations.

1. No more than 8 rooms for rent in any structure.
The proposed number is four.
2. Owner or manager must live in the structure.
The owners are requesting a waiver from this requirement. The owners live locally.
3. At least one meal must be provided to guests on site.
The owners are requesting a waiver from this requirement.

RECOMMENDATION:

Staff recommends that the conditional use be granted with the two waivers requested. Because this is considered a change of use by Ohio Building Code, life safety compliance reviews will be conducted without the need for additional conditions placed by the Planning Commission or City Council.

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: July 3, 2018

ATTACHMENT

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof.

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

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

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

City of Oxford
Inter-Office Review Transmittal Sheet



Date: June 5, 2018

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

From: Community Development Department

PC-2018-13, **CONDITIONAL USE, 117 W. Church Street**, to allow for a lodging service without food service or owner occupancy, **Kristine and David Winkler, Owners, Applicants**

 X Review Revisions Other

Please return no later than: **July 2, 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:

6-8-18

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: June 5, 2018

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2018-13, CONDITIONAL USE, 117 W. Church Street, to allow for a lodging service without food service or owner occupancy, Kristine and David Winkler, Owners, Applicants

 X Review Revisions Other

Please return no later than: **July 2, 2018** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

This would create less strain on police resources than a student rental. I would support this conditional use.

Drawings reviewed by: _____

[Signature]

Date: 6-18-18

John A. Jones, Chief

PRINTED NAME



PC-2018-13 **Surrounding** **Property Owners** **Notifications Map**

Legend

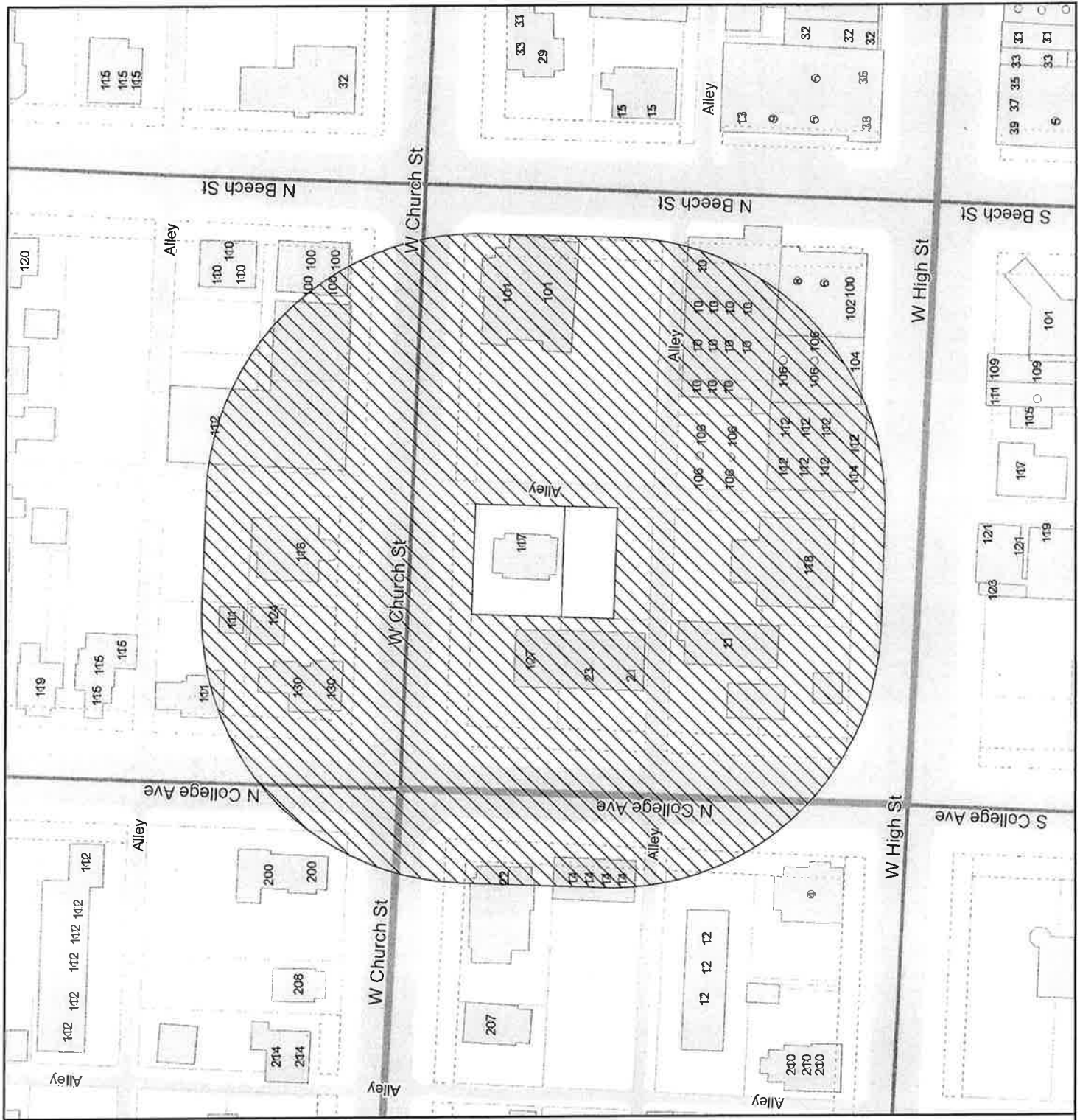
-  Subject Parcels
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet

