



Agenda

Oxford City Council

Court House

TUESDAY, SEPTEMBER 21, 2021

EXECUTIVE SESSION

None.

TUESDAY, SEPTEMBER 21, 2021

The September 21, 2021 City Council Meeting was called to order by Mayor, Mike Smith at 7:30 p.m. Those members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavely and Edna Southard.

Staff members were Doug Elliott, City Manager; Jessica Greene, Assistant City Manager, Mike Dreisbach, Service Director; Geoff Robinson, Police Lieutenant; Joe Newlin, Finance Director, Sam Perry, Community Development Director; Ben Mazer, Assistant Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Mr. Snavely moved to amend the agenda by removing Agenda item 5. Resolution and adding a substituted Ordinance as agenda item 6.A.1. Ms. Southard seconded. The motion passed 7-0-0.

3. Public Participation.

PROCLAMATION **RECOGNIZING MARIANNE MARCONI**



Proclamation

PRESENTATION **COALITION FOR A HEALTHY COMMUNITY**

AMY MACECHKO

APPOINTMENTS TO BOARDS AND COMMISSIONS



Report

PUBLIC COMMENTS

The purpose of the Public Comments Section is for members of the Public to speak to the City Council on any subject not scheduled on the Agenda, except Consent Agenda items. City Council values your comments, and Council rules limit public comments to five minutes for each person. Presentations are not to be in the form of public debate, personal attacks on Council, City staff or other members of the public and Council shall not act except to direct the City Manager to take action or schedule the matter for discussion at a later date.

- B. Presentation – Coalition for a Healthy Community - Amy Macechko.
- C. Appointments to Boards & Commissions.

CONSENT AGENDA

- A. Minutes of the August 30, 2021 City Council Special Meeting (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Minutes of the September 7, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- C. Report regarding the August 10, 2021 Planning Commission Meeting. (Sam Perry, Community Development Director)



Report

- D. Report regarding the September 1, 2021 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

- E. Report regarding the September 9, 2021 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)



Report

RESOLUTIONS

None.

~~1. A Resolution authorizing the donation of one hundred fifty thousand dollars (\$150,000.00) to Community Development Professionals as a sub-recipient of American~~

Rescue Plan Act funds to assist with the land acquisition for an Oxford Cottage Community. (Jessica Greene, Assistant City Manager)



Staff Report/Resolution

1. A Resolution authorizing the donation of one hundred fifty thousand dollars (150,000.00) to Community Development Professionals as a sub-recipient of American Rescue Plan Act funds to assist with the land acquisition for an Oxford Cottage Community. (Jessica Greene, Assistant City Manager)

6. Ordinances.

ORDINANCE
FIRST READING

B. Second Reading.

ORDINANCE
EASEMENT AGREEMENT

An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement As Set Forth In Exhibit “A” Attached Hereto With The Talawanda City School District Board Of Education And Accepting Said Easement As Set Forth On Exhibits “B” And “C” Attached Hereto To Allow The Construction Of A Segment Of The Oxford Area Trail System From Peffer Park To The Talawanda High School. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance No. 3637 Approving A Conditional Use Permit Application To Allow A School Facility To Be Located At 5158 College Corner Pike Oxford, Ohio With Conditions. (Sam Perry, Community Development Director)



Staff Report/Ordinance

ORDINANCE
FINAL SUBDIVISION APPLICATION

An Ordinance No. 3638 Approving The Final Subdivision Application And Plat For South Forest Edge Section 1 With Conditions. (Sam Perry, Community Development Director)



Staff Report/Ordinance

ORDINANCE
R-O-W DEDICATION PLAT

An Ordinance No. 3639 Approving The Right Of Way Dedication Plat For U.S. 27 (Oxford-Millville Road) In The City Of Oxford. (Sam Perry, Community Development Director)



ANNOUNCEMENTS

1. Remarks from City Council and City staff. The comments expressed by individual members of Council or City staff during this portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

2. Future Meetings.

THUR - Sept 23 Climate Action Steering Committee Meeting 9:30 a.m. Leonard Howell Shelter

TUES - Sept 28 Board of Zoning Appeals Meeting 6:30 p.m.

FRI - Sept 24 Student Community Relations Commission Meeting 3:00 p.m. LCNB

TUES - Oct 5 City Council Meeting 7:30 p.m.

WED - Oct 6 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - Oct 12 Public Arts Commission of Oxford Meeting 4:30 p.m. Municipal Building

TUES - Oct 12 Planning Commission Meeting 7:00 p.m.

WED - Oct 13 Historic & Architectural Preservation Commission Meeting 6:15 p.m.

THUR – Oct 14 Recreation Board Meeting 11:30 a.m. Municipal Building

MON - Oct 18 Housing Advisory Commission Meeting 3:30 p.m. LCNB

FRI - Oct 22 Student Community Relations Commission Meeting 3:00 p.m. LCNB

TUES- Oct 26 Board of Zoning Appeals Meeting 6:30 p.m.

ADJOURNMENT

Appointments to Boards & Commissions
June 15, 2021

<i>Current Member Term Expiring</i>	<i>Current Term End Date</i>	<i>Applicants</i>	<i>Appoint</i>	<i>New Term</i>
Board of Appeals (Building/Housing) (5 years)				
(This board has not met for over 10 years)				
Civil Rights Commission				
1 Vacancy				
Climate Action Steering Committee				
Andor Kiss, Environmental Comm. Rep		Heather Barrett, Env. Rep.		
Joan Potter-Sommer				
Environmental Commission (4 years)				
1 Vacancy				
Housing Advisory Commission				
1 Vacancy				
McCullough-Hyde Memorial Hospital Foundation (5 years)				
Tom McQuiston	7/01/21	Travis Robinson		2026
Public Arts Commission of Oxford				
1 Vacancy				

Excerpt from the September 1, 2021 Environmental Commission Meeting
Report

“Mr. Kiss had been the Environmental Commission’s representative to the Committee (*Climate Action Steering Committee*). With his resignation from the Commission, Ms. Barrett volunteered to assume the Commission’s representation to the Committee.”



September 9, 2021

Mike Smith, Mayor
Oxford City Council
15 South College Avenue
Oxford, OH 45056

Dear Mayor Smith:

In accordance with the Articles of Incorporation of the McCullough-Hyde Memorial Hospital Foundation, we request that the Mayor and Oxford City Council approve the appointment of Travis Robinson to the McCullough-Hyde Memorial Hospital Foundation Board of Trustees. Mr. Robinson's appointment is to fill a currently unexpired term, which would start immediately upon appointment through June 30, 2026.

Mr. Robinson is an active member of the greater Oxford community. He currently lives in Somerville Township and owns/operates the State Farm Agency in Ross, OH. He has three children who attend Talawanda schools. He has a background in marketing, fundraising and non-profit management, along with insurance and sales. He is currently the varsity assistant coach for Talawanda Softball and is a past president of Miami Little League. Mr. Robinson will be a positive asset to the Foundation as we continue to support the McCullough-Hyde Memorial Hospital/TriHealth and the greater Oxford community.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "S. Snyder", written over a light blue circular stamp.

STEVE SNYDER
Board of Trustees Chair

A handwritten signature in blue ink, appearing to read "Tyler Wash", written over a light blue circular stamp.

TYLER WASH
Executive Director

Cc: Douglas Elliott, Jr., City Manager

Office of the Mayor

Proclamation

Whereas: Marianne Marconi was instrumental in forming the Coalition for a Healthy Community; and

WHEREAS, she was also instrumental during the Coalition's transition from a Coalition solely focused on substance abuse prevention to a Coalition that embraced multiple health priorities; and

WHEREAS, Marianne served as a liaison between the Talawanda School District and the Coalition for a Healthy Community and served on the mental health workgroup while also serving as Chair of the Coalition since 2011; and

WHEREAS, she is passionate about substance abuse prevention, mental health, active living, healthy eating, and helped the Coalition further its vision of building a healthier community together; and

WHEREAS, Marianne led the Coalition in exploring new funding opportunities always focusing on sustainability.

NOW, THEREFORE, I, Michael Smith, Mayor of the City of Oxford, Ohio, do hereby recognize and thank Marianne Marconi for all of her years of excellent service to the City of Oxford, Hanover Township, Milford Township, Reilly Township, and Oxford Township and wish her well in her future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 21st day of September, 2021.


MICHAEL SMITH, MAYOR



A Special meeting of the Oxford City Council was called to order by Mayor Mike Smith on Monday, August 30, 2021 at 6:30 p.m. Members present were: Jason Bracken, Glenn Ellerbe David Prytherch, Chantel Raghu, William Snavelly and Edna Southard.

Staff members present were Doug Elliott, City Manager; Jessica Greene, Assistant City Manager; Mike Dreisbach, Service Director; Joe Newlin, Finance Director; John Jones, Police Chief; John Detherage, Fire Chief; Chris Conard, Law Director and Mary Ann Eaton, Clerk of Council

APPROVAL OF AGENDA

Mr. Snavelly moved to approve the agenda. Ms. Southard seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PUBLIC COMMENTS

There were no comments from the public.

RESOLUTION **VACCINE POLICY**

A Resolution No. 7327 authorizing and directing the City Manager to implement a Covid-19 Vaccination Policy for City of Oxford employees. (Doug Elliott, City Manager)

Mr. Elliott advised staff was recommending the proposed Resolution to protect the health, safety and well-being of City employees and the public. Mr. Elliott noted the policy is a recommendation to have a vaccination, employees will provide the information if they are vaccinated and if they are not they will be required to undergo weekly testing. Mr. Elliott recommended Council adopt the Resolution so the policy can be implemented.

Mr. Bracken inquired what the cost was per test. Ms. Greene advised \$16 for the rapid test using the City's wellness provider and an \$85 test can be used for travel. Ms. Greene noted staff was exploring the use of a local pharmacy and having a standing contract with them. Ms. Greene advised the law department recommended the City pay for both the employees' time and the cost of the test because of the bargaining units and the fixed healthcare costs associated with that.

There were no comments from the public.

Ms. Raghu referred to a policy of Delta Airlines whereby employees who elect not to get vaccinated are paying the employer \$200 per month to offset the healthcare costs and inquired if staff considered something like this for City employees. Mr. Elliott advised staff did discuss that possibility noting the City has 3 police contracts and the amount those members pay for health insurance is fixed. Mr. Elliott noted he would not recommend implementing something which would not apply to all employees.

Mr. Bracken inquired if weekly testing was vigilant enough noting if someone had symptoms and does not come to work or is asymptomatic a weeks worth of exposure to others employees and the public is a detriment to the public health. Mr. Bracken inquired if the testing costs directly could be attributed to the employee who does not have a medical exemption. Mr. Elliott advised the policy was not provided as an attachment to the Resolution because staff may choose to amend it. Mr. Elliott noted right now he does not know how many employees are vaccinated. Mr. Elliott advised once the proof of vaccination has been submitted from everyone staff will monitor the situation very closely because it is a concern.

Mr. Prytherch inquired what risk there was for the City with unvaccinated employees. Mr. Elliott advised if someone became sick and was hospitalized with severe symptoms of Covid it could run into the several hundred thousand dollar range. Mr. Elliott noted the City has a self-insured program and presently has a fund balance of approximately \$700,000. Mr. Elliott advised if the City took a big hit for insurance costs, the benefit level would have to be decreased. Mr. Prytherch thanked staff for implementing a policy noting he felt it was prudent on many levels.

Mr. Bracken suggested increasing the testing to twice per week. Mr. Elliott advised staff will track the situation and will adjust the testing as necessary.

Ms. Southard moved to adopt Resolution No. 7327. Mr. Snavely seconded. The motion passed 7-0-0.

SECOND READING
ORDINANCE
FACE COVERING REQUIREMENTS

An Ordinance No. 3633 Requiring Face Coverings Inside Any Public Space Within The City Of Oxford, Ohio, To Limit The Spread Of Covid-19, And Declaring An Emergency. (Doug Elliott, City Manager)

Mr. Elliott noted Council had the Ordinance which received a First Reading on August 17 before them and advised there were not enough Council members present on the 17th to adopt the proposed Ordinance as an emergency measure. Mr. Elliott noted an alternative Ordinance was provided to Council this evening as an option which includes 2 changes, the phrase *including outdoor seating for such facilities* being stricken and the phrase *if a patron is not seated at his or her table or at the bar a face covering is required* being stricken. Mr. Elliott advised if Council wished to consider the alternative language a motion would be needed to substitute the alternative and if not the original Ordinance was on the agenda.

Mayor Smith opened the meeting for public comments and advised if citizens sent an electronic comment there was no need to reiterate that as Council received all of them all, for and against the proposed Ordinance.

Mr. Landon Halverson, 5262 Brown Road, spoke in opposition to the proposed Ordinance as written.

Ms. Kathie Brinkman, 404 Emerald Woods Drive, spoke in favor of the proposed Ordinance.

Mr. Nicholas Perry, 350 Western College Drive, spoke in opposition to the proposed Ordinance.

Mr. Patrick Goggin, 10 N. Beech Street, provided various Covid-19 statistics and asked Council to make a decision based on the best interest of the students, the residents and the businesses.

Mr. Caleb Schlenker, 200 E. High Street, spoke in opposition to the proposed Ordinance.

Mr. Tate Prows, corner of Chestnut Street and Kehr Road, spoke in opposition to the proposed Ordinance.

Ms. Heidi Schran, 319 W. Withrow Street, spoke in favor of the proposed Ordinance.

Mr. Johnny Drew, 401 E. Church Street, spoke in opposition to the proposed Ordinance.

Mr. Cameron Finke, 210 W. Sycamore Street, spoke in opposition to the proposed Ordinance.

Ms. Megan Smith, 318 E. Walnut Street, spoke in opposition to the proposed Ordinance.

Ms. Ava Kunar, 301 N. Poplar Street, did not speak in favor of or in opposition to the proposed Ordinance and advised she did not feel it would be effective if adopted.

Mr. Andrew Santacroce, 117 N. Bishop Street, spoke in opposition to the proposed Ordinance.

Mr. John Cavanaugh, 320 Tallawanda Road, spoke in opposition to the proposed Ordinance.

Ms. Amy Shaiman, 11 Heather Ridge Court, spoke in favor of the proposed Ordinance. Ms. Shaiman requested that Council consider following the CDC guidelines and requiring masks for children down to two years old.

Mr. Ron Silico, 6244 Hester Road, spoke in opposition to the proposed Ordinance. Mr. Silico noted his hope Council could speak to the issue of exemptions as well as the process of citation.

Ms. Raghu thanked members of the public for being in attendance. Ms. Raghu advised she was unable to attend the last meeting because her father was in the hospital with the Delta variant. Ms. Raghu noted watching her father almost die makes this really real, as he is vaccinated, he had a breakthrough case and almost died. Ms. Raghu advised she felt lucky he was in the hospital for 8 days and he is at home now with a small amount of oxygen. Ms. Raghu noted the next day her mother was in the hospital for several days and luckily, she was alive although still on a lot of oxygen at home.

Ms. Raghu advised this was not about restricting people or keeping them from doing things it was about keeping people out of the hospital and maybe making it so people will not have to watch their parents almost die. Ms. Raghu addressed several questions raised by members of the public.

Ms. Raghu provided a video that demonstrates how Covid-19 is spread, what happens when people talk, breathe or cough, and how wearing a mask that fits properly helps in preventing the spread.

Mr. Snavelly moved to substitute the Alternative Ordinance provided by the City Manager for the Ordinance published in the agenda. Mr. Ellerbe seconded. The motion passed 7-0-0.

Mr. Ellerbe noted he felt his job as a Councilor was to manage the risk of everyone in this town. Mr. Ellerbe recommended lowering the age for exemption to 3-4 years of age. Mr. Ellerbe advised he felt there was a large piece of this legislation that was missing. Mr. Ellerbe noted it ignores the most important and best defense we have against the virus, which is vaccination. Mr. Ellerbe advised he felt if individuals are vaccinated they should be rewarded for that behavior and incentivized with the legislation which brings people choice. Mr. Ellerbe noted if people choose not to be vaccinated Council wants them to wear a mask in the City of Oxford. Mr. Ellerbe discussed several Covid-19 statistics within Butler County and addressed some concerns raised by members of the public. Mr. Ellerbe advised he would like to pass the proposed Ordinance with 2 amendments, lowering the exemption age to 3 or 4 years of age and adding an exemption for vaccinated individuals who can prove they are vaccinated.

Mr. Ellerbe moved to amend article b. in Section 3 from under 6 years old to under 2 years old. Mr. Snavelly seconded. The motion passed 7-0-0.

Mr. Ellerbe moved to add that anyone who can show proof of vaccination be added to the list of exemptions.

Ms. Raghu advised there were breakthrough cases of the Delta variant even if people are vaccinated noting her father was fully vaccinated.

Mayor Smith noted concerns with the proposed amendment and advised there was a lot of press lately about how easy it was to falsify vaccination cards.

Mr. Bracken agreed with both comments and noted many people will ignore the mask ordinance and many people will falsify a vaccination card.

After a lengthy debate including the possibility of applying the exemption to only certain types of businesses, Mr. Prytherch inquired if there was a second to Mr. Ellerbe's motion.

Mr. Snavelly noted he felt Council wanted to incentivize vaccination and advised he was heartened to hear Miami University would be moving toward a vaccine requirement.

Mr. Snavelly noted the proposed legislation already excuses a lot of people and situations and outlined Section 3 of the proposed legislation.

Ms. Southard advised the exemptions are already there noting she did not feel it was Council's role to reward people for behavior, their role was to pass legislation that protects society and protects public health.

Ms. Southard advised she felt masks are needed to protect children, the unvaccinated and immunocompromised of which there are many. Ms. Southard noted one reason Oxford has not had a surge of cases is because people have been very cautious. Ms. Southard advised she read approximately 500 electronic comments that were sent regarding this issue and noted some of the comments were really about having fun and enjoying the college experience. Ms. Southard noted she felt we all have to care about the welfare of each other.

Mr. Prytherch advised if everyone would voluntarily wear a mask as is recommended by the CDC Council would not have to have this discussion. Mr. Prytherch noted a piece of cloth on the face in combination with the vaccine is a way to have as normal a life as we can expect. Mr. Prytherch advised he felt this was a reasonable compromise and it is economically smart for this town. Mr. Prytherch noted he wanted to avoid the occupancy reductions that hurt businesses. Mr. Prytherch advised Council is elected to act in the best interest of the entire community, which they weigh carefully.

Mr. Bracken seconded the motion.

After further debate the motion failed by the following roll call:

Aye: Mr. Ellerbe, Mr. Bracken (2)

NAY: Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mayor Smith (5)

ABS: None (0)

Ms. Southard moved to adopt Ordinance No. 3633. Mr. Prytherch seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken, Mayor Smith (6)

NAY: Mr. Ellerbe (1)

ABS: (0)

Mr. Prytherch thanked everyone involved with this ordinance and its compliance and enforcement noting the police department is not enthused about it and the business community has anxieties because it would put some onus on them. Mr. Prytherch noted Council wanted voluntary compliance noting his hope it would be a team effort.

ANNOUNCEMENTS

Ms. Raghu thanked everyone and noted making a call that is this controversial is the last thing Council wanted to do. Ms. Raghu advised she truly believes everyone cares about each other and wants to do the right thing. Ms. Raghu advised she knows this will save lives noting Council was doing the unpopular thing although history will show it is the safe thing.

Mr. Ellerbe advised one thing he hated more than anything in the world was sophistry. Mr. Ellerbe noted he was trying to manage the risks in this town and try to make this town as fun as possible. Mr. Ellerbe advised he was in favor of certain items in the ordinance and he was not in favor of other items which is why he chose to vote no. Mr. Ellerbe noted he believed there was an acceptable risk Council could have taken and they chose not to because of various opinions.

Ms. Southard thanked everyone who worked on the ordinance and thought about the ordinance noting Council has many other things they are working on. Ms. Southard advised the City continues to do well and to try to take care of its citizens. Ms. Southard noted Council was doing this not because they have an axe to grind or because they have a secret or hidden agenda. Ms. Southard advised Council was elected by the citizens and they were trying to do their best.

Mr. Bracken advised he wanted to address parts of the potential vaccine mandate at Miami University. Mr. Bracken noted he felt the deadline at the end of the semester was way too late as it will be after people have visited their families for Thanksgiving and come back. Mr. Bracken advised he would like Miami to consider moving that deadline up especially for the first vaccination. Mr. Bracken noted he would also like any conscientious objector loopholes removed.

Mr. Prytherch thanked OPD and everyone involved in enforcing the ordinance. Mr. Prytherch thanked everyone who was here on a Monday night that was not supposed to be, staff and the public included. Mr. Prytherch advised he felt it was important for many of Council that they acted as quickly as possible on this matter because time is of the essence.

Mayor Smith echoed the sentiments of fellow Councilors and advised he appreciated everyone who came out on a Monday night and everyone who spoke as it was very helpful. Mayor Smith noted his hope if this ordinance keeps only one person out of the hospital it was worth adopting. Mayor Smith advised Council was here because these decisions are hard and Council is going to error on the best side of caution. Mayor Smith noted he was sorry if it inhibits some people from drinking wildly Uptown with a mask. Mayor Smith stated unfortunately the student population needs to be babysat and referred to the large amount of police and fire runs on Thursday, Friday and Saturday nights. Mayor Smith noted his hope in another few months we can get past this and in a few years, we will not remember having to wear masks.

ADJOURNMENT

Mr. Snavely moved to adjourn at 8:21 p.m. Ms. Southard seconded. The motion passed 7-0-0.

The September 7, 2021 City Council Meeting was called to order by Mayor, Mike Smith. Those members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavelly and Edna Southard.

Staff members present were Doug Elliott, City Manager; Mike Dreisbach, Service Director; Joe Newlin, Finance Director; John Jones, Police Chief; John Detherage, Fire Chief; Casey Wooddell, Parks and Recreation Director; Sam Perry, Community Development Director; Jessica Greene, Assistant City Manager; Chris Conard, Law Director and Mary Ann Eaton, Clerk of Council.

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Snavelly seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **"NATIONAL LATINO AMERICAN** **HERITAGE MONTH"**

Mayor Smith read the Proclamation which will be forwarded to Ms. Jacqueline Rioja Velarde at Miami University.

PROCLAMATION **"PROSTATE CANCER AWARENESS MONTH"**

Mayor Smith read the Proclamation which will be forwarded to the requestor, Ms. Linda Hoetger.

PRESENTATION **POLICE COMMUNITY RELATIONS ADN REVIEW COMMISSION**

Mr. Pat Meade, Chair, Police Community Relations & Review Commission, noted Council should have received a copy of the Annual Report from the Oxford Police Community Relations & Review Commission. Mr. Meade advised citizens can obtain the report and other data online by going to the Oxford Police Community Relations and Review Commission's website.

Mr. Meade noted the report covers the period of August 2020 to May 2021 and advised 5 regular meetings took place during that time-period. Mr. Meade noted the commission discussed the data they collected from OPD and touched on barriers to filing complaints. Mr. Meade advised the officers were asked to carry business cards to hand out each time they interact with a citizen which includes a link to the OPD website noting citizens could use the link to provide feedback about their experience with Oxford police. Mr. Meade noted this year the PCR&RC had more citizen input than in previous years.

Mr. Mead advised this year a work group was formed and came back to the whole commission with recommendations such as the City hiring a social worker to work with OPD, which has become part of the City's budgeting process for 2022.

Mr. Meade advised the commission has a new member, LaTricia Hillman to replace one of the founding members, Amber Franklin who will become a City Council member in November of 2021.

Mr. Meade offered to answer any questions.

Councilors thanked Mr. Meade for addressing them and for providing the annual report.

PUBLIC COMMENTS

Mr. Landon Halverson, 5262 Brown Road, advised he would reflect on comments made by Mayor Mike Smith and by Councilor Jason Bracken last week and to discuss how we ought to move forward as a City based on that. Mr. Halverson noted last week he had the distinct privilege to attend the Oxford City Council meeting, during this meeting members of the community came together to make their voices heard and to give input on how the City should combat the ongoing Covid-19 pandemic. Mr. Halverson advised during this meeting and immediately following it Councilman Jason Bracken and Mayor Mike Smith made several comments that he feels must be addressed today. Mr. Halverson noted upon conclusion of the meeting he had the opportunity to speak with several members of the Council and make clear that this is a community united in a common goal of stopping the spread of Covid-19 in our community. Mr. Halverson advised his interaction with Mr. Bracken was very different noting he explained to Mr. Bracken that he was disappointed in the way he talked down to members of the community who he disagreed with and urged him to consider the thoughts and opinions of those who came before the Council to make their voices heard regardless of their stance on the city-wide mask ordinance. Mr. Halverson advised Mr. Bracken refused to back down, insisting that he knew more about the issue than many of those who came to be heard. Mr. Halverson noted he urged Mr. Bracken again to reconsider this telling him that he did not know what those in the audience knew or didn't and reminded him that citizens pay his salary and thus are entitled at the very least to be heard and he remarked that he donated his salary still refusing to recognize that it is tax payer dollars that he is donating and as he left he looked at me and waived me off with his hand. Mr. Halverson advised following the incident Mr. Bracken took to social media where he doubled down saying he would not be persuaded by public opinion only by the common good. Mr. Halverson noted this very clearly implies that to Mr. Bracken public opinion and public good are not the same, it implies the public is not capable of making decisions that benefit the community on their own without direction. Mr. Halverson noted this leads him into a statement made by Mayor Smith at the conclusion of last week's City Council Meeting which was that the student population of Oxford, the majority of his constituency needed to be "babysat" very clearly implying that the majority of his constituency is incapable of acting in the best interest of the community.

Mr. Halverson advised he continues to believe that Oxford is a community united in the desire to make the City the very best it can be and even when people disagree with what the path forward for our City looks like we know in our hearts that every neighbor we see whether they agree with us or not shares the common goal of helping the City live up to its full potential. Mr. Halverson noted it was disheartening when Councilman Bracken used such offensive language last week. Mr. Halverson noted Mr. Bracken and Mr. Smith had the opportunity to take a controversial issue and unite but instead chose to disparage the student population and divide people further. Mr. Halverson mentioned the possibility of an election recall ballot issue.

Mr. Doug Brooks, 227 Country Club Drive, read the following into the record "from the beginning of our inquiries we've been reminded the trail extension was approved by Oxford voters on May 8, 2018. The City of Oxford advanced a 10-year 2.35-mil levy that was put on a primary election ballot for only the City of Oxford voters. That levy added .325 to every one hundred dollars of valuation for 10 years. Only 2,046 total votes were cast in that issue. 1,413 voted for the levy 633 people voted against the levy. The levy passed by 780 votes. Anticipating the ballot issue Oxford voters were encouraged to envision the achievements to date any graphic related to the levy showed a wide arch around the northwest side much like the image that is currently on pages 46 & 47 of the 2020 Oxford Transportation Plan. This arch was well to the north of Hester Road, did not use Reagh's Way, did not intersect with Merry Day Park, did not rely on Oxford Country Club property and cross the CSX tracks on the Northside of Schneider Electric. The Northwest trail in the 2020 Oxford Transportation Plan graphic was almost entirely in township woods and farms. Township homeowners were not permitted to vote on the levy. Imagine if before the May 8 levy officials had posted the following on their website "The trail you are voting on will run the full length of Oxford Country Club's undeveloped western property boarder and go down the westside of hole #2 on the Oxford Country Club course". Or this posting "We plan to run the OATS trail extension from the Black Covered Bridge through and on Hester Road, cross 27 North, short of the Wal-Mart then cross CSX tracks, edge Terry Dudley's farm, cross Contreras Road and go down to Main Street of the Knolls on the way to Fairfield Road". This is one of the five, originally proposed trails. Had voters have been told that the OATS project was leaving the woods and entering neighborhoods, they might not have supported the levy. Had the Oxford neighborhoods now making the stand with petitions and online remarks known in advance, what was going to happen to their property, streets and neighborhoods they might have actively challenged the levy. Its one thing to craft a trail through a university preserve where the only home is the DeWitt Cabin, it's another thing to ruin property values in 5 neighborhoods. Trails might increase property value but not when they run through your front yard and across your driveway apron. Team Trail has accumulated 250 signatures opposing this preferred path. If each of the 250 people had convinced two other people to vote against the levy it would never have passed. At the worst, all of this feels like a scheme, at its best it is a classic example of putting the cart before the horse. The transparency was terrible; there is almost total homeowner neighborhood objection to your preferred trails, who prefers them? We offered an urban historic and a rural scenic option, make no mistake we are not going away, we will resist this preferred trail plan as long as it takes to stop what you are proposing to do. We have retained lawyers, we have arranged for a system for getting those lawyers paid throughout the neighborhood to make it reasonable for people in the neighborhood. Oxford has a historic and scenic downtown, Oxford merchants will be beneficiaries of cycling trails that start and stop in downtown Oxford.

These trails will easily connect with existing State of Ohio bike paths, Hueston Woods and could be a wonderful gift to Oxford merchants. Reagh's Way, Merry Day Park and CSX should be left alone. We encourage you to reassess this neighborhood extension of OATS as a preferred trail that nobody prefers. There are plenty of ways to productively spend the levy money, we recommended two of them.

Mr. Terry Hughes, Hester Road, noted he lived in Oxford Township. Mr. Hughes advised in early July he received a letter from the City of Oxford designating him a key stakeholder in the trail. Mr. Hughes noted he attended a meeting on July 15 and Jessica Greene, Sam Perry and Etta Reed were in attendance. Mr. Hughes advised 700 yards of his property would be needed for the proposed trail and he and his wife were not going to let that happen. Mr. Hughes noted in the ensuing weeks four neighborhoods and the people that live in the township came together and created a coalition called "Team Trail". Mr. Hughes advised as a group after several meetings decided this was a major problem in their lives that took away their peace and tranquility but they wanted to approach it from two angles. The first being a partner with the City and try to work it out, they came up with two plans that Dr. Brooks just explained. Mr. Hughes noted the rural route by accident is exactly what the 1973 Oxford Bicycle Committee asked for; it is a path off the road 10 foot wide that goes from Oxford to Hueston Woods (4 miles). Mr. Hughes advised he was told it costs one million dollars per mile to build this path and he feels the City already has the money to do that and if not it is easily raised by the taxes and grants and to him that is the perfect answer. Mr. Hughes noted the urban trail goes Uptown and Dr. Brooks has talked to over 60 merchants who support it. Mr. Hughes advised this plan eliminates 95% of land acquisition. Mr. Hughes noted lifelong residents deserve some respect. Mr. Hughes advised if this cannot be worked out, the group has retained lawyers and has reached out to State Representatives for assistance.

Mr. Taylor Armstrong, spoke on behalf of the Office of Aspire (advancing strategy, partnerships, institutional relations and economy) at Miami University noting he was the Deputy Chief of Staff for Randi Thomas. Mr. Armstrong noted their bread and butter is to come in front of bodies like these to be a resource especially as the office begins to pursue a lot of projects in conjunction with the City such as the multi-model center at the former Talawanda High School, the College and Elm Street project and the Oxford Airport renovation. Mr. Armstrong advised he would try to be present at each Council meeting noting if Council had any questions or concerns regarding projects of the Office of Aspire they could reach out to him.

Mr. Scott Brown, 100 Prevalent Drive, advised he would speak about the OATS northwest extension of the trail. Mr. Brown thanked Jessica Greene, Sam Perry and Chief Jones for speaking to their neighborhood about various issues in the City including the OATS trail. Mr. Brown advised he did not want the comments made by him or his neighbors to be interpreted as an attack on City staff noting they disagree with the proposed trail routes. Mr. Brown noted he has lived in Oxford for 16 years and this is the first time he has attended a Council meeting and advised he wanted Council to know how important and how disturbing this is to him as a homeowner in Oxford. Mr. Brown noted he was disturbed because this was not why he voted for the levy, the levy clearly had signs and they are still posted on the trailheads showing rural routes. Mr. Brown advised he liked his neighborhood and he loves cycling but he would never call his neighborhood a scenic trail area. Mr. Brown noted he would never bike through it on his sidewalk.

Mr. Brown advised what is disturbing to him is while they are being called rural and urban trails they are both urban. Mr. Brown noted safety is a huge concern. Mr. Brown advised he hoped Council would take all of this evening's comments very seriously. Mr. Brown noted he felt Councilors and members of various committees may have conflicts of interest regarding issues related to the trail and advised the Ohio Revised Code is very clear on this and some officials and committee members should recuse themselves from those discussions and voting powers. Mr. Brown noted Ohio Ethics Commission violations are severe and advised conflicts of interest are dangerous and should be taken very seriously by this Council and City Administration. Mr. Brown advised he is not on social media although he has heard from his wife and others that people who are not part of these conversations and not from these neighborhoods who are observing conversations on social media that have been attacking and have involved members of Council, members of City staff, and volunteers on City committees which is completely inappropriate behavior and deserves an apology publicly online and here this evening.

Mr. Paul Wetzel, advised he has lived at 171 Prevalent Drive for 11 years. Mr. Wetzel noted when he voted for the tax levy in 2018 he understood the proposal as the others have mentioned this evening as a scenic trail around the City. Mr. Wetzel advised if he knew at the time that the concept would be changed and taken through neighborhoods he would have voted no because it diverges from the original intent of the levy for which he voted. Mr. Wetzel noted the proposed urban trail goes through neighborhoods where traffic exists and is not a rural scenic trail like many have come to enjoy and use carefree without any motor vehicles. Mr. Wetzel advised the proposed urban trail raises serious safety issues as it would pass over driveways and thereby intermix with motor traffic. Mr. Wetzel noted safety should be the number one priority and it was not one of the criteria that the group had considered. Mr. Wetzel advised cost was one of the criteria but safety is so important it should always trump cost. Mr. Wetzel noted concern with the narrow and cluttered streets, cars on one side and one travel lane, falling home values and the loss of peace and quiet in his backyard. Mr. Wetzel advised he believed this route being presented as the preferred route was conceptualized with good intent although in his view it misses the mark by giving the taxpayer a route they did not vote for, a route that will be a safety liability and funding a route that adds questionable value for the taxpayer. Mr. Wetzel asked that the urban route be removed from future consideration.

Ms. Beata Randrianantoanina, 120 Prevalant Drive, advised she has been a resident of Oxford for over 25 years. Ms. Randrianantoanina noted she appreciates the Oxford trail system and was happy to support the levy at the time. Ms. Randrianantoanina spoke in opposition to the proposed urban trail noting her concerns about safety and winter maintenance.

Mr. Allen Pantle, Country Club Drive, advised he has lived in Oxford for 34 years and spoke in opposition to the proposed urban trail noting concerns with asphalt paths and narrower streets in his neighborhood as well as safety concerns.

Mr. Gary Speck, 140 Prevalent Drive, advised he has lived in Oxford for 34 years. Mr. Speck spoke in opposition to the proposed urban trail noting concern with a 10-foot path in his neighborhood as well as safety concerns. Mr. Speck asked Council to look at this proposal very carefully because the plan as prescribed will ruin the street and neighborhood.

Ms. Tomoko Brown, 100 Prevalent Drive, discussed the diversity within her neighborhood. Ms. Brown spoke in opposition to the proposed urban trail noting safety concerns as well as winter maintenance concerns. Ms. Brown advised the levy of 2018 was only about how much money would be collected over the next 10 years for Parks and Recreation purposes and said nothing about the trail and later she received information including a map with the idea of a trail going around the City and not through residential neighborhoods.

Ms. Amanda Weatherwax, 424 Jacob Drive, thanked Council members for their public service and thanked residents of Oxford who are here tonight to exercise the power of their voices. Ms. Weatherwax spoke in opposition to the proposed urban trail on Jacob Drive.

Mr. Mike Pearson, 40 Savannah Drive, noted he was not directly affected by the proposed urban trail although he had great compassion for his neighbors. Mr. Pearson spoke in opposition to the proposed urban trail noting his safety concerns. Mr. Pearson encouraged Council not to let this happen.