Prepared on Monday, June 25, 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.





Internal Use Only:

Case No.

PC-2018-13

Date Filed

5/21/18

Conditional Use Permit Application

Applicant Information

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

Name * Kristine and David Winkler

Mailing Address * PO Box 53

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-255-0949

Email Address Kris.almamaterdesigns@gmail.com

Owner Information

Name * Kristine and David Winkler

Mailing Address * PO Box 53

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-255-0949

Email Address Kris.almamaterdesigns@gmail.com

Location and Lot Information

Location of Property * 117 West Church Street

Legal Description * H41000080000181 and 182

Zoning District * UP

Total Area * .232 → Check One * Acres ☒ Square Feet ☐

Existing Use Description * office space

Proposed Use Description * lodging service without food service or owner occupancy

Submission Requirements and Documentation

From Section 1147.02(a)¹.

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

A. Application Fee.

B. Description of Use and Site.

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

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

- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Fees & Receipt

The required fees are \$400.00 plus \$10.00 for postage. You may write a \$410.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *



Date *

5/21/2018

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

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

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

For Staff Use Only

Fee Paid Date *

5/21/18

Receipt Number *

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

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

Conditional Use Permit Application

A) Application Fee \$410.00 To City of Oxford or CC

B) Description of Use and Site

- a. Kristine and David Winkler, PO Box 53, Oxford, Ohio 45056 (513)255-0949
- b. NA
- c. H41000080000181 and 182
- d. The site is currently being used as office space
- e. Zoning District is UP
- f. The proposed use is for a lodging service/Bed NO Breakfast without owner occupancy or food service
 - i. We are proposing a Lodging Service for 117 West Church Street. This would include 4 bedrooms, 2 full and one half baths, living room, dining room, off street parking, two porches, and back patio. The entire home would be rented to Oxford visitors. We would require a 2/two night minimum and the renter would have to be 25/twenty-five years or older to rent. Price/night would range from \$300-1000, depending on needs of the guests. This too is subject to change. We would not be selling any goods, at this time. We would accommodate Miami visitors, Oxford visitors, parents, business people and other travelers who would value our setting, location and accommodations. Ideally we hope to be occupied all weekends and sporadically during the week. With a two night minimum stay/reservation, that would be a maximum of three reservations/week OR one, if the client rents the entire house for a week. Since beds are such a premium in Oxford, we could alleviate a lot of the stress put on the existing hotels. There would not be any deliveries to the house. Service vehicles would be as needed-electrician, cleaning service plumber, contractor, etc They would park in the off street parking on the side of the house; therefore, not taking up any valuable street parking.
 - ii. The hours of operation would be check in after 4:00 PM and check out at noon-subject to change
- g. We believe a lodging service at 117 West Church Street would add to the ever changing atmosphere of the UP District. We are surrounded by countless student rentals, an office building and the courthouse. With the addition of the mixed use growth in the UP District, the need to preserve this home is vital. Putting it in the hands of students, is not the most advantageous way to serve Oxford or the home's integrity. Allowing a change in use would give Oxford a much needed elegant and unique lodging experience. It will also enhance the