Ms. Teresa Watts, Hester Road, advised she and her husband own 86 acres, which they farm. Ms. Watts noted she felt Phase IV of the trail is not well thought out. Ms. Watts advised the City wanted to take someone's sidewalk or use farms as moneymakers by dividing them. Ms. Watts encouraged Council to listen to the citizens.

Ms. Ruth Engel, 121 Olde Farm Road, spoke in opposition to the proposed urban trail noting safety concerns and concerns with destroying mature trees in order to have a bike path.

Mr. Chris Skoglund, 211 Ryan Drive, referred to detours within the City due to the construction taking place at two CSX railroad crossings in the City. Mr. Skoglund advised Spring Street was abominable today and noted it took him 30 minutes to get from Campus Avenue to College Avenue. Mr. Skoglund suggested having police officers direct traffic rather than relying on one traffic light and 4 way stops.

Ms. Carissa Schnell, 6 Old Stone Court, advised she opposed the trail that is proposed to come through her neighborhood and anything that cuts into a residential neighborhood. Ms. Schnell noted she lived in Germany for four years where trails are very popular and they do not take trails through neighborhoods or through driveways because safety is a priority, which was also true for Milford, Ohio. Ms. Schnell advised she was concerned about Council's ability to take to heart what her neighbors and community members have said tonight. Ms. Schnell noted they have given a lot of feedback through different meetings within the neighborhood, through surveys and online petitions and she is concerned about whether Council is really going to care.

Ms. Schnell advised she attended the Special Council Meeting last week noting she almost brought her 11 year old because she thought it would be a great opportunity for him to see debate and democracy in action and instead Councilors turned it into a clown show. Ms. Schnell recounted some comments and actions made by Mr. Ellerbe, Ms. Southard, Mr. Snavelly and Mr. Bracken.

Ms. Schnell referred to the mask ordinance discussion and advised not one of Council took the opportunity to talk about exemptions although they are there. Ms. Schnell noted she had to write to her priest to remind him that there are exemptions to the mask mandate. Ms. Schnell inquired what it meant when walking into a business and noted nobody has clarified that and nobody has clarified it to the business owners. Ms. Schnell inquired where the privacy laws come into play noting she was at a loss. Ms. Schnell advised she was asking for grace and understanding noting this college community has an issue with sexual assault. Ms. Schnell inquired if she was supposed to walk into every business and tell the sob story what happened and that she does not wear a mask because it reminds her of something that happened 20 years ago. Ms. Schnell discussed other exemptions and reminded Council they serve the public not themselves.

Mr. Jake Kravitz, 300 E. Spring Street, advised he came to Council to observe last week noting he has his own opinions although he does not feel the need to share them. Mr. Kravitz noted he was offended by the remarks made about college students and felt it was ridiculous for the Mayor of a college town to talk about students in that way.

Mayor Smith advised he appreciated everyone's participation this evening. Mayor Smith informed the citizens who live in the vicinity of a proposed urban trail that Council has heard them and will take their comments to heart.

CONSENT AGENDA

Minutes of the August 17, 2021 City Council CIP Work Session (Mary Ann Eaton, Clerk of Council) pg6

Minutes of the August 17, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council) pg7

A Resolution No. 7328 authorizing the City Manager to enter into an agreement with Canon Solutions America, Inc. for a 60-month lease of a Canon IR Advance DX C5850i color copier for use by the Oxford Parks and Recreation Department. (Casey Wooddell, Parks and Recreation Director)

A Resolution No. 7329 authorizing the City Manager to enter into an annual agreement a copy of which is attached hereto as Exhibit "A" with Paylocity at an average annual cost of \$33,000.00 for the City's Human Resources and Payroll solutions. (Jessica Greene, Assistant City Manager)

Mr. Prytherch moved to approve the consent agenda. Mr. Snavelly seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION
GIFT CARD PROGRAM

A Resolution No. 7330 of Council directing that the remaining CARES Fund gift cards and up to seventeen thousand seven hundred dollars (\$17,700.00) of American Rescue Plan funds be utilized to provide one hundred dollar (\$100.00) gift cards to City of Oxford employees who can provide proof of their Covid-19 vaccination. (Jessica Greene, Assistant City Manager)

Ms. Greene addressed her staff report as presented to page 29 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mr. Prytherch noted this program was available to the general public as part of the vaccine clinics that have taken place and inquired if the local pool of people taking advantage of the clinic has been exhausted. Ms. Greene advised the role-out of the mobile clinics was disappointing and noted the most successful clinic was held at Park View Arms.

Mr. Bracken inquired if Ms. Greene had a sense of how many employees are already vaccinated. Ms. Greene advised she and Mr. Elliott have asked for vaccination verification from everyone by next week and she will know more then.

Ms. Southard moved to adopt Resolution No. 7330. Mr. Snavely seconded. The motion passed 7-0-0.

RESOLUTION
NEW FUND

A Resolution No. 7331 establishing the Coronavirus Local Fiscal Recovery Fund 429 and authorizing the City of Oxford to request and receive its designated share of funds from the American Rescue Plan Act of 2021. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 31 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mayor Smith advised the new fund was for accounting purposes.

Mr. Snavely moved to adopt Resolution No. 7331. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION
TAX LEVIES

A Resolution No. 7332 accepting the amounts and rates as determined by the Budget Commission of Butler County, Ohio, and authorizing the necessary tax levies and certifying them to the County Auditor. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 34 of Council's packet and offered to answer any questions.

There were no comments from the public.

Mayor Smith advised this was an accounting measure to certify the city's revenues to the County Auditor.

Mr. Snavely moved to adopt Resolution No. 7332. Mr. Ellerbe seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT WITH BQ ENERGY DEVELOPMENT

A Resolution No. 7333 authorizing the City Manager to enter into a lease option agreement between the City of Oxford and BQ Energy Development, LLC for approximately 20 acres of the City owned closed municipal sanitary landfill. (Doug Elliott, City Manager)

Mr. Elliott addressed his staff report as presented on pages 41-42 of Council's packet regarding a proposed solar array being built on the City's closed sanitary landfill and offered to answer any questions.

Mr. Chris Skoglund, 211 Ryan Drive, referred to the 3-year lease option and inquired what happens in year 4. Mr. Elliott advised BQ Energy has 3 years to exercise the lease agreement and once that happens the lease will be valid for 25-30 years.

Ms. Raghu thanked staff for bringing this project forward noting she was happy to hear that all of the components for the project will be made in America.

Ms. Southard noted she was pleased with the racking system and advised it makes a lot of sense in this climate.

Mr. Prytherch thanked staff and advised this project was a priority Council set in terms of climate and sustainability. Mr. Prytherch noted his hope the public will recognize what a significant potential endeavor this is for the City. Mr. Prytherch advised this was a substantial project that could provide power for a significant amount of citizens. Mr. Elliott advised it would power approximately 300 homes.

Mr. Bracken inquired if staff knew why some of the companies that submitted proposals were not willing to do interviews. Mr. Elliott advised he was not sure noting staff did their best to reach out to them. Mr. Bracken inquired how much of the 20 acres was usable for the project which Mr. Dreisbach addressed.

Mr. Snavelly advised he was very happy to see this project come to fruition noting it was discussed at Council Work Sessions and became a top priority.

Mayor Smith advised this first appeared on Council's goal setting session of February 2020 and noted it was time consuming and took a lot of research to get to this point during the pandemic which is greatly appreciated.

Mr. Snavelly moved to adopt Resolution No. 7333. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION **GRANT AGREEMENT**

A Resolution No. 7334 authorizing the City Manager to enter into a \$225,000.00 grant agreement with the Ohio Department of Public Safety, to engage in and coordinate as lead agency for the Countywide OVI Task Force. (John Jones, Police Chief)

Chief Jones addressed his staff report as presented on page 56 of Council's packet noting the City has participated in this program for several years. Chief Jones offered to answer any questions.

There were no comments from the public or from Council.

Ms. Southard moved to adopt Resolution No. 7334. Mr. Snavelly seconded. The motion passed 7-0-0.

RESOLUTION **AGREEMENT WITH PETER M. REISING**

A Resolution No. 7335 authorizing the City Manager to enter into an agreement with Peter M. Reising to perform consulting services and to function as the Butler County OVI Task Force Coordinator for the 2022 grant funded through the Ohio Department of Public Safety. (John Jones, Police Chief)

Chief Jones addressed his staff report as presented page 58 of Council's packet and offered to answer any questions.

There were no comments from the public.

Ms. Southard advised she was glad to see Mr. Reising continue to be able to work for the City after his accident which the public may not realize happened.

Chief Jones advised this was a great role which OPD enjoys seeing Mr. Reising participate in.

Mr. Snavelly moved to adopt Resolution No. 7335. Ms. Southard seconded. The motion passed 7-0-0.

RESOLUTION
FINAL COSTS FOR ASSESSMENTS

A Resolution No. 7336 determining the total cost of the assessment by lot, authorizing the list of assessments by lot to be filed with the Clerk of City Council and ordering the same be opened for public inspection and authorizing the Clerk of City Council to publish notice in a newspaper of general circulation that the list of assessments by lot is available for public inspection. (Mike Dreisbach, Service Director)

Mr. Dreisbach thanked Clerk of Council, Mary Ann noting she was always helpful in getting all of the notices and certified mailings prepared for this program. Mr. Dreisbach addressed his staff report as presented on pages 65-66 of Council's packet noting as Dr. Snavelly pointed out last year, the City is taking an extra step in this process by preparing a letter for each parcel owner so they are very clear on what their rights and responsibilities are and what their payment options are for the future. Mr. Dreisbach offered to answer any questions.

There were no comments from the public or from Council.

Ms. Southard moved to adopt Resolution No. 7336. Mr. Snavelly seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
EASEMENT AGREEMENT

An Ordinance Authorizing The City Manager To Enter Into An Easement Agreement As Set Forth In Exhibit "A" Attached Hereto With The Talawanda City School District Board Of Education And Accepting Said Easement As Set Forth On Exhibits "B" And "C" Attached Hereto To Allow The Construction Of A Segment Of The Oxford Area Trail System From Peffer Park To The Talawanda High School. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the proposed Ordinance relates to Phase III of the OATS Trail from Peffer Park to the Talawanda High School. Mr. Dreisbach noted between Miami University and the Talawanda School District all of the required easement or access is being granted. Mr. Dreisbach advised the City is in active negotiation with a resident whose property abuts the High School property and he was fairly certain the City would come to an agreement with them. Mr. Dreisbach noted this was a simple easement granted to the City by the Talawanda School District at no cost to the City.

There were no comments from the public.

Mr. Prytherch advised he felt this was a great connection noting he was glad the City had a partner in the Talawanda School District and that negotiation with the neighboring property owner was going well.

Mr. Dreisbach thanked Law Director Conard for drafting the language for the easement agreement.

ORDINANCE
CONDITIONAL USE

An Ordinance Approving A Conditional Use Permit Application To Allow A School Facility To Be Located At 5158 College Corner Pike Oxford, Ohio With Conditions. (Sam Perry, Community Development Director)

Mr. Perry addressed the staff report as presented on pages 85-86 of Council's packet noting the McGuffey Montessori School is utilizing tenant space in the Westgate Mall as an off-site location for their high school program and they need to obtain approval for the change of use.

Mr. Norm Butt, Applicant, Agent, thanked Council for reviewing the Conditional Use Permit application and offered to answer any questions.

There were no comments from the public.

Mr. Prytherch thanked the applicant for working with the Planning Commission and staff through the lengthy conditional use process.

ORDINANCE
FINAL SUBDIVISION APPLICATION

An Ordinance Approving The Final Subdivision Application And Plat For South Forest Edge Section 1 With Conditions. (Sam Perry, Community Development Director)

Mr. Perry addressed the staff report as presented on pages 129-130 of Council's packet and offered to answer any questions.

Ms. Etta Reed, Bayer Becker, advised this approval was needed to move on to the construction phase of the project and to get the plat recorded. Ms. Reed asked for Council's approval of this Ordinance and the next one related to the Right-of-Way dedication.

There were no comments from the public or from Council.

ORDINANCE
RIGHT-OF-WAY DEDICATION

An Ordinance Approving The Right Of Way Dedication Plat For U.S. 27 (Oxford-Millville Road) In The City Of Oxford. (Sam Perry, Community Development Director)

Mr. Perry addressed the staff report as presented on pages 139-140 of Council's packet and offered to answer any questions.

There were no comments from the public or from Council.

ORDINANCES
SECOND READING

ORDINANCE
NEW SECTION 541.08

An Ordinance No. 3634 By Oxford City Council Repealing The Current Section 541.08 "Ethnic Intimidation" Of The Codified Ordinances Of The City Of Oxford And Enacting A New Section 541.08 "Ethnic Intimidation" Of The Codified Ordinances Of The City Of Oxford. (Chris Conard, Law Director)

Mr. Conard advised he wanted to clarify a discussion point from the last meeting noting under current First Amendment law, hate speech can only be criminalized when it directly incites imminent criminal activity or consists of specific threats of violence or criminal conduct targeted against a person or group. Mr. Conard advised there may have been some confusion at the last meeting that the fact that someone may be in a suspect class in and of itself is enough to raise the level of an offense to Ethnic Intimidation and advised that is not correct. Mr. Conard noted there has to be other evidence that the crime was committed because the victim was a member of the suspect class. Mr. Conard advised if an assault occurs and a racial slur is used it can rise to the level of ethnic intimidation. Mr. Conard noted more evidence needs to be part of that investigation before it would rise to that level.

There were no comments from the public.

Mr. Conard and Chief Jones addressed comments and questions from Council members.

Council members expressed appreciation to staff for bringing the legislation forward to broaden the City's Ethnic Intimidation Section of the Oxford Codified Ordinances.

Mr. Snavelly moved to adopt Ordinance No. 3634. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Ellerbe, Mr. Bracken
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3635 Amending Ordinance No. 3600. Supplemental Budget Ordinance Number 6 To Make Supplemental Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on pages 151-152 of Council's packet and offered to answer any questions.

There were no comments from the public or from Council.

Ms. Southard moved to adopt Ordinance No. 3635. Mr. Ellerbe seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Ellerbe, Mr. Bracken, Mr. Prytherch
Mayor Smith (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott noted the mask mandate Ordinance was adopted by Council a week ago and information regarding it was provided to the Oxford businesses. Mr. Elliott advised the business community will need some time to adjust.

Mr. Elliott referred to the comments this evening regarding an urban trail and noted he will reach out to staff and regroup. Mr. Elliott advised the first segments of the trail are on City property or on Miami University property and everyone supported those segments. Mr. Elliott noted Council must vote on applying for a grant for the northwest arch section of the trail and the right-of-way details and trail location must be included in the grant application. Mr. Elliott advised Council and staff do listen to the public noting he did not recognize there was such opposition to a proposed urban trail although he certainly heard it tonight from the neighborhood.

Mr. Elliott advised staff would re-examine options for the trail and possibly schedule a Council Work Session to discuss those options.

Mr. Elliott provided an update on Covid-19 cases in the State of Ohio and encouraged people to get vaccinated.

Mr. Dreisbach noted he appreciated everyone's patience with the railroad improvements and provided an update on the CSX Railroad construction project.

Mr. Wooddell provided an update on activities in the Parks and Recreation Department and congratulated his staff for a very successful summer season.

Mr. Perry referred to the trail and noted he and Ms. Greene have talked with some of the residents in the area. Mr. Perry noted in the realm of Public Administration and Urban Planning he looks out into the audience and sometimes no one is there to give feedback and advised staff got the opposite end of that spectrum this evening. Mr. Perry reiterated that staff would reevaluate some options for the trail location.

Ms. Greene advised tomorrow morning she would make a presentation to the Butler County Commissioners regarding the City's regional broadband initiative. Ms. Greene noted it was together with all of the townships in the Talawanda School District and the Talawanda School District itself. Ms. Greene advised the group is proposing a unified countywide approach to broadband disparity in Butler County. Ms. Greene noted if the Commissioners feel they cannot support that, the hope is they will support the Butler County Rural Electric initiative to expand broadband.

Ms. Greene advised the group will also submit a public comment in support of a Countywide Emergency Crisis Response Center which stems from a recommendation from the Police Community Relations & Review Commission.

Ms. Greene provided a brief update on the Amtrak project.

Mr. Conard referred to a comment made this evening regarding an ethical issue and advised every time there is a newly elected official, that person receives ethics training. Mr. Conard noted each time there is a new volunteer on the Planning Commission or on the Board of Zoning Appeals that person receives ethics training. Mr. Conard advised staff receives ethics training as well noting he can personally attest that the elected officials and staff in Oxford hold ethics in the highest regard and would never knowingly do anything that would remotely constitute an attempt to circumvent Ohio Ethics Laws or Sunshine Laws.

Ms. Raghu thanked Ms. Schnell for her bravery this evening noting these matters often get brushed under the rug. Ms. Raghu noted 1 in 5 or 1 in 6 women have been raped depending on what statistic you look at and advised she herself is a victim of sexual assault. Ms. Raghu noted she would like to work with Ms. Schnell or anyone interested in trying to make this town as safe as possible for everyone. Ms. Raghu advised when your North Star is just about trying to make things safe for everyone and making it so people can walk down the street without getting yelled at or harassed you can never go wrong.

Ms. Raghu thanked Ms. Schnell again for what she brought up noting her hope we can make headway on the issue.

Mr. Ellerbe advised he welcomes constructive criticism, likes to debate, and likes to bring up topics that make people think about things from a different perspective than what they may have just had regarding information given to them. Mr. Ellerbe advised Miami University is now mandating vaccines, which will become effective November 22. Mr. Ellerbe noted he would like to see a re-visitation of the amendment he proposed to the City's mask ordinance at the last meeting. Mr. Ellerbe advised there were many things he does in this town that he cannot talk about noting one of those things was actually going around and talking to all of the business owners regarding the situation that was happening last Monday. Mr. Ellerbe advised he wanted them to ask him questions and try to feel as comfortable as possible. Mr. Ellerbe noted he did not think Council discussed the alternatives in enough detail to put the public at ease. Mr. Ellerbe advised he did not communicate clearly enough last week that he is in favor of the mask mandate but only with a vaccination exemption because he still wants to see people get vaccinated. Mr. Ellerbe implored everyone to get vaccinated so we can not have conversations like these. Mr. Ellerbe encouraged public participation in Council meetings so Council can receive public feedback and possibly adjust policies accordingly. Mr. Ellerbe noted he did go to Brick Street last week because he was asked to by some students. Mr. Ellerbe advised he was a resident of the City just like they are and if they ask him to come out and shake their hand he was going to do it.

Mr. Snavelly thanked the residents and citizens of Oxford who attended both the last meeting and this meeting. Mr. Snavelly advised he wanted the students to know that he listens, he may disagree, but he listens to every single comment and he respects them. Mr. Snavelly thanked the people who are concerned about the trail noting he has already expressed to Ms. Greene and to others his own misgivings about the urban plan. Mr. Snavelly noted he thought the residents were very persuasive and that their position would probably prevail although he cannot speak for anyone but himself. Mr. Snavelly referred to Mr. Ellerbe's proposed amendment at the last meeting and advised he kept an open mind and at the beginning he did not know how he was going to vote. Mr. Snavelly noted he felt the arguments to follow the CDC recommendations were more persuasive. Mr. Snavelly referred to Miami University's vaccine mandate and advised if they reach a level of vaccination that is high enough he feels Council should re-visit the mask mandate entirely.

Mr. Snavelly reminded everyone on Saturday, September 18 from 9 a.m. to noon the Kiwanis Pancake Day is taking place. Mr. Snavelly noted they did not hold the event last year because of the pandemic and advised this year it would be a drive-through event held at the high school. Mr. Snavelly noted the funds from Pancake Day support the children in this community and encouraged everyone to attend.

Ms. Southard advised she listened carefully to what everyone said this evening in person, by email and on the street. Ms. Southard noted she is grateful for all of the comments and she weighs carefully what people say. Ms. Southard advised if they are good suggestions she is impressed by that and if they are less good it is interesting which is what she means when she talks about numbers or comments as opposed to the arguments used. Ms. Southard noted she wants to be sure everyone knows Council is here because they want to serve the public and they are doing their best.

Ms. Southard advised Council wants to work with the community noting she believes in the last 8 years she has been on Council they have worked effectively with the community and City staff and have accomplished many good things for the City. Ms. Southard advised she expected that to continue taking into account what people say and how the citizens get involved.

Ms. Southard updated everyone on the Historic Tours taking place in September noting the first tour was offered last Saturday lead by Mayor Smith in the Withrow Street area Uptown. Ms. Southard advised the tours are free and open to the public at 10:30 a.m. every Saturday in September sponsored by volunteers on the HAPC, the McGuffey Museum and the Smith Historical Library. Ms. Southard noted she and Mayor Smith have been involved for many years along with Valerie Elliott and Steve Gordon. Ms. Southard advised next Saturday the tour will begin at 5348 Coulter Lane off of Bonham Road and the following week she will lead a tour of Wespiser Place beginning at 6066 Joseph Drive. Ms. Southard noted the next week the tour begins at 405 Pamela Road.

Ms. Southard advised the Latin American and Caribbean UniDiversity Festival would take place Friday, September 17 at 5:30 p.m. in the Uptown Parks.

Ms. Southard referred to Rosh Hashanah and Yom Kippur and wished everyone a sweet and Happy New Year, one that brings us all peace, prosperity and hope.

Mr. Bracken stated if someone's primary concern is to preserve their college drinking experience and they put that concern over the deaths of 650,000 Americans and counting, 4.5 million people across the world, and more than 12 locally, he has very little sympathy for them. Mr. Bracken noted if someone is not an epidemiologist and is expressing opinions that go against the overwhelming consensus of experts, the CDC, the World Health Organization, Johns Hopkins University, Kaiser Health, etc., he would not put equal weight in their opinion towards those experts and will not debate them. Mr. Bracken referred to comments regarding the urban trail this evening noting the primary concern was the safety of others, the safety of children and that he can respect and will respond to. Mr. Bracken advised if people bring reasonable arguments to him and reasonable motivations he will be glad to listen and noted he will not show concern for something so trivial as socializing in college when people are dying in a pandemic.

Mr. Prytherch thanked everyone who attended the meeting this evening noting that is what Council is here for. Mr. Prytherch noted when things affect someone's neighborhood it creates a high amount of emotion. Mr. Prytherch advised the planning process and public meetings are being done for that very reason because Council and staff know this is not just an engineering challenge. Mr. Prytherch noted this was not just about the price it was about what was the best route for the greater welfare. Mr. Prytherch advised he felt Council and staff need to stay true to the process in order to get to the best outcome. Mr. Prytherch noted it was never going to be easy to complete a trail around the City that involves public right-of-way or private land, technical challenges, one that fits within a budget and tries to achieve various goals. Mr. Prytherch noted in this community, and the way people engage he felt we could talk about the pros and cons of every possible solution and find a way to do this.

Mayor Smith sincerely apologized to anyone, student or non-student, who was offended by his flippant comments at the last meeting. Mayor Smith noted clarification on that remark is that it was merely to get Miami students to make more responsible choices especially on Thursday, Friday and Saturday nights when the first responders are spread the thinnest. Mayor Smith advised he was not asking anyone not to drink, he was asking them not to drink so much that they have to go to the hospital or they get arrested for doing something stupid that they would not do while sober. Mayor Smith noted that was sincerely what he intended.

ADJOURNMENT

Mr. Snively moved to adjourn at 10:07 p.m. Ms. Southard seconded. The motion passed 7-0-0.



The City of Oxford
(513) 524-5200
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Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Sam Perry
DATE PREPARED:	September 16, 2021
COUNCIL MEETING DATE:	September 21, 2021
AGENDA TITLE:	August 10, 2021 Planning Commission Summary/Minutes
CITY MANAGER/DEPT HEAD APPROVAL:	<i>Sam Perry</i> DRE 9/17/21

Attached are the approved meeting minutes from the August 10, 2021 in-person Planning Commission meeting.





**MEETING MINUTES
PLANNING COMMISSION
TUESDAY, August 10, 2021
7:00 P.M.**

I. Call to Order

Those members present: William Snavelly, Steve Dana, Shana Rosenberg, Richard Keebler, Carla Blackmar, and Corey Watt

Those members excused: Jason Bracken

Staff members present: Sam Perry, Zachary Moore, Ben Mazer, and Eunike Miller

Staff members excused: None

II. Approval of Agenda

Mr. Watt entertained a motion to approve the agenda as presented. Mr. Dana made a motion to approve the agenda. Mr. Snavelly seconded the motion. All were in favor.

III. Approval of Minutes of July 13, 2021

Ms. Rosenberg made a motion to approve the minutes as written. Mr. Snavelly seconded the motion. All were in favor.

IV. Public Comments Related to Items Not on the Agenda

There were no comments from the public.

V. Reports from Commissions, Boards, Committees & Staff

Ms. Blackmar reported that the Oxford Parking & Transportation Advisory Board did not have a meeting last month. She reminded everyone about the OATS meeting coming up on August 11th at 12 PM.

Mr. Dana had no news to report on CIC meeting.

Ms. Rosenberg said that the HAC met last month and reported that the Tiny Houses Project is still going. She was not able to attend the Steering Committee meeting.

Mr. Dana thought the Steering Committee meeting was productive. Mr. Dana asked Mr. Perry to provide an update on the Steering Committee meeting.

Mr. Perry stated there were already two meetings and another one is going to take place in late August or early September. Potential elements and topics within the Plan have been discussed along with doing an analysis. They are also working on the survey that will reach the public soon.

Mr. Snavelly had nothing new to report.

Mr. Watt said the HAPC meeting was scheduled for tomorrow. Due to having no agenda items, the meeting has been cancelled.

VI. New Business

PC-2021-21, 5158 College Corner Pike, CONDITIONAL USE, McGuffey Montessori High School, Norman Butt, AIA, Applicant/Agent

Mr. Snavelly made a motion to enter into public hearing. Mr. Keebler seconded the motion. All were in favor

Mr. Moore started his presentation by giving summarized details about the case including the type of application, the location, the applicant, and the current zoning (GB).

Mr. Moore stated that this particular case is a re-occupancy of a tenant space within a shopping center. Total occupancy of 5, 3 students, and 2 instructors. Due to Covid-19, the staff administratively allowed the school to use the building on a temporary basis.

Areal map of the location was displayed showing the boundaries of the property. Zoning classification was also displayed. The main campus is close by on Westgate Drive.

Recently taken site photos were next displayed along with a Bird's Eye View. The Submitted site plan was then displayed showing the interior space.

Timeline was presented:

- July 7, 2020: application to authorize the change of use as school.
- Aug 11, 2020: temporary zoning approval until January 31, 2021 which was extended to June 1, 2021.
- Time limited Certificate of Occupancy issued until June 1, 2021

Mr. Snavelly wanted clarification whether the school will be able to occupy the building before the final decision.

Mr. Moore said that administratively they will be allowed to use the space temporarily to start school.

Mr. Moore displayed the 3 staff recommendations for approval:

- 1) The school shall be limited to no more than 5 occupants. It is the applicant's proposal.
- 2) The requested Conditional Use shall be allowed to continue indefinitely.
- 3) Within 14 days of Council approval, the applicant shall apply for a Building permit, which has already been submitted.

Questions from the Commission members:

Mr. Watt was in favor of recommendation#2 but would the conditional use be indefinite for the school only or not.

Ms. Rosenberg wanted to know whether the number of students can be raised, preventing more bureaucratic action this way. Mr. Moore said it would not be a problem.

Mr. Keebler inquired whether there was any problems during the current temporary use. Mr. Moore stated there were none.

Mr. Butt came up to start his presentation. In 2019, Nancy Hawthorne contacted him to discuss to consider changes in facilitating students. The attendance in lower grade students has increased. The existing area is already at capacity so they want to find another area that is close by to expand. Mr. Butt wanted to make sure they comply with code when it comes to the school and life safety. The limited number of students (5) are in compliance with the Ohio Building Code. Six could be considered a business occupancy. There were discussions about where the students are from, and traffic flow, and Mr. Butt and Ms. Hawthorne concluded that this location would be a good fit.

Ms. Hawthorne came up to speak. Ms. Hawthorne stated since the high school students weren't on the main campus last year there was enough space to move the students around. Ms. Hawthorne reported there was no Covid spread in the school. In 2018-19, piloting high school students was approved by the School Board. It was started with one student. Now three high school students are expected, and another one is waiting, so they would love to have wiggle room in the number of students allowed. Ms. Hawthorne elaborated on other details such as the number of rotating teachers, how the students get to school. Ms. Hawthorne mentioned that the student would be able to walk between the College Corner Pike building and the main building.

Questions from the Commission members:

Ms. Blackmar inquired what the reasonable upper limit would be for student occupancy. Ms. Hawthorne said 7-8 would be great. Ms. Hawthorne explained there were times during the day when two classes were in session. So having a higher occupancy limit would be very good. Mr. Butt made a comment that last year, when the Ohio Building Code was approved by the building official they indicated that occupancy could be up to 14 persons. Mr. Butt added that such high number was never their intent.

Mr. Watt invited the public to comment on this agenda item

Melanie Ward, 5175 Westgate Drive

Ms. Ward's house is located behind the proposed building for school. Ms. Ward was concerned because there are already lots of foot traffic in the alley, garbage accumulation, and their fence had to be replaced. Ms. Ward was also concerned about the safety of the students. Ms. Ward wanted clarification on the occupancy. Ms. Ward was in favor of the proposal to limit numbers.

Mr. Snavelly made a motion to adjourn public hearing. Mr. Dana seconded the motion. All were in favor.

The Commission's Discussion

Mr. Snavelly agreed to use the building for school. Mr. Snavelly suggested that the maximum limit would be 10, so there would be room for fluctuation. Mr. Snavelly elaborated on the expiration of the conditional use stating that it should be allowed until the school discontinues the use of the building. Mr. Moore commented on it saying that the code provides a 12-month time frame. If the use ceases for a period of one year the right to the conditional use goes away. Mr. Snavelly recommended this condition for approval.

Mr. Keebler wanted to know if the conditional use is for only this building space. Mr. Perry said if there is any type of changes it may not go to a full discussion but they will have to talk about it what would be the best route to take.

Mr. Keebler suggested there should be item #4 stating that the conditional use expires when the building is vacated by McGuffey Montessori School. Mr. Keebler reasoned on the topic saying there is no concerns about kids playing in the parking lot when the high school students occupying the building. On the other hand, if a different school would occupy the building with young kids, like kindergarten, there is no playground, no space to play, but under the conditional use this would be ok. Mr. Keebler suggested that this conditional use should expire when vacated by McGuffey Montessori School.

Mr. Mazer commented that such a condition could be imposed, but it is also possible that it could get challenged. Mr. Mazer added if the space is not used properly according to the conditions then it could expire, or lapse. Mr. Mazer further explained that in his understanding there is a condition in Oxford that allows for the revocation of a conditional use if it poses a substantial risk to public health, safety, and welfare. However, ordinarily the conditional use granted runs with the land, and continues with the new owner purchasing the property if the condition doesn't expire otherwise.

Mr. Watt agreed with Mr. Keebler.

Mr. Dana supported the proposal and the upper limit on the number of students.

Ms. Blackmar wanted to know if there were additional units become available the applicant would have to go through the same long process. Mr. Moore stated the school understands the scope of the matter. If the intensity or scope would change in the future, it could be a shorter process, it could be handled administratively.

Mr. Snavelly suggested whether staff can look into the neighbors' concerns. Perhaps the new code enforcement officer could look into it.

Mr. Dana wanted an explanation on decision criteria N, B-Business classification.

Mr. Snavelly made a motion to approve the Conditional Use application by raising the number of occupants from 5 to 10 and taking out the wording "as proposed by the applicant", and by adding Condition #4, that the Conditional Use expires when McGuffey Montessori school vacates the building. Mr. Dana seconded it.

Roll call was taken.

AYE: Ms. Blackmar, Mr. Dana, Mr. Keebler, Ms. Rosenberg, Mr. Snavelly, Mr. Watt (6)

NAY: None (0)

ABS: None (0)

Motion PASSED.

CONCEPT REVIEW, 4450 Trenton-Oxford Road, Woodland Country Manor, Bayer Becker, Etta Reed

Mr. Snavelly made a motion to enter into public hearing. Ms. Rosenberg seconded it. All were in favor.

Mr. Perry started his presentation. Mr. Perry explained that Staff has met with Ms. Reed, the owners of Woodland Country Manor, and some consultants to potentially convert a property that was formally the Tech Park property, located on the corner of SR 73 and Oxford-Milford Road and re-zoning it.

Ms. Reed introduced the Woodland Country Manor family and their spokesman.

Mr. Cameron Auer 8784 Simpson Court, Mason, OH 45040

Mr. Auer gave his speech.

Ms. Reed started her presentation by displaying a concept plan of the site. There are 110 units for assisted living. The vacant side is left for future development depending on the market.

Ms. Reed then further explained what other types of buildings are in the design.

- 18 rear entry townhomes
- 58 rear entry single family homes
- 30 traditional single family homes
- 2 commercial outparcels. These could be retail centers with a hair salon, a medical office, dry cleaners that the residents could use. There has been discussions about a daycare for employees.

The development has amenities, a pond, and benches. Ms. Reed pointed out that their intention is to preserve the existing tree line on the property. In the center, there is the Village center with a lawn area for different events. There are two pocket parks as well. Woodland Country Manor would maintain all the roads and the lawn.

Questions from the Commission members:

Ms. Blackmar wanted to know whether the units include parking, and the traffic flow and the access to off-site amenities. Ms. Reed stated there are three access points on Oxford Milford Road. On-site parking and garages for the detached homes will be provided. They also plan to provide shuttle service.

Ms. Blackmar noted that the site is close to a portion of the Trail System but that SR 73 does not have a walkway to access the trail. Ms. Blackmar inquired whether there is a plan to provide access to the trail. Ms. Reed answered that there is a plan to provide sidewalks along the frontages of the property but not to connect to the trail.

Mr. Snavelly thought it would be very good to put a path along 73 that accommodate bikes as part of a multi-connectivity model. Mr. Snavelly also noted that the design is important since this is the east gateway to town. Mr. Snavelly was concerned about the commercial outparcel backing up to the road and he would like to see these buildings protected from the road to look better. Mr. Snavelly was pleased to hear about the planned use of the outparcels which would benefit the community. Mr. Snavelly noted that the concept needs to be a PUD so there would be more control over what would occupy the outparcels. Mr. Snavelly encouraged Ms. Reed to think more about the conservation design, like solar panels, to be well received by Council. Mr. Snavelly was in favor of the concept.

Mr. Dana agreed with Mr. Snavelly on the attractive features. Mr. Dana pointed out there is no existing sewer on the property. Mr. Dana wanted to know how this issue would be solved or handled. Mr. Dana added that the site slopes downhill and adding and extending a sewer system will be very expensive and difficult.

Ms. Reed explained that the sewer is located down by Four-Mile Creek. The matter has been looked into and it's possible to accomplish but not easy. Providing the sewer system could open up the possibility of connecting to the sewer for those lands that are not currently on sewer.

Mr. Dana wanted to know how they would achieve to connect to the sewer. Ms. Reed said they would go under Four-Mile Creek and up on 73 or through the Springwood Subdivision to get to the property.

Mr. Watt invited the public to comment on the topic. There were none.

Mr. Dana made a motion to close public hearing. Mr. Snavelly seconded it. All were in favor.

Discussion of the Commission members

Mr. Keebler thought this is a catch 22. Mr. Keebler shared his positive experience of Woodland nursing home care. Mr. Keebler liked the design, the 3 entrances and exits. On the other hand Mr. Keebler disagreed on the

tax comments. According to Mr. Keebler the only tax income would be the employees' payroll. Mr. Keebler was concerned about the ability of serving the planned area with EMS and Fire services. Mr. Keebler pointed out that a big volume of calls come in from the existing nursing homes. He also added that EMS and Fire are already understaffed and it is a struggle to serve the multiple calls that come in at the same time with four people on duty during day time and six in the evenings/night and on the weekends. Mr. Keebler stated there is a need to hire four more full time people which is more money. Mr. Keebler stressed that the income would be very minimal as opposed to keeping the land zoned as industrial for businesses.