visitor's time in Oxford, since they can walk to Miami's campus, sporting events, uptown restaurants, churches and parks. This would allow them to explore the shops, spend money and not worry about finding a parking spot or driving after dinner and cocktails. We will be reaching out to businesses about partnering with us on discount coupons for the uptown shops and restaurants. A win win for everyone.

- i. The lodging service would be different from the current use. It is now office space. There would be no interaction with my current business and the lodging house.
 - ii. There would be no changes to the existing site.
 - iii. There will not be any issue with listed concerns.
 - iv. There won't be negative effects on adjacent land, since no changes are being proposed to the structure or the land.
- h. Oxford needs beds. It's clear during Miami events, there are not enough beds in Oxford to accommodate visitors. By adding space, we would keep those families spending money in Oxford-coffee shops, boutiques, ice cream, gas, restaurants, etc. More tax dollars going to the city and happy parents and students. As for the location, I believe we are the only non-student rental on our block. If given the opportunity to transform 117 West Church Street into a destination location, we would significantly add to the Oxford economy. Plus, offering a much needed gathering venue would be in the best interest of the community. There are limited opportunities to stay in a home uptown, unless you are bunking with your child. Plus, there aren't any other lodging options on this side of town in the uptown district. We would not be offering food service and ask that on site occupancy of owner be waived.

In today's exploding BNB market, the ability to offer lodging in a beautifully maintained and decorated home in uptown Oxford, would be unique and sought after. For the guests to feel welcome and at home in our space, having the owner present can be awkward and would hinder the guests to entertain their children, business clients or family members freely. We will not allow parties but assume gatherings will take place while parents are visiting their children. To have us on site, the guests' experience will more than likely be negative. Plus, it would take away a room for guests, which would be less tax dollars to the city. Our wish is to create a welcoming atmosphere with strict rules and regulations. Allowing guests to feel at home and at ease while enjoying Oxford and all it has to offer, is our goal.

- i. See Above statement

- j. I do not foresee any issues with offering more beds, more tax dollars, and a non-student rental to the city.
- k. Land Owners within 200 feet
 - i. Robert Blackburn Trustee-4363 Kehr Road, Oxford, Ohio 45056
 - 1. Property 127 West Church Street
 - ii. Terry Dudley-6744 Contreras Road
 - 1. Property 101 West Church Street
 - iii. Hoelzer/Hoelzer Rentals-116 East High Street
 - 1. Property 116 West Church Street
 - iv. Red Brick Rentals-21 N Poplar Street
 - 1. Property-124-130 West Church Street
 - 2. Property-10 North Beech
 - v. Allan Kyger-101 East High Street
 - 1. New building attached to Phan Shin-address unknown
 - vi. City of Oxford Court House-108 West High Street

C) Site Plan

- a. Please see Plat of Survey-submitted

D) There are no proposed changes to the structure

E) Please see photos

Dear Sam and Planning Commission,

As Dave and I contemplated selling 117 West Church Street, we struggled knowing that whomever bought it would more than likely turn it into a student rental. We just couldn't stomach the thought of that happening. When we rented it to Miami students, we had a relationship with one family. They had four children go to Miami. We rented only to them and kept them abreast of any issues. It was a wonderful relationship which allowed us to keep the house in rare form. We were lucky.

After starting my collegiate fabric business in 2011, I knew I wanted to relocate to 117 West Church. What a glorious spot in which to work, each and every day. After my business partner and I dissolved AMD in 2017, the house became too much for me. The space was too big for one person, and I knew it couldn't stay as is.

With the explosion of the Air BNB business and the ability for travelers to find you via the internet, we wanted to see what we could do. After a lot of research, we want to give the lodging service a shot. Rather than abandoning 117, we are more than willing to outlay funds to see if the permit change is even possible. The Plat Survey, the application fees, the time and energy it has taken to get to this point has been worth it.

The potential is tremendous. Not only would we be happy to keep the home in our hands, but we would be thrilled with the opportunity to add to the character of Oxford. Imagine a home in uptown Oxford that offers a homelike atmosphere to weary business travelers. Imagine Miami families and students ordering pizza and sitting on the front porch. Imagine wedding parties staying here the night before they are married in Oxford. Imagine the possibilities.

We would welcome an opportunity to help grow the Oxford economy. We would like to partner with local businesses and the university. We would like to offer an elegant, unique, experience to visitors and have them coming back time and time again. We would be willing to host charity events for local businesses, during the off season. The possibilities are endless.

We ask that you grant us the permit change so that we can keep 117 West Church out of the student rental market, allow us to add to the charm of Oxford, allow us to happily add to the Oxford economy, allow us to offer a unique lodging experience and finally allow us an opportunity to make 117 West Church Street a destination for Oxford visitors for years to come.

Thank you,

Kristine and David Winkler

Plat of Survey/Lot Combination

Part Lot #117, Part Lot #118 & 16.5' of Vacated W Church Street

New Lot # 3927

City of Oxford, Butler County, Ohio.

For: Winkler David & Kristine M.