Ms. Blackmar wanted to know what happened with the industrial office park planned in this property. Mr. Perry said it was zoned in hopes of creating an industrial office park, that was somewhat tied to a road project that didn't happen.

Ms. Rosenberg mentioned the rezoning for Wildberry. Mr. Dana stressed not that much land for industrial are available. Mr. Dana was in favor of the project but he also mentioned that Mr. Keebler's concerns are very valid.

Ms. Rosenberg agreed with Mr. Snively and Ms. Blackmar and though it's a good project. Ms. Rosenberg restated the importance of creating a way to connect to the OATS Trail, especially from the point of physically active senior citizens.

Mr. Dana agreed with Ms. Rosenberg. Mr. Dana mentioned the opportunity of "affordable housing".

Mr. Snively required more details on pocket park 2 from Ms. Reed.

Mr. Watt voiced his concern that the future development has no way to connect to the initial development which could be crucial from Fire point of view. Mr. Watt expressed his concerns about the planned retail stores. Mr. Watt also brought to attention the need of having an access to SR 73 since all the design shows Oxford Milford Road as access points at this time.

Ms. Reed was explaining that both roads are in Oxford Township, was not annexed with the land, therefore these roads are under ODOT's jurisdiction. Ms. Reed stated that they would conduct a study. Mr. Keebler was sure the half of Oxford Milford Road was annexed with the property.

Ms. Blackmar made a comment on the importance of housing the working population close to their work not just for economic reasons but for the meeting of greenhouse gas reduction goals.

VII. Old Business

There were none.

VIII. Administrative Decisions

There were none.

IX. Adjournment

Ms. Rosenberg made the motion to adjourn the meeting. Mr. Dana seconded the motion. All were in favor. The meeting adjourned at 8:29 p.m.



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Service Department
PREPARED BY:	David Treleaven, Environmental Specialist
DATE PREPARED:	September 2, 2021
COUNCIL MEETING DATE:	September 21, 2021
AGENDA TITLE:	September 1, 2021 Environmental Commission Meeting Summary
BUDGETED AMOUNT:	N/A
ACCOUNT CODE:	N/A
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 9/17/21 MBD 9/7/21</i>

Environmental Commission members in attendance at the Wednesday, September 1, 2021 meeting were: Chair, Mr. Jon Ralinovsky; Vice-Chair and City Council Representative, Ms. Chantel Raghu; Planning Commission Representative, Mr. Jason Bracken, Mr. Steven Elliott, Mr. Justin Fain, and Ms. Heather Barrett. A quorum was present. Also present were Mr. David Gorchov and Mr. Mark Boardman of the City of Oxford's (Oxford's) Climate Action Steering Committee. Ms. Madison Scott, the climate and sustainability intern with Oxford, was also in attendance.

Mr. Fain moved for approval of the minutes from the August 4, 2021 Environmental Commission meeting; Ms. Barrett seconded. The minutes were unanimously approved as presented.

Following the August 4th Environmental Commission meeting, Mr. Andor Kiss had informed the Commission that he was resigning from the Commission.

Discussion:

Mr. Gorchov presented a PowerPoint presentation regarding the Climate Action Steering Committee's (Committee's) research into climate change, its potential impact on Oxford, and their recommendations for reductions in Oxford's carbon dioxide equivalent (CO₂e)





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emissions for both municipal operations and by the community. The Committee has established four goals to be accomplished in a three year time period:

- Determine the community-scale greenhouse gas emissions;
- Assess Oxford's climate risk and vulnerabilities;
- Establish targets for emissions reduction; and
- Create a climate action plan.

Oxford has completed a community-scale (including those from municipal operations) greenhouse gas inventory, utilizing 2019 as the base year, and the risk assessment and identification of vulnerabilities. The Committee's target CO₂e reductions were endorsed and approved by Oxford's City Council in May 2021. The target CO₂e reductions are aggressive, calling for a 50% reduction in community-wide CO₂e emissions (relative to the 2019 baseline) by 2030, a 90% reduction by 2035, and carbon neutrality by 2040. The Committee envisions the integration of the climate action plans into the pending revision of Oxford's Comprehensive Plan, and will require dramatic actions by Oxford, and it's Boards and Commissions. Mr. Kiss had been the Environmental Commission's representative to the Committee. With his resignation from the Commission, Ms. Barrett volunteered to assume the Commission's representation to the Committee.

The Commission's public participation to help determine its priorities and future actions associated with the revision of Oxford's Comprehensive Plan was discussed. Mr. Ralinovsky stated that Ms. Jessica Greene has offered to assist the Commission in publicity for the meeting. It was concluded that the public participation would be included on the agenda for the monthly Commission meeting on Wednesday, October 6, 2021 meeting of the Commission. Mr. Ralinovsky indicated he would contact the Oxford branch of the LCNB National Bank and reserve the second floor conference room for the Commission's October monthly meeting.

The Commission reviewed revisions to the stream setback areas requirements that it has been working on for the last several months. At the Commission's instruction, Staff had incorporated a setback requirement specifically for ephemeral channels (25 feet), given their importance in the life cycle of several local animals. Oxford is located within the Acton Lake Dam – Four Mile Creek sub-watershed, which has an area of approximately 41.5 square miles. The proposed stream setback areas are:

- One hundred (100) feet on either side of all waterways draining an area equal to or greater than twenty (20) square miles;





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- Seventy five (75) feet on either side of all waterways draining an area equal to or greater than one-half (0.5) square mile or three hundred twenty (320) acres;
- Fifty (50) feet on either side of all waterways draining an area less than one-half (0.5) square mile or three hundred twenty (320) acres; and
- Ephemeral channels (25 feet).

Additionally, the extent of the one hundred (100) year floodplain (as defined by the Federal Emergency Management Agency) is to be incorporated into the distance of the stream setback; i.e., if the 100-year floodplain extends beyond the specified setback distance, the distance will be increased to encompass the boundary of the 100-year floodplain. The amount of distances involved are based upon the quality category of the wetland, as determined by the OEPA's Ohio Rapid Assessment Method.

The following motion was made to accept the setback requirements, and to request the Planning Commission incorporate the setback requirements into Oxford's Planning and Zoning Codes:

Motion:

The Environmental Commission approves of stream set back requirements, and requests that the Planning Commission and Oxford's Community Development Department incorporate stream setback requirements into the Oxford Codified Ordinances Planning and Zoning Codes.

The Motion was unanimously approved. The description of the stream setback areas requirements accompany this Staff Report.

Ms. Raghu informed the Commission that four of seven residential installations of roof-mounted solar panels have been completed. Ms. Raghu indicated that she had received several inquiries about possible participation in future panel installation projects.

Staff updated the Commission on the monthly emission monitoring event of the landfill's 23 passive gas vents for August. At approximately 210 metric tons (MT) total CO₂e for the entire landfill, the monthly total value was above the monthly average value of approximately 155 MT since October, 2020. Six of the 23 passive vents contribute approximately 78% to the total CO₂e emissions to date, with one vent (gas vent #23) contributing almost a third of the total CO₂e values by itself. Twelve of the 23 gas vents account for approximately 95% of the landfill's total CO₂e emissions.





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Staff provided a summary of the on-going residential food scraps drop-off program. Since the program started in April 2019 and through the end of July, 2021 (125 weeks), approximately 91,850 pounds (45.9 tons) of food scraps have been collected for composting. This is 735 pounds per week, on average, with the program's expense continuing to be \$0.31 per pound. For 2021, a total of 28,200 pounds (14.1 tons) has been collected in 33 weeks, with a weekly average of 855 pounds, and a program's expense of \$0.27 per pound.

Commissioners concluded discussions at 8:10 p.m. The next regularly scheduled monthly Environmental Commission meeting is tentatively scheduled for 7:00 p.m. on October 6, 2021, at the LCNB National Bank's second floor Community Room, 30 West Park Place.





The City of Oxford
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Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	Parks & Recreation
PREPARED BY:	Casey Wooddell
DATE PREPARED:	September 14, 2021
COUNCIL MEETING DATE:	September 21, 2021
AGENDA TITLE:	Oxford Recreation Board – September 9, 2021
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	CDW 9/14/2021 <i>DRE</i> 9-17-21

DISCUSSION:

Attendance: Craig Bennett, Ken Bogard, Wes Cole, Holli Morrish, Kevin Ackley, Casey Wooddell, Jessica Greene (guest)

The Oxford Recreation Board met in the Municipal Building on Thursday, September 9 at 11:30am. Agenda for the meeting and minutes from the June meeting were approved without comment.

Ms. Jessica Greene attended the meeting to provide the board members with a full update regarding the Oxford Area Trail System. The Recreation Board supported the levy in 2018, and its members often get asked questions about the trail by the community, and a member of the board requested a full update. Ms. Greene discussed the completed phases, the phases scheduled for construction in the coming years, as well as the phases which still need design and funding to be completed.

Mr. Wooddell provided a report from the Parks and Recreation Department. This report included information about the Aquatic Center, summer camps, pickleball project, new bottle filler units at various parks, ADA playground improvements, future disc golf ideas, and potential collaboration with Butler County MetroParks.



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Mr. Cole shared updates about Talawanda Athletics, including fall sports programs, upcoming end-of-season tournaments, winter workouts beginning, and how Talawanda is handling mask enforcement since not every school has similar policies.

Mr. Ackley and Mr. Bennett shared information about Miami University updates, including Recreation activities, Goggin Ice Center, and the Miami vaccination policy.

Ms. Greene also discussed, under old business, an update of the City's next steps involving the City Comprehensive Plan update project. Mr. Bennett is a member of the steering committee for this project, and he has been working with Ms. Greene and other city staff and board members to keep this project moving.

Due to time constraints, no new business was discussed in this meeting. Mr. Wooddell informed the board members he would email them some additional updates about a document the TRI Board of Directors created to solicit feedback about the Needs (Critical Items), Wants (Not necessity, but important), and Hopes (if money allows) in regards to amenities within a new indoor recreation center if one is built in the future.

Meeting adjourned at 12:40pm.

Next meeting scheduled for October 14, 2021 at 11:30am in the City Building.



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STAFF REPORT

ORIGINATING DEPARTMENT:	City Manager
PREPARED BY:	Jessica Greene
DATE PREPARED:	9/13/2021
COUNCIL MEETING DATE:	9/21/2021
AGENDA TITLE:	American Rescue Plan Funds- Affordable Housing
BUDGETED AMOUNT:	\$150,000
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 9-17-21</i>

DISCUSSION:

In February 2021, City Council adopted affordable housing as one of its top 3 priorities. City staff members and the Housing Advisory Commission have been working with Community Development Professionals on a Cottage Community Project for several years. This Cottage Community Project is a proposal for transitional housing. It will provide small homes for individuals in transition with housing and provide wrap-around services for those individuals.

With the availability of the ARPA funds, we believe we can now assist with the implementation of the Cottage Community project.

Community Development Professionals have submitted a request for \$200,000 to be used for the land acquisition on which they will build the cottages. These cottages will be built on 2 acres off of Hester Road and will be a development of 12 small homes that are 364 SF and will accommodate up to 6 people. All cottages have one bedroom, kitchenette, great room, bathroom, and front porch. These units also have a stackable washer and dryer and loft. These cottages will meet HUD standards and are rented at or below the fair market rate. The Cottage Community will support their tenants with wrap-around support services and these services be managed by the Center for Community Revitalization in partnership with the Oxford Family Resource Center.

We believe that this Cottage Community Project will be an important strategy in our affordable housing goals in Oxford, Ohio. Once they acquire the land, staff will continue to work with their team to progress through the approval process with the City.

With the decrease in our ARPA funds, we are recommending that we fund their proposal at \$150,000 to assist with the property acquisition. They are also requesting assistance with the waiver of permit and tap fees. We will explore these possible options with them and bring forward proposals to Council at a later date once their planning is further along.

See the attached full proposal from Community Development Professionals.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE DONATION OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) TO COMMUNITY DEVELOPMENT PROFESSIONALS AS A SUB-RECIPIENT OF AMERICAN RESCUE PLAN ACT FUNDS TO ASSIST WITH THE LAND ACQUISITION FOR AN OXFORD COTTAGE COMMUNITY PROJECT.

WHEREAS, the American Rescue Plan Act has provided the City of Oxford approximately \$1,200,000.00 to be used toward the City's Coronavirus response; and

WHEREAS, these funds are intended to combat the Coronavirus pandemic, including the public health and economic impacts; and

WHEREAS, City staff and the Housing Advisory Commission have worked with Community Development Professionals on a Cottage Community project for several years; and

WHEREAS, the City Manager and the Assistant City Manager recommend City Council authorize the donation of one hundred fifty thousand dollars (\$150,000.00) to Community Development Professionals as a sub-recipient of American Rescue Plan Act funds to assist with the land acquisition for an Oxford Cottage Community project.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: Council accepts the recommendation of the City Manager and the Assistant City Manager and hereby authorizes the donation of one hundred fifty thousand dollars (\$150,000.00) to Community Development Professionals as a sub-recipient of American Rescue Plan Act funds to assist with the land acquisition for an Oxford Cottage Community project.

SECTION 2: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



Community Development Professionals
EDUCATE. SUPPORT. DEVELOP. CONNECT.

Helping Communities Thrive.

May 3, 2021

City of Oxford
Assistant City Manager Jessica Greene
15 S. College Ave
Oxford, Ohio 45056
Email: jgreene@cityofoxford.org

Re: Cottage Community

Ms. Greene:

Community Development Professionals has been working on development of an Oxford Cottage Community for some time. There have been significant efforts to define need, identify partners and develop a project to fill housing gaps in the community. The City has been supportive of the concept and its recent housing plans and studies validate the need for quality, affordable housing for displaced families, seniors and others struggling to find affordable housing in the City of Oxford.

Oxford Cottage Community necessitates a nonprofit partner to own and manage the units. To meet rigorous funding requirements, the partner has to demonstrate experience in affordable housing and/or the capacity to comply with long-term restrictive covenants tied to the project. Center for Community Revitalization (CCR) is the 501c3 that will own and manage the project. A copy of 501c3 letter for CCR is attached hereto. A synopsis of the organization's vision, mission, values and strategic priorities is also attached for reference.

CDP has identified a 2-acre property on Hester Road as an ideal location for the Cottage Community. We are requesting up to \$200,000 from the City be set aside to assist in acquiring and readying the property for this project. Additional funding is being secured from other sources to bring this project to fruition, including private churches and individuals, as well as grants from the Oxford Community Foundation, First Financial, Butler County Community Development and Federal Home Loan Bank.

I have attached the most recent synopsis of the project and some conceptual renderings of the cottages and overall community. Thank you for your consideration of this request. I welcome your questions.

Sincerely,

Mindy Muller
President/CEO

Project Description

The project includes construction of 12 cottages on 2 acres on Hester Road to create a cottage community (planned use development) in the city of Oxford. The cottage community targets a mixed population of persons needing affordable housing – five will be occupied by displaced families, five will be occupied by low-income seniors 60 and older and two will house other income-qualifying households. Center for Community Revitalization will own and manage the cottages.

The cottages are self-contained housing units, 364 sq ft that can accommodate up to 6 people. All cottages have one bedroom, kitchenette, great room, bathroom and front porch. Units come furnished including stackable washer/dryer and loft. All cottages will meet HUD HQS standards and are rented at or below fair market rate.

Cost

The cost to develop a cottage community is estimated to be \$867,150. Additional funds are being sought ahead of securing grant funding through HOME and FHLB to acquire the desired property for the project. The planned funding for the cottages is as follows:

<u>Contributor</u>	<u>Amount</u>	<u>Investment per unit</u>
Federal Home Loan Bank	\$496,275	\$41,356
HOME/CDBG	\$294,875	\$24,573
City of Oxford/OCF	\$30,000	\$2,500
Member Bank/First Financial	\$25,000	\$2,083
CCR	\$30,000	\$2,500
Faith Community	\$21,000	\$1,750

There will be no permanent debt on property. There will be a 15-year affordability period with accompanying deed restriction on development.

Requested In-kind contributions

City of Oxford
Community organizations

Contribution

Fee waiver (tap/permit/zoning, etc)
Donated furnishings, credit counseling services, employment/training services, educational services, daycare

Member participation

Construction/bridge loan
Cash contribution of \$500+
Lender concessions (at least .5% below market rate)
 Below-market rate on construction/bridge loan
 Non-subsidized FHLB construction/bridge loan

Timeline

June 2021

Finalize funding commitments
Secure site control for property

March – August 2022

Complete project

July 2021

Funding deadline for FHLB

November 2021

Submit HOME/CDBG proposal to Butler County
Notification of FHLB award
Finalize project schedule for development of property

Potential site: 5234 Hester Road





Vision

Center for Community Revitalization (CCR) is an innovative investor, property owner and strategic partner in projects that make an impact in local communities.

Mission

Center for Community Revitalization (CCR) facilitates the development of unique and innovative projects that create social and economic opportunities for low- and moderate-income persons.

Values

The culture and operations of CCR will reflect the following values:

- **Innovation.** CCR strives to create new solutions to community challenges that are replicable and sustainable.
- **Accountability.** CCR holds its leaders and community partners to the highest standards of excellence and transparency through strong internal controls and reporting protocols.
- **Integrity.** CCR will be honest, authentic and ethical in its business practices and will ensure its actions, decisions, and leadership reflect the highest standard of integrity.
- **Stewardship.** CCR will use its own resources and the investments of others wisely to provide the highest return on investment and ensure funds are used to make a visible and substantial impact.

Policy Statements

The Board of Directors will assure the health and growth of the organization, consistent with its vision and mission. The Board leadership is visionary, committed, progressive, invigorating and purposeful in the advancement and achievement of the mission and services, programs and initiatives undertaken by CCR.

The organization maintains an empowering work culture with policies that advance CCR's mission while supporting its local community partners and current suite of projects.

CCR is the model for visionary leadership and best practices. Projects are data-driven and financially solvent, reflective of CCR's mission, vision and values, comply with industry standards and governmental mandates, high in quality, and responsive to community needs.

CCR will maintain a financial position that enables it to deliver its vision and mission, operate responsibly and strengthen its ability to effectively serve its purpose.

CCR seeks to cultivate strategic partnerships to advance its mission and serve its community partners.



Strategic Priorities 2021 - 2026

CCR has adopted three strategic priorities to guide its work toward achieving its vision over the next five years:

Strategic Priority #1: Create nonprofit hubs in communities of need across the United States.

Key Goal #1: Identify 25 highest communities of need in United States.

Key Goal #2: Explore identified communities and partners to select 10 sites for nonprofit community hubs.

Key Goal #3: Secure funding and sites to establish community hubs.

Strategic Priority #2: Position CCR as strategic partner in development of affordable housing.

Key Goal #1: Develop working relationships with officials at three financial institutions/FHLB member banks

Key Goal #2: Identify and serve as sponsor for five projects yielding 200 or more units of affordable housing.

Strategic Priority #3: Strengthen organizational infrastructure to ensure highest standard of excellence.

Key Goal #1: Adhere to highest industry standards of excellence.

Key Goal #2: Ensure organization has strong data collection and management and uses data to inform its decisions.

Key Goal #3: Build organizational sustainability through strong governance and aggressive resource development.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date **NOV 20 2019**

CENTER FOR COMMUNITY REVITALIZATION
332 DAYTON STREET
HAMILTON, OH 45011-0000

Employer Identification Number:
47-3657907
DLN:
26053690001769
Contact Person: JOSEPH R KENNEDY ID# 31647
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Form 990-PF Required:
Yes
Effective Date of Exemption:
October 15, 2019
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a private foundation within the meaning of Section 509(a).

Based on the information you submitted in your application, we approved your request for reinstatement under Revenue Procedure 2014-11. Your effective date of exemption, as listed at the top of this letter, is the submission date of your application.

You're required to file Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation, annually, whether or not you have income or activity during the year. If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PF" in the search bar to view Publication 4221-PF, Compliance Guide for 501(c)(3) Private Foundations, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 1076

CENTER FOR COMMUNITY REVITALIZATION

Sincerely,

Stephen A. Martin

Director, Exempt Organizations
Rulings and Agreements



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Service Department
PREPARED BY:	Michael Dreisbach
DATE PREPARED:	August 20, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	Acceptance of an Easement for Oxford Area Trails - Phase III Extension to THS
BUDGETED AMOUNT:	\$ N/A
ACCOUNT CODE:	N/A
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 9-3-21 MBD 8/20/21</i>

Discussion:

On August 19, 2021, the Talawanda School District approved an easement on their property allowing construction of another segment (Phase III southern extension) of the Oxford Area Trail System from Pepper Park to Talawanda High School – Exhibits attached describing said easement.

Staff recommends the City Council authorize the City Manager to sign the Easement Agreement with Talawanda School District accepting said easement.

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT AS SET FORTH IN EXHIBIT "A" ATTACHED HERETO WITH THE TALAWANDA CITY SCHOOL DISTRICT BOARD OF EDUCATION AND ACCEPTING SAID EASEMENT AS SET FORTH ON EXHIBITS "B" AND "C" ATTACHED HERETO TO ALLOW THE CONSTRUCTION OF A SEGMENT OF THE OXFORD AREA TRAIL SYSTEM FROM PEFFER PARK TO THE TALAWANDA HIGH SCHOOL.

WHEREAS, on August 19, 2021, the Talawanda City School District Board of Education approved an easement on their property to allow construction of another segment (Phase III southern extension) of the Oxford Area Trail System from Peffer Park to the Talawanda High School; and

WHEREAS, the City Manager and the Service Director recommend City Council authorize the City Manager to enter into an easement agreement with the Talawanda City School District Board of Education as set forth in Exhibit "A" attached hereto and accept said easement as set forth on Exhibits "B" and "C" attached hereto for the purpose of constructing a segment of the Oxford Area Trail System from Peffer Park to the Talawanda High School.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: City Council accepts the recommendation of the City Manager and the Service Director and hereby authorizes the City Manager to enter into an easement agreement with the Talawanda City School District Board of Education as set forth in Exhibit "A" attached hereto and further accepts said easement as set forth on Exhibits "B" and "C" attached hereto for the purpose of constructing a segment of the Oxford Area Trail System from Peffer Park to the Talawanda High School.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is entered into this 16th day of August, 2021, by and between TALAWANDA CITY SCHOOL DISTRICT BOARD OF EDUCATION ("Talawanda"), and the CITY OF OXFORD, OHIO, an Ohio municipal corporation ("Oxford"), under the following terms and conditions:

A. By virtue of an instrument recorded at Volume 8197, Page 1351 of the Official Records of Butler County, Ohio, Talawanda holds title to certain real property known as Parcel No. H4100134000015 and consisting of approximately 154.487 acres, situated in the City of Oxford, Butler County, Ohio, and described on Exhibit A attached hereto and incorporated herein (the "Talawanda Property").

B. Talawanda desires to grant to Oxford, for the benefit of Oxford and the general public, an easement over and upon a portion of the Talawanda Property for the purposes set forth in this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **Grant of Easement.**

1.1 **Permanent Trail Easement.** Talawanda hereby grants to Oxford, its successors and assigns forever, and the general public, for the benefit of Oxford and the general public, a permanent non-exclusive easement over and upon the Talawanda Property in the area shown on Exhibit B as the "Permanent Easement" and further described on Exhibit C, attached hereto and incorporated herein (the "Easement Area"), for the purpose of providing a recreational trail for use by the general public as part of the Oxford Area Trail System (the "Trail"), and for general maintenance thereof by Oxford.

2. **Use.** The Easement Area shall not be used for any purpose inconsistent with any local, state or federal laws or regulations or for purposes other than those permitted by this Agreement; provided, however, Oxford shall in no way be liable to Talawanda for any actions of the general public in connection with the use of the Trail. Oxford shall be responsible for the initial construction and subsequent repairs, replacement, and maintenance of the Trail and shall maintain the Trail in good condition and repair. Oxford shall promptly repair any damage caused

to the Talawanda Property in connection with the construction, installation, repair, replacements, or maintenance undertaken by Oxford and its contractors in connection with its construction, repair, replacement, or maintenance of the Trail.

3. Reservation. Talawanda reserves for itself and its successors and assigns, the right to use the Easement Area for the purposes consistent with the rights conveyed by this Agreement.

4. Miscellaneous. If any term or provision of this Agreement shall, to any extent, become or be held to be invalid or unenforceable, the remaining terms and provisions of this Agreement shall be unaffected thereby and shall be valid and enforceable in accordance with their terms. No waiver or breach of a covenant or provision in this Agreement shall be deemed a waiver of any other covenant or provision in this Agreement, and no waiver shall be valid unless in writing and executed by the waiving party. Each party agrees that it shall execute any and all further documents as may be necessary or required to implement the intent of this Agreement.

5. Covenants Run with the Land. All terms, conditions and easements contained in this Agreement shall be considered as running with the land and, except as provided in Section 1.2, shall be a permanent benefit to Oxford and the general public, and a permanent burden to the Talawanda Property as provided in this Agreement.

[Signature Page Follows]

Executed by the parties as of the date first above written.

TALAWANDA CITY SCHOOL DISTRICT
BOARD OF EDUCATION

By: Chris Otto
Print Name: Chris Otto
Title: TCSO PRESIDENT

STATE OF OHIO,

SS:

COUNTY OF BUTLER:

The foregoing was acknowledged before me by this 19th day of August, 2021,
by MR CHRIS OTTO the PRESIDENT Board of Ed of the Talawanda City
School District Board of Education, on behalf of said board of education. This is an
acknowledgment clause. No oath or affirmation was administered to sign.



DENNIS P. MALONE
Notary Public, State of Ohio
My Commission Expires
01/08/2026

Notary Public

CITY OF OXFORD, OHIO
an Ohio municipal corporation

By: _____
Print Name: _____
Title: _____

STATE OF OHIO,
SS:
COUNTY OF BUTLER:

The foregoing was acknowledged before me by this ____ day of _____, 2021,
by _____ the _____ of the City of Oxford,
Ohio, an Ohio municipal corporation, on behalf of said municipal corporation. This is an
acknowledgment clause. No oath or affirmation was administered to signer.

Notary Public

This Instrument Prepared By:
Robert D. Ballinger, Esq.
Coolidge Wall Co., L.P.A.
33 West First Street, Suite 600
Dayton, Ohio 45402
w:\wdox\client\012081\00115\01229011.docx

FUTURE OXFORD AREA TRAILS SYSTEM

OATS Phases

1 Completed
2017

2 Est. Completion
2020

3 Est. Completion
2022-2023

4 Est. Completion
2022-2023

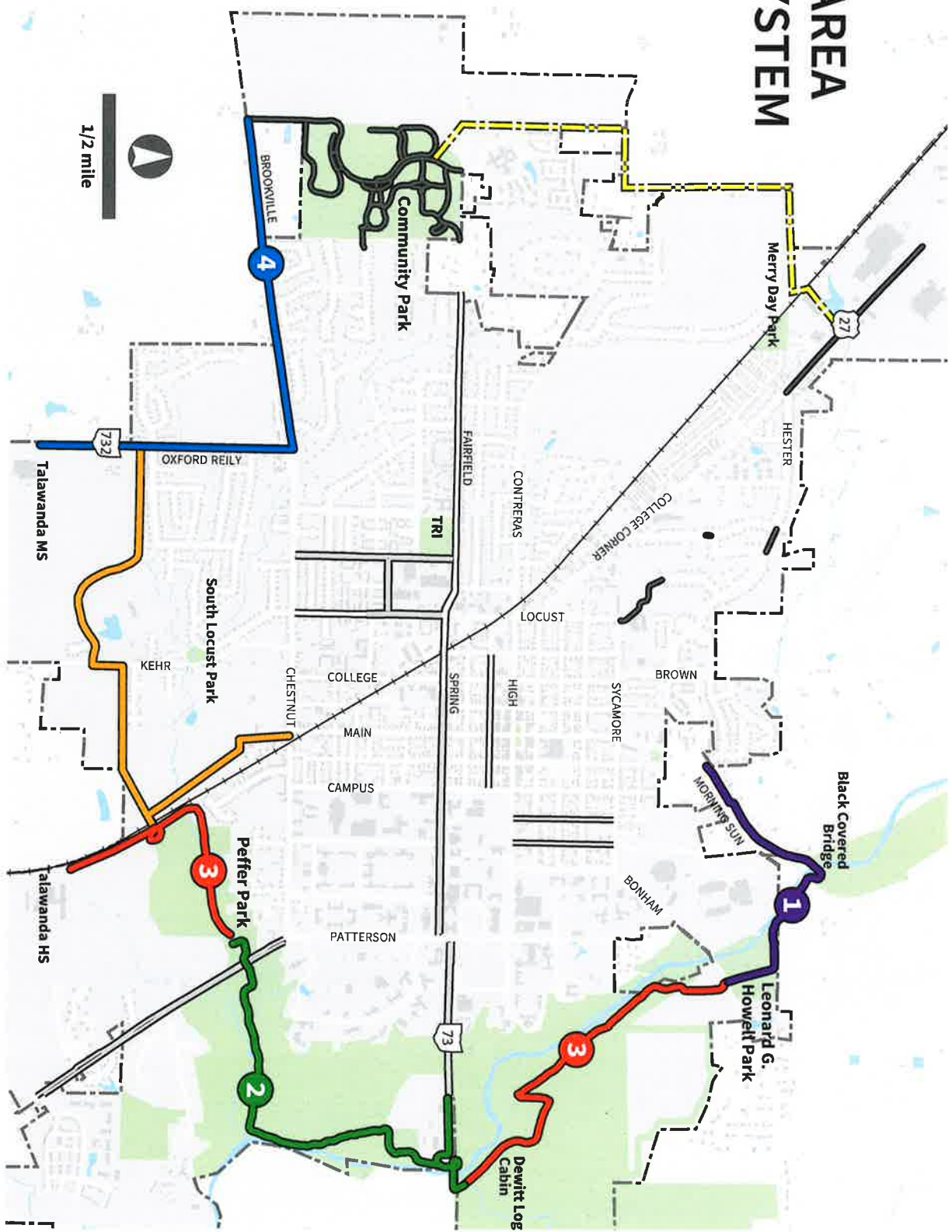
PLANNED FUTURE PHASE
Est. Completion
TBD

UNPLANNED FUTURE PHASE*
Route Planning
2020

*Route shown is from preliminary study by KZF Design
drawn in 2007. More precise route planning to occur
in 2020.

Existing Bikeways

- Paved Trails
- Marked Bike Lanes
- Sharrows



1/2 mile

EXHIBIT A

DESCRIPTION OF TALAWANDA PROPERTY

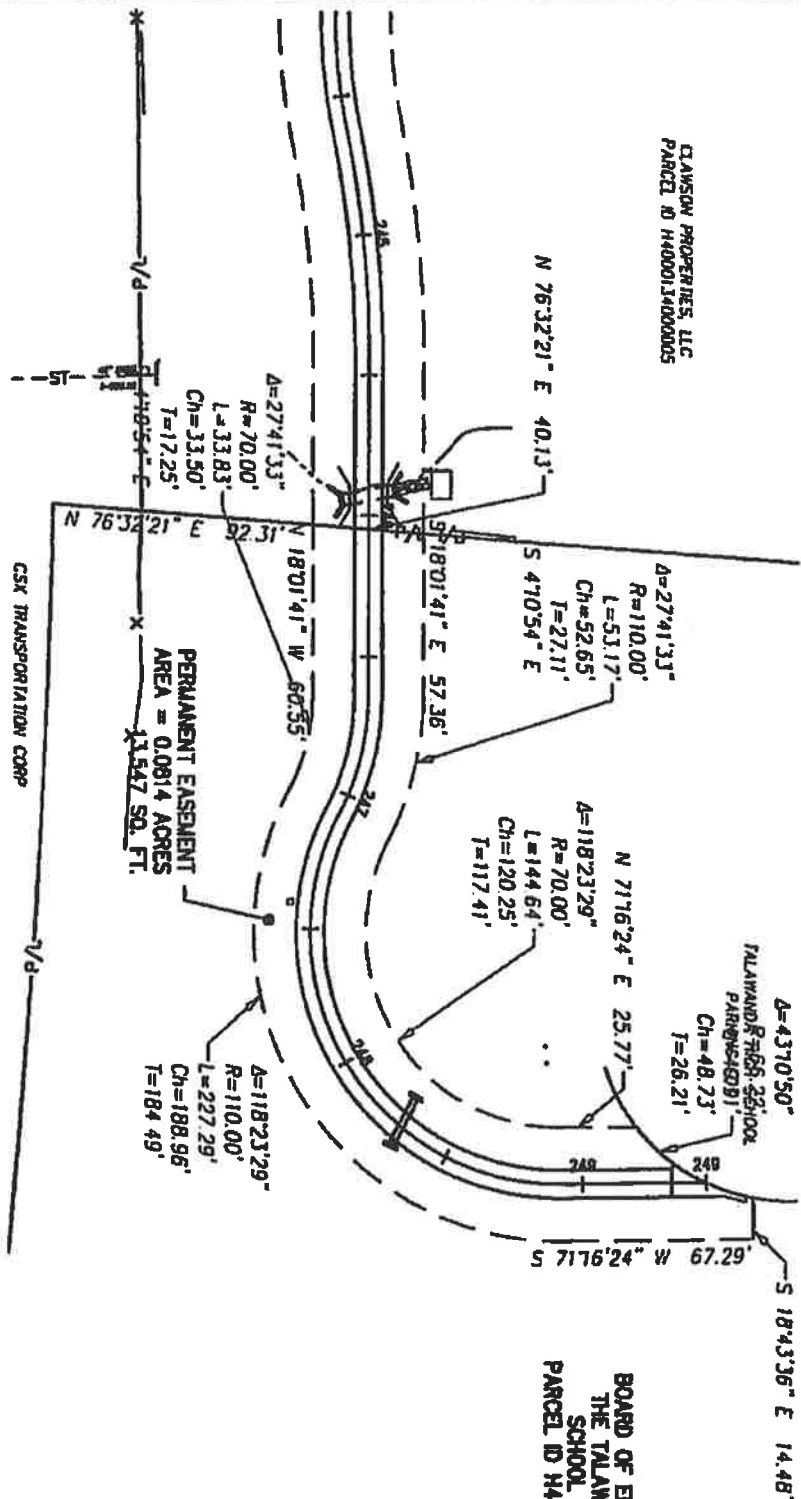
Situate in the County of Butler, in the State of Ohio, and in the City of Oxford:

Being all of Lot Number 3772 of the lots of the City of Oxford.