Deed Bk: 8995 Pg: 1613

Address: 117 W Church Street

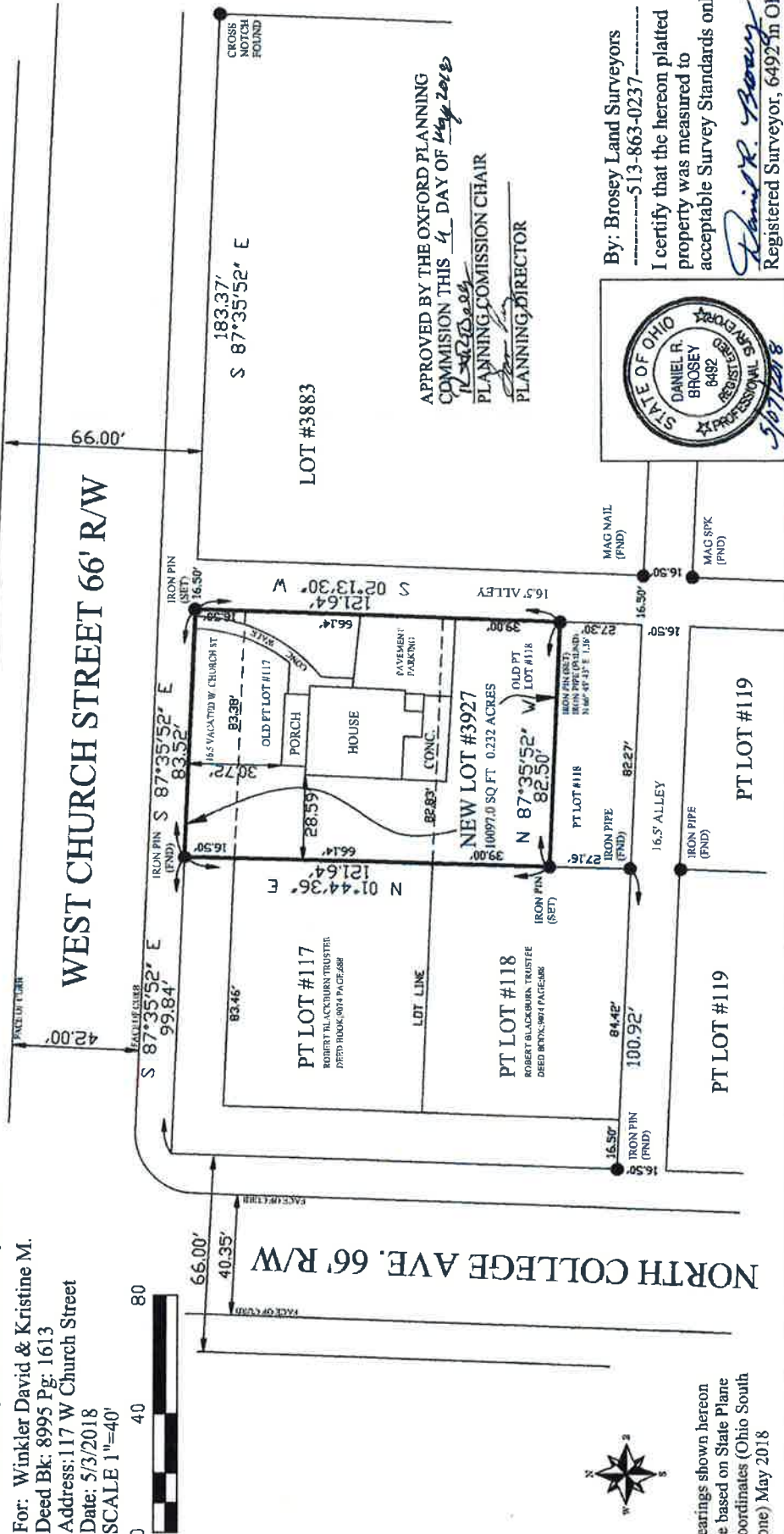
Date: 5/3/2018

SCALE 1"=40'

NEW LOT #3927 COVERAGES & CALCULATIONS

CONCRETE WALKS & PAD	HOUSE	PAVEMENT	TOTAL LOT COVERAGES
342.2 SQ. FT.	TOTAL 1255.3 SQ. FT.	TOTAL 1255.3 SQ. FT.	611.5 SQ. FT. CONCRETE
149.2 SQ. FT.	TOTAL 611.5 SQ. FT.	10097.0 SQ. FT.	1255.3 SQ. FT. HOUSE
0.0065 X 100 = 0.65%	0.1243 X 100 = 12.43%	0.0817 X 100 = 8.17%	2891.8 TOTAL SQ. FT. COVERAGE
			10097.0 SQ. FT.
			0.366 X 100 = 36.6% TOTAL LOT COVERAGE

"Note" This plat made in
pursuant to section 5713.16 of
the Ohio Revised Code.



APPROVED BY THE OXFORD PLANNING
COMMISSION THIS 4 DAY OF May 2018
PLANNING COMMISSION CHAIR
PLANNING DIRECTOR

By: Brosey Land Surveyors
513-863-0237

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

Daniel R. Brosey
Registered Surveyor, 6492 in Ohio



Bearings shown hereon
are based on State Plane
Coordinates (Ohio South
Zone) May 2018















Memo



To: Planning Commission
From: Sam Perry, Community Development
Date: 7/6/2018
Re: Short Term Rentals Legislation, PC 2018-02

Attached is the latest revision by staff to the previously discussed Short Term Rental legislation in April. A brief summary of changes are:

- Added a restriction for neighborhood overlay districts based upon feedback from overlay petition gatherers
- Removing the conditional use requirement for bed and breakfast homes from most districts
- Other clarifications for consistency and clarity with other code sections

I have also discussed this legislation with other department heads regarding implementation and enforcement.

Short Term Rental Regulations Draft –
Planning Commission Discussion July 10, 2018
7/5/18

Completely New Section in Zoning Code Supplemental Chapter 1141.03(j):

Short Term Rentals

Definitions (Also to be placed in overall definitions chapter 1159)

Short Term Rental (STR): use of all or part of a dwelling unit by rental for temporary occupancy for dwelling, sleeping, or lodging for a period of less than 14 consecutive days.

Short Term Rental (STR) Booking: each instance of a reservation by an individual or group for a short term rental.

Booking Agent: any person or entity that facilitates reservations or collects payment for a short term rental on behalf of or for an owner. The Booking Agent may be an owner-occupant.

Owner: the titled-owner of a dwelling unit.

Owner-occupant: the titled-owner of a dwelling unit that is using the dwelling unit as their primary residence.

General Provisions

1. Short Term Rentals of five (5) or fewer STR bookings per calendar year for any one dwelling unit do not require any license or permit.
2. Short Term Rentals of more than five (5) STR bookings per calendar year are permitted in any district with a valid Short Term Rental License or valid Rental Permit.
3. Short Term Rental usage more than five (5) bookings per calendar year within a Neighborhood Overlay District, is not permitted.
4. Occupancy limitations are set by the Rental Permit or Short Term Rental License.
5. Short Term Rental units shall comply with Property Maintenance Code, which includes but not limited to, an inspection of the property.
6. Any booking agent for a Short Term Rental, whether through a Short Term Rental License or through use of a Rental Permit shall provide the City the following information, including but not limited to:
 - a. Name and contact information of Booking Agent
 - b. Name and contact information of Owner if different than Booking Agent

- c. If different than booking agent, contact information, including phone number, for person(s) with responsibility to take action to resolve any complaints regarding the condition, operation, or maintenance of the dwelling unit.
- d. Address of dwelling unit being rented
- e. Maximum occupancy

EXAMPLE ONLY REVISIONS TO EXISTING DISTRICT TEXT
(in ~~strikeout~~ / underline)

1143.01 R-1A SINGLE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT.

(a) Purpose. This district is intended to provide areas for low-density single-family residential development, generally located within the outlying areas of the City. Such development would be located and designed to protect and enhance the open space character of selected areas within the City.

(b) Uses.

(1) Permitted uses.

- A. Single-family dwellings.
- B. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as a business.
- C. Day Care Home Type B family.
- D. Short term rental use five (5) bookings or less per calendar year.**

(2) Conditional uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1141.

- A. Community-Oriented Residential Social Service Facilities (CORSSF's).
- B. Shared Housing and Congregate Housing for the elderly.
- C. Government owned and/or operated parks and recreation facilities.
- ~~D. Bed and breakfast homes.~~
- E. Open space recreation areas that are privately or publicly owned, such as golf courses, tennis courts, parks, forests, or wildlife preserves.
- F. Cemeteries.
- G. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
- H. Schools: primary, intermediate, and secondary, both public and private.
- I. Places of worship.

CONSISTENCY REVISIONS TO NEIGHBORHOOD OVERLAY TEXT
(in ~~strikeout~~/underline)

1146.02 NEIGHBORHOOD OVERLAY USES PERMITTED.

Uses permitted in the R1A(O), R1B(O), R2A(O), R1MS (O), R2MS(O) R3MS(O) and MU(O) Overlay District are as follows:

- (a) Single family dwellings, except there shall not be more than two unrelated persons residing in a dwelling unit, or where there are more than two

- persons residing in a dwelling unit, persons classified as constituting a family shall be limited to relations by blood, marriage or adoption, including minor children in the lawful custody of an adult member.
- (b) Anyone seeking the rights and privileges afforded a member of a family by this code shall have the burden of proof by clear and convincing evidence of their family relationship.
 - (c) Any other permitted and/or conditional uses of the underlying district.
 - (d) **Short term rental use five (5) bookings or less per calendar year.**

CONSISTENCY REVISIONS TO DEFINITIONS TEXT **(in strikeout/underline)**

Section 1159.21 “T” Definitions

(5) **TRANSIENT** - A person staying at a location such as a **hotel**, motel, **short term rental** or bed and breakfast for less than 14 days per stay and does not use the location as his or her permanent address.