PPN: H4100134000015

EXHIBIT B

DEPICTION OF EASEMENT AREA



BOARD OF EDUCATION OF
THE TALAWANDA CITY
SCHOOL DISTRICT
PARCEL ID H40001340000015

LEGEND

-  TRAIL RECREATION EASEMENT AREA
-  TEMPORARY EASEMENT AREA



OXFORD AREA TRAILS PHASE IV
TALAWANDA HIGH SCHOOL EASEMENTS
SITUATED IN THE CITY OF OXFORD,
COUNTY OF BUTLER, STATE OF OHIO

PROJ NO: 16-0209-020
DRAWN: MD
CHECK: AT
DATE: 05-12-2021
REV:



 Environmental
Design Group
ENVDESIGNGROUP.COM

EXHIBIT C

LEGAL DESCRIPTION OF PERMANENT EASEMENT



**Exhibit A
Easement for Trail Purposes
PID H4100134000015**

Situated in the State of Ohio, County of Butler, Township of Oxford (T5N, R1E) and known as being part of Oxford Township Section 35 and further being part of land described in deed to Board of Education of the Talawanda City School District as recorded in book _____ page _____ of Butler County records and being more fully described as Follows:

Beginning at the Grants Northwest Corner;

Thence N 76° 32' 21" E along the Grants North line, 92.31 feet to the True Place of Beginning for the area intended to be described herein;

Thence N 76° 32' 21" E along the Grants North line, 40.13 feet;

Thence S 18° 01' 41" E, 57.38 feet;

Thence southeasterly 53.17 feet along the arc of a curve deflecting to the right having a radius of 110.00 feet and a chord of 52.65 feet that bears S 04° 10' 54" E;

Thence southeasterly 144.64 feet along the arc of a curve deflecting to the left having a radius of 70.00 feet and a chord of 120.25 feet that bears S 49° 31' 52" E;

Thence N 71° 16' 24" E, 25.77 feet;

Thence southeasterly 49.91 feet along the arc of a curve deflecting to the left having a radius of 66.22 feet and a chord of 48.73 feet that bears S 76° 47' 26" E;

Thence S 18° 43' 36" E, 14.48 feet;

Thence S 71° 16' 24" W, 67.29 feet;

Thence northwesterly 227.29 feet along the arc of a curve deflecting to the right having a radius of 110.00 feet and a chord of 188.96 feet that bears N 49° 31' 52" W;

Thence northwesterly 33.83 feet along the arc of a curve deflecting to the left having a radius of 70.00 feet and a chord of 33.50 feet that bears N 04° 10' 54" W;

Thence N 18° 01' 41" W, 80.55 feet to the True Place of Beginning and containing 0.0814 acres of land.

CORPORATE
450 Grant Street / Akron, OH 44311
P 330.375.1390 / F 330.375.1590
TF 800.835.1390

CLEVELAND OFFICE
2800 Euclid Avenue, Suite 620
Cleveland, Ohio 44115

COLUMBUS OFFICE
88 East Broad Street, Suite 880
Columbus, Ohio 43215

envdesigngroup.com

The community impact people.

CIVIL ENGINEERING / LANDSCAPE ARCHITECTURE / PLANNING / SURVEYING / ENVIRONMENTAL SERVICES / CONSTRUCTION MANAGEMENT



Bearings are based on grid north in the Ohio State Plane Coordinate System South Zone NAD 83 (2011)

This description was prepared and reviewed by Robert J. Warner P.S. 6931 for Environmental Design Group, LLC based on a field survey by G. J. Berding Surveying, Inc. in June 2020.

Robert J. Warner 6-18-2021
Robert J. Warner
P.S. 6931



CORPORATE

450 Grant Street / Akron, OH 44311
P 330.375.1390 / F 330.375.1590
TF 800.835.1390

CLEVELAND OFFICE

2800 Euclid Avenue, Suite 820
Cleveland, Ohio 44115

COLUMBUS OFFICE

88 East Broad Street, Suite 880
Columbus, Ohio 43215

envdesigngroup.com

The community impact people.

CIVIL ENGINEERING / LANDSCAPE ARCHITECTURE / PLANNING / SURVEYING / ENVIRONMENTAL SERVICES / CONSTRUCTION MANAGEMENT



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	August 23, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	PC-2021-21, 5158 College Corner Pike, CONDITIONAL USE, McGuffey Montessori High School, Norman Butt, AIA, Applicant/Agent
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 9-3-21

Proposal Summary:

Architect Norm Butt is requesting Conditional Use approval for temporary occupancy of a tenant space in the Westgate Mall as a school facility. This particular space has been utilized by McGuffey Montessori School over the past year as an off-site location for their high school program. The applicant proposes to voluntarily restrict their occupancy to no more than five (5) persons, including a total of three (3) students and two (2) instructors. This occupancy restriction, however, is currently recommended to be modified (increased) to better accommodate future needs of the school.

Background:

The property owner, on behalf of McGuffey, had previously applied for a Building Permit application in August 2020 in order to officially request a change of use to a school. This Permit application was spurred by the effects of the COVID-19 pandemic, whereby McGuffey began to look elsewhere for additional space above and beyond their main campus on Westgate Drive in order to spread out students effectively to meet appropriate social distancing guidelines.

The Westgate Mall site is zoned GB General Business. In the GB District, a new school (no matter whether public or private) normally requires a Conditional Use review and approval prior to establishment. Due to the unique and unprecedented conditions posed by the pandemic, City staff decided to issue a temporary zoning approval to help expedite the school's expansion to meet the educational needs of its students. The temporary approval was originally valid until January 31, 2021, with the idea that staff could later reassess the status and effects of the pandemic around that date. In January, staff extended the validity to June 1,



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

2021, coinciding with the Building Official's temporary approval for the change of use. Now that the temporary approvals have lapsed from both a Building and a Zoning standpoint, the applicant is applying for a formal approval of a Conditional Use to allow the school operation to continue.

Planning Commission Recommendation:

On August 10, the Oxford Planning Commission held a public hearing and reviewed the proposal and the decision standards. City staff recommended approval of the application subject to 3 conditions, highlighting that the use could be allowed to continue indefinitely in following the typical timing provisions of the Zoning Code, as opposed to being time-limited to one year per the applicant's original proposal. Melanie Ward, a nearby resident residing on Westgate Drive, provided comments to the Commission, noting some present concerns with the condition of the Westgate Mall property including foot traffic in the alley way behind the building and dumping of garbage. In discussing the case, the primary interest of the Commission was to make sure the approval was reasonably balanced so that the overall intensity limit was still respected, while at the same time allowing for a few additional students to join the program without necessitating additional bureaucratic procedures. The Commission also felt that the Conditional Use should be directly tied to McGuffey School, as opposed to a more ordinary approval whereby another school entity or user could open up later in the same space and operate under the same previous approval and conditions. Ultimately, the Commission voted 6-0-0 (1 member absent) to recommend approval of the application subject to the following conditions:

1. The school shall be limited to no more than ten (10) occupants. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
2. The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
3. The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval. *Note: The applicant has already applied for this Permit as of 8/10, and garnered approval by the Building Official. Zoning approval has not yet been issued for this Permit, as it is contingent on successful approval of a Conditional Use.*
4. The Conditional Use approval shall expire upon vacation of the space by McGuffey Montessori.

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT APPLICATION TO ALLOW A SCHOOL FACILITY TO BE LOCATED AT 5158 COLLEGE CORNER PIKE OXFORD, OHIO 45056 WITH CONDITIONS.

WHEREAS, the Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on August 10, 2021 for the purpose of considering the request of Norman Butt, Applicant/Agent, for a Conditional Use permit to allow a school facility to be located at 5158 College Corner Pike Oxford, Ohio 45056; and

WHEREAS: the Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of the Conditional Use permit application to allow a school facility to be located at 5158 College Corner Pike Oxford, Ohio 45056 with the following conditions:

- a) The school shall be limited to no more than ten (10) occupants. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
- b) The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
- c) The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval.
- d) The Conditional Use approval shall expire upon vacation of the space by the McGuffey Montessori School.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the Conditional Use permit application to allow a school facility to be located at 5158 College Corner Pike Oxford, Ohio 45056 with the following conditions:

- a) The school shall be limited to no more than ten (10) occupants. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
- b) The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
- c) The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval.
- d) The Conditional Use approval shall expire upon vacation of the space by the McGuffey Montessori School.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



Community Development Department
Planning Commission Action Letter
513-524-5204

August 12, 2021

Norman D. Butt, AIA, LEED AP BD+C
The Architectural Group
135 N Main Street
Dayton, OH 45402

VIA EMAIL:
buttn@taguit.com
nhawthorne@mcguffeymontessori

RE: PC-2021-21, 5158 College Corner Pike, CONDITIONAL USE, McGuffey Montessori High School, Norman Butt, AIA, Applicant/Agent

Dear Mr. Butt:

On August 10, 2021, the City of Oxford Planning Commission voted 6-0-0 (1 member absent) to recommend approval of your Conditional Use application subject to the following conditions:

1. The school shall be limited to no more than ten (10) occupants. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
2. The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
3. The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval.
4. The Conditional Use approval shall expire upon vacation of the space by McGuffey Montessori.

Unless otherwise notified, the Oxford City Council will hold their First Reading on Tuesday, September 7, 2021 and their Second Reading on Tuesday, September 21, 2021 regarding this application.

Should you have any questions related to this action, please contact the Community Development Department at 513-524-5204.

Respectfully,

Zachary Moore, AICP
Planner
zmoore@cityofoxford.org
513-524-5204

Cc: File

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant/Agent	Norm Butt, AIA, LEED AP BD+C, Principal – The Architectural Group, Inc.
Location	5158 College Corner Pike – Parcel ID H4100019000074
Tenant	McGuffey Montessori, c/o Nancy Hawthorne
Property Owner	Main & High Development, Inc.
Action Request	Conditional Use to temporarily use tenant space as a school facility
Current Use	Temporary use as a school facility
Current Zoning	GB General Business District
Tenant Floor Area	1,305 square feet
Site Area	6.24 acres
Surrounding Land Uses	Commercial uses to west and south; Residential to east
Staff Recommendation	Approve, subject to recommended conditions

PROPOSAL SUMMARY

The applicant proposes temporary occupancy of a tenant space at the Westgate Mall as a school facility. The tenant space has actually already been utilized by McGuffey Montessori School over the past year as an off-site location for their high school program. The property owner, on behalf of McGuffey, had previously applied for a Building Permit in August 2020 in order to officially request a change of use to a school. This Permit application was spurred by the effects of the COVID-19 pandemic, which necessitated the School having to look elsewhere beyond their main campus at 5128 Westgate Drive in order to spread out students effectively to meet appropriate guidelines.

The Westgate Mall site is zoned GB General Business. In the GB District, a new school normally requires a Conditional Use review/approval prior to establishment; this includes both public and private schools. Such a review usually takes 3 to 4 months to complete. Due to the unique and unprecedented conditions posed by the pandemic, City staff decided to issue a temporary zoning approval so that the school could more immediately expand and begin their new off-site operation to meet the educational needs of its students. The letter issued to the applicant stated the approval was “valid until January 31, 2021, after which time the situation may be reassessed for compliance with the Oxford Zoning Code.” This date contrasted with the

Building Official's temporary approval which lasted until June 1, 2021. Community Development staff eventually issued a new letter to the applicant in January 2021 which extended the temporary zoning approval deadline to match that of the Building Official's. Now that the temporary approval period has lapsed from the perspective of the Zoning Code, the applicant is applying for a formal approval of a Conditional Use to allow the school operation to continue.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. One public comment letter was received from Ms. Linda Roberts, who resides at 5207 Westgate Drive directly behind the Westgate Mall. Ms. Roberts noted concerns regarding the condition of the property and suggested a privacy fence be installed. Ms. Roberts' letter is included in the packet.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Seth Cropenbaker, Assistant to the City Manager	Returned with Comments
<i>The proposed use of the property at 5158 College Corner Pike represents a continuation of the previously permitted use of this space, as an education center. As such, continued use of this space for the same purpose should present no unexpected or undue hardship to the area or other tenants.</i> <i>The submitted request asks for only a one-year term for the conditional use, perhaps a permanent conditional use permit would negate any future possibility of additional requests by this same applicant/location.</i> <i>The proposed use/program, high school-aged Montessori education, represents a unique service to the Oxford community.</i> <i>The Economic Development staff do not have any reservations regarding this proposal at this time.</i>		
Engineering	Scott Otto, City Engineer	Returned without Comments
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned with Comments
<i>No issues but at the beginning of the school year, school administration should contact Chief Jones to do a walk-thru and threat assessment of the building.</i>		

COMMENTARY

Prior to submission of the application, the applicant originally made the case that the educational program being conducted within the 5158 College Corner Pike tenant space was actually defined by the Ohio Building Code as a business use, and should thus should also be granted zoning approval as a permitted use without

necessitating a Conditional Use application or hearing. Community Development staff determined the use still constituted a school per the Zoning Code, even if the Building Official happened to determine it fell under a commercial category as opposed to an educational category per the Building Code.

The applicant's proposal voluntarily offers to restrict usage/operation to no more than five (5) occupants, consisting of no more than three (3) students and no more than two (2) adults. The applicant further proposes for the Conditional Use approval to carry forward on a temporary basis, expiring in June 2022. The School plans to look for an alternative space for its high school program beginning in the fall of 2022.

Staff has reviewed the applicant's narrative letter and has no reservations with the intended occupancy of the tenant space. Staff would also recommend the Commission consider amending the applicant's proposed time horizon to make the Conditional Use permanent, such that it would follow all normal timing provisions and protocols found in the Oxford Zoning Code which normally apply to all other Conditional Uses; thus, the use (as constrained to 5 occupants) could continue past the June 2022 date without need for re-approval or amendment. **Section 1147.02(e)(1)** of the Oxford Zoning Code specifies that Conditional Uses normally expire if the use ceases operation for more than 1 year.

DECISION CRITERIA

- A. The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.**
Yes, schools are allowed in the GB General Business zone per **Section 1143.12(b)(2)(C)(7)** so long as a Conditional Use is reviewed and approved by City Council. The nature of a school use usually entails a larger footprint and more intense impacts, including such accessory uses as playground or athletic facilities, new parking areas, bus drop-off zones, and a brand new building footprint. The nature of this request is much more minor in scale than the more typical concept of a school facility which the Code anticipates as requiring a Conditional Use review.
- B. The use and site will satisfy the general intent of the Zoning Code.**
Section 1143.12(a) states that the purpose of the GB General Business District is *to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community*. While the proposal at hand does not constitute a typical commercial function, it does fulfill a community need and would, as the applicant states in his letter, reduce visible vacancy at the Westgate Mall location.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.**
As shown on Map 3.6 of the Oxford Comprehensive Plan, the property is located in the "Corridor Enhancement Area" falling generally along the College Corner Pike corridor stretching between Locust Street and the Walmart site. The proposal is compatible with the general intent of the Comprehensive Plan, in that the overall Westgate Mall site remains in commercial usage and is occupied by a new use, lowering the amount of vacancy and positively contributing to the site's economic health and viability.
- D. The use and shape of the site are sufficient for the proposed use.**
McGuffey can effectively utilize one existing tenant space for their needs and has not asked for an expansion or any additional space within the center.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
All operation is to be contained within the existing tenant space and limited in terms of occupancy per the applicant's proposal; therefore, staff does not anticipate any additional hazardous or disturbing effects.

- 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.**
Staff does not believe the intended use will pose concerns of this nature. The use will be a natural addition to the shopping center.
- 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; activity is to be contained to the existing tenant space.
- 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 from Police Chief Jones. Fire and Service both returned the application without comment. Given that the proposed use is to occupy an existing developed space, utility connections are already in place.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
No additional public expenditure is anticipated.
- 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.**
This criterion generally does not apply since the use is occupying an existing tenant space.
- 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 criterion generally does not apply since the site is already developed and traffic patterns have been pre-determined. Any changes to on-site traffic circulation probably would not be proportional to the level of investment directly related to establishment of the school operation within a single tenant space of the building.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**
The proposed involves an existing developed site with no significant construction impacts; therefore, this criterion does not apply.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from the existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.**
Not applicable.
- N. 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.**
Following Conditional Use approval, the applicant will need to obtain Building Permit approval in order to extend use of the space under its intended B-Business classification past the June 1, 2021 date originally issued by the Building Official on August 14, 2020. Successful completion of the Building Permit process should result in a new Certificate of Occupancy for the tenant space.

STAFF RECOMMENDATION

In consideration of the Decision Criteria, staff recommends **approval** of the Conditional Use application subject to the following conditions:

1. The school shall be limited to no more than five (5) occupants as proposed by the applicant. A change in intensity may require amendment to the Conditional Use approval consistent with procedures outlined in the Oxford Zoning Code.
2. The requested Conditional Use shall be allowed to continue indefinitely with no other deadlines imposed, except those that may apply per the Oxford Zoning Code.
3. The applicant shall apply for a Building Permit for the change of use to a school within fourteen (14) days of Council approval.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: August 2, 2021

APPENDIX A

RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, **Section 1143.12** provides the base zoning standards for the GB General Business District. **Section 1147.02(c)-(d)** governs the Planning Commission's decision making process on Conditional Uses. **Section 1147.03(b)(30)** provides Conditional Use provisions specific to schools.

1143.12 – GB General Business District.

(a) **Purpose.**

This district is intended to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall community. This district is also intended to accommodate retail trade establishments in the community that cannot be practically provided for in a neighborhood commercial district development. This district is only appropriate within areas that are presently served, or will be served upon development, with both central water and sewer.

(b) **Uses.**

(1) **Permitted uses.**

- A. Retail services. (Not to exceed 15,000 square feet of total gross floor area)
 - 1. Apparel and jewelry.
 - 2. Books, stationery, newspapers, magazines, office equipment and office supply stores.
 - 3. Department stores.
 - 4. Drug stores selling health and personal care aids.
 - 5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
 - 6. Flowers, potted plants, and garden supplies.
 - 7. Hardware, paint, home furnishings, and other home improvement products.
 - 8. Optical aids.
 - 9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
 - 10. Restaurants, not including drive-in or fast food.
 - 11. Sales of new and used motor vehicles by dealerships holding franchises authorized by manufacturers for the sale of new vehicles.
- B. Personal and professional services. (Not to exceed 15,000 square feet of total gross floor area)
 - 1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
 - 2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
 - 3. Barber and beauty shops.
 - 4. Cleaners, including dry cleaning and Laundromats.
 - 5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
 - 6. Offices for nonprofit, charitable, labor, and other service organizations.
 - 7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold and repair work is done inside).
 - 8. Theaters, not including drive-ins.
 - 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- C. Accessory buildings incidental to the principal use.

(2) **Conditional uses.**

The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

- A. Retail services.
 - 1. Automobile service stations selling gasoline.
 - 2. Bars and establishments serving alcohol.
 - 3. Banks with drive-through facilities.
 - 4. Building supplies, garden supplies.
 - 5. Drive-in and fast-food restaurants.
 - 6. Sales of motorcycles and used motor vehicles, rental and service of motor vehicles, sales and rental of boats and marine equipment, and sales and rental of trailers.
 - 7. Temporary or outdoor sales of plants and garden supplies.
- B. Personal and public services.
 - 1. Animal hospitals or kennels.
 - 2. Bowling alleys.
 - 3. Cultural institutions, including libraries, art galleries and museums.
 - 4. Hotels and motels.
 - 5. Places of worship.
 - 6. Funeral homes.
 - 7. Indoor skating rinks, arcades, and similar recreational uses.
 - 8. Instructional studios.
 - 9. Night clubs, discotheques, and other entertainment facilities.
- C. Other uses.
 - 1. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - 2. Shared Housing and Congregate Housing for the elderly.
 - 3. Government owned and/or operated parks and recreation facilities.
 - 4. Bed & Breakfasts.
 - 5. Publicly owned and operated neighborhood recreation centers.
 - 6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
 - 7. Schools: primary, intermediate, and secondary, both public and private.
 - 8. Mini-Warehouse (Self-Storage Units)
 - 9. Business Incubator
 - 10. Any permitted or combination of any retail, personal or public services that exceed 15,000 square feet of gross floor area

(c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)

- (1) Lot requirements.
 - A. Minimum lot frontage and width: 100 feet
 - B. No minimum lot size is specified; however, the lot size shall be adequate to provide for parking, access drive spacing, yard space and screening requirements.
- (2) Yard requirements.
 - A. Minimum setbacks.

Front yard	Rear yard	Side yard
35 feet	25 feet	0 feet

When a side or rear lot line abuts residential district lot lines, the minimum side or rear transitional setback distance shall be 25 feet in depth and shall be screened from the residential district by a dense evergreen hedge a minimum of 6 feet tall at planting and that will maintain at least 90 percent opacity over time. Existing vegetation may be considered as long as the anticipated overall opacity effect can be achieved. Alternatively, different types of screenings may be utilized subject to review and approval by the Zoning Administrator if the alternative material can achieve the overall 90% opacity effect.

- B. Maximum front yard setback.
A maximum front yard setback of 150 feet; and at least 75% of the façade of the principal building must be setback no more than 150 feet from the front lot line.
- (3) Structural requirements.
Maximum building height 45 feet

(d) Supplementary Regulations.

- (1) All merchandise, new and used, with the exception of boat, automobile, truck or farm implements and plants and garden supplies, shall be stored within a completely enclosed building. Displays of boats, automobiles, tractors, recreational trailers and/or mobile homes shall conform to the requirements as defined in Section 1141.03 (e)
- (2) **Landscaping:**
Landscaping of the site shall comply with the requirements of Chapter 1148.
- (3) The building should be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. The entrance must be connected to the street and adjacent parking with clearly marked sidewalks/walkways. The building façades facing the street must adhere to the façade treatment as outlined in the following sections. In no instance, shall the rear of the building face the public right-of-way.
- (4) Building facades that are oriented toward a right-of-way shall be provided for visual relief as follows:
 - A. Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front façade. Glass block, opaque or darkly tinted glass is not considered to be transparent.
 - B. Building façades must have different articulation in height and setback. Different horizontal articulations with material, color and opening shall also be utilized when building elevation is higher than 14 feet. Preferred materials include brick, stone, glass or wood.
- (5) Each development is required; where appropriate, to provide adequate space (including easements) for alternative modes of transportation such as bike paths, multi-use paths, bus stops and turnarounds. Each development is also required to provide bicycle rack space at a rate of 3 per 10,000 square feet of gross floor area.
- (6) The front façade of the principal structure shall be finished, utilizing at least 50% natural materials including brick, stone, masonry, glass, or wood. No aluminum or vinyl siding shall be used in finishing or utilized on the front façade of the building.
- (7)
 - A. All utility boxes must be screened with appropriate landscaping material such that they are not visible from a right-of-way or other publicly accessible area.
 - B. All refuse collection and recycling containers must be enclosed or screened so as not to be visible from a right-of-way or other publicly accessible area. The structure surrounding the container(s) must be enclosed on all sides, one of which includes a gate or door that can be secured. The enclosure may consist of wood or masonry walls. Containers shall not be located in any front yard. The exterior perimeter of the enclosure(s) must be landscaped, excluding the access point.

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. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
- N. 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.

1147.02(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)(30) – Schools.

- A. Potential Concerns
 - 1. Adequate lot size to permit future expansion.
 - 2. Bus and van storage.
 - 3. Access to streets that can handle traffic generated by the use.
 - 4. Design of vehicle management area.
 - 5. Location of outdoor facilities such as ball fields and band practice areas.

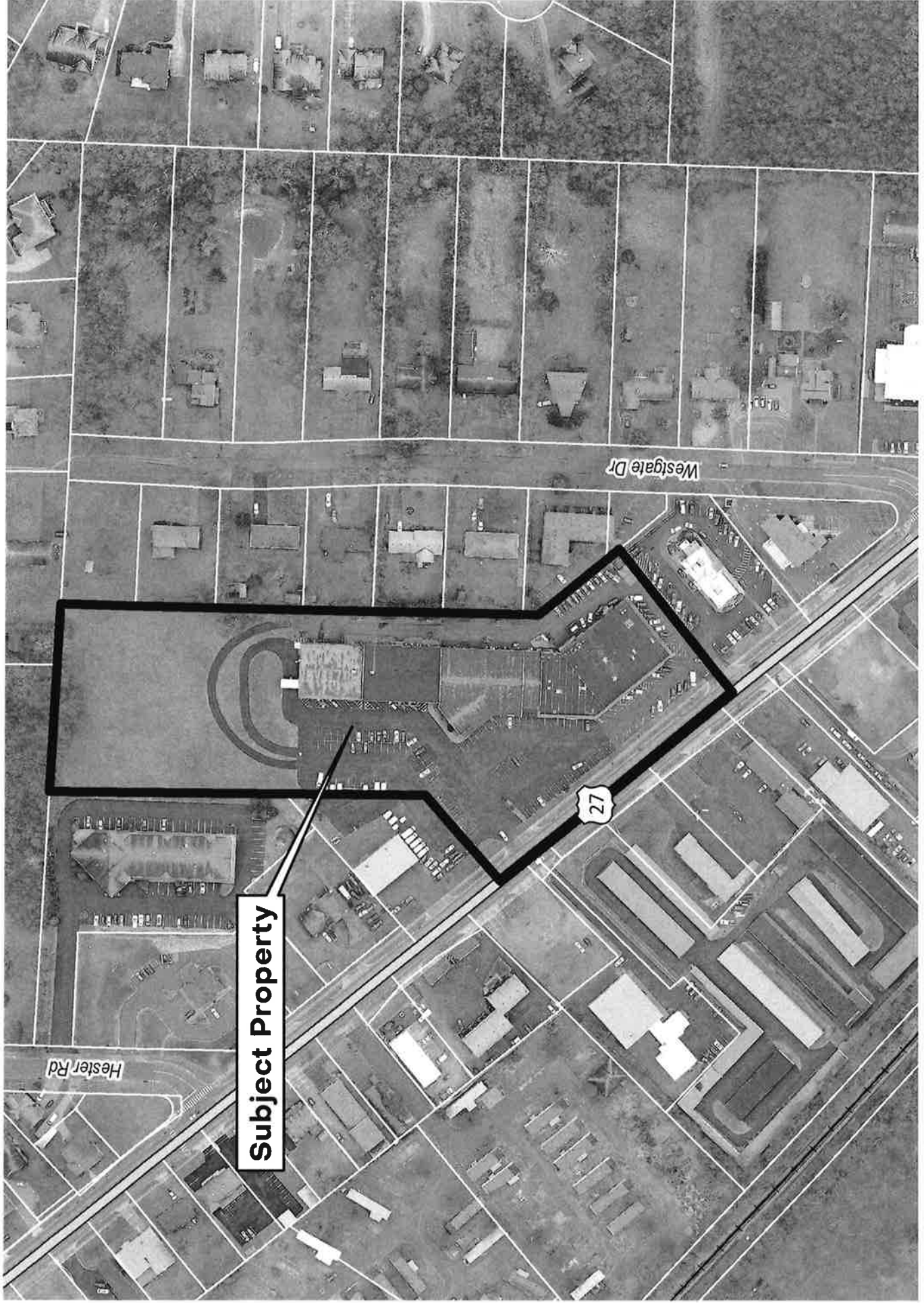
6. Proximity to incompatible uses (establishments serving alcohol).
- B. Regulations.
1. Parking spaces shall not be located in a yard adjacent to a residential zoning district.
 2. Structure shall be setback a minimum of 30 feet from a residential zoning district.

Location Map



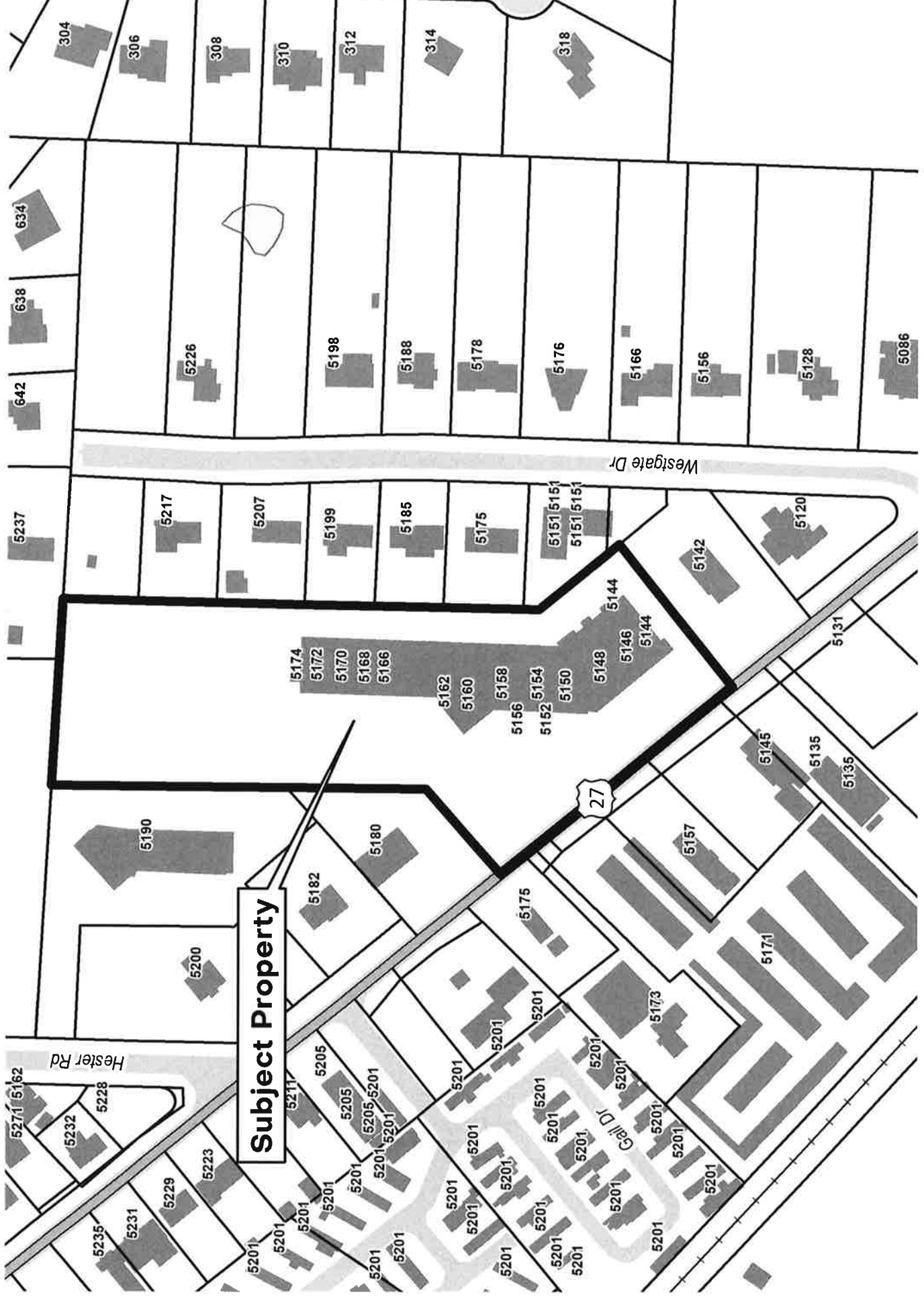
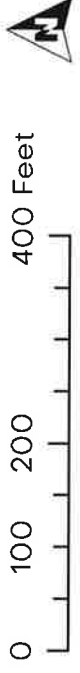
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Site Parcel(s)



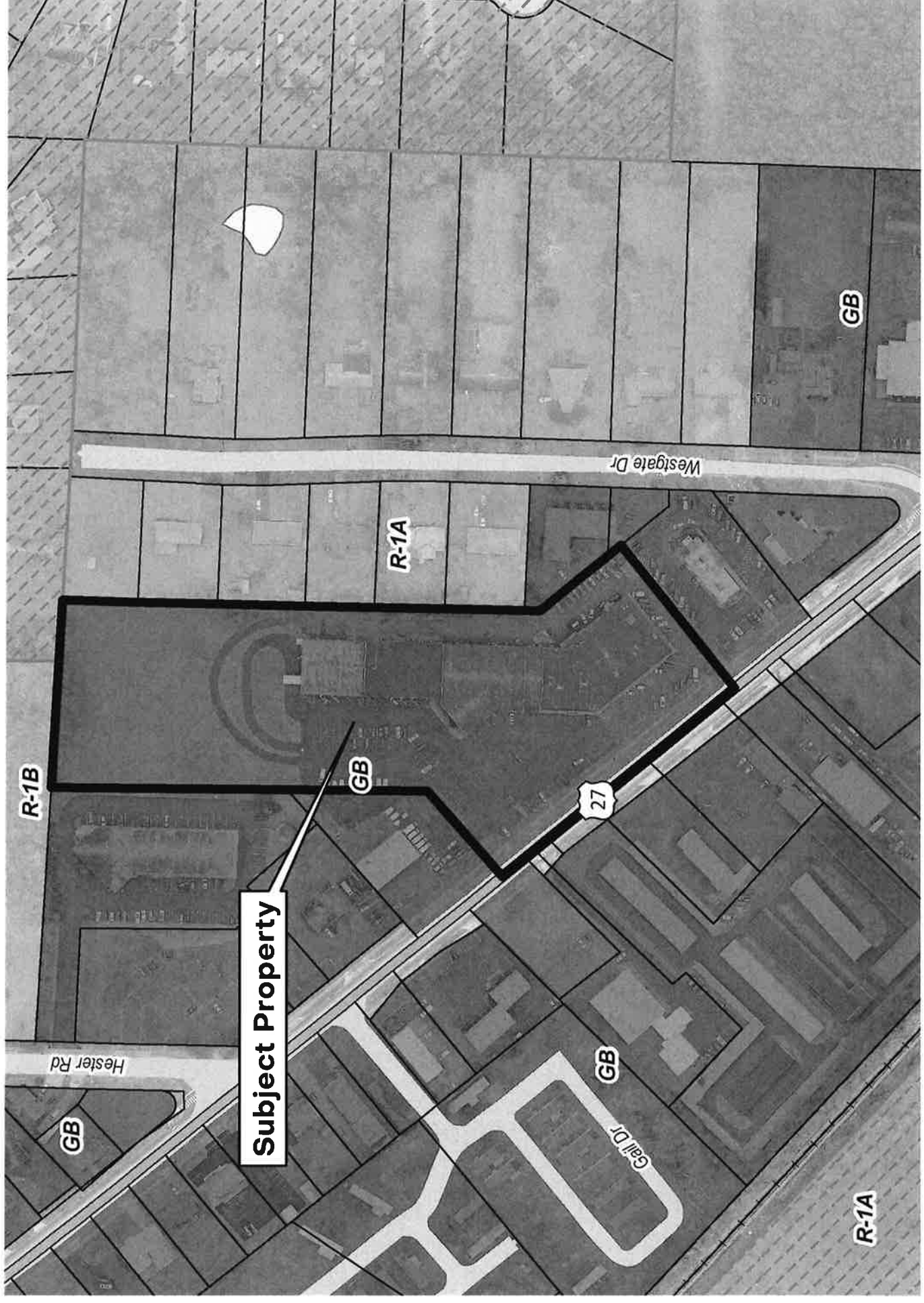
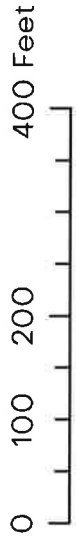
Subject Property

Site Parcel(s)



Location Map

 Site Parcel(s)





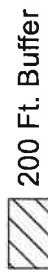
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Surrounding Property Owners Notifications Map

Legend



Subject Area

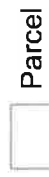


200 Ft. Buffer



Oxford Corp. Limit

Address Point



Parcel

16.5' Vacated ROW

Building Footprint



1 inch = 200 feet

Prepared on Thursday, July 08, 2021

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.





Community Development Department
Zoning Review
513-524-5204

August 11, 2020

Mr. Matt Rodbro
Main & High Development
21 N Poplar Street
Oxford, OH 45056

ALSO VIA EMAIL:

matt@redbrickproperty.com
nhawthorne@mcguffeymontessori.com

RE: 2nd Zoning Review for 5158 College Corner Pike (Permit #P2020-0144) – Temporary Approval

Dear Mr. Rodbro:

I have reviewed the revision to your Building/Zoning Permit application received August 7, 2020 for a change of use at 5158 College Corner Pike. Our department is issuing a temporary zoning approval with the following stipulations:

1. Our department agrees to the details specified for the 5158 tenant space as presented in the letter from Ms. Nancy Hawthorne addressed to me, and hereby incorporates such details as part of the approval; and
2. This does not constitute approval for the 5170 tenant space; and
3. This temporary zoning approval is being issued due to the unique and unprecedented conditions posed by the COVID-19 pandemic. The temporary change of use to a school shall be valid until January 31, 2021, after which time the situation may be reassessed for compliance with the Oxford Zoning Code. The Code provides in **Section 1143.12(b)(2)(C)** that a school is normally classified as a conditional use in the GB General Business District.

This review is only for compliance with the zoning regulations. Other departments may also have comments that will need to be addressed before any permits can be issued.

If you have any questions, feel free to contact the Community Development Department at 513-524-5204.

Respectfully,

Zachary Moore, AICP
Planner
zmoore@cityofoxford.org
513-524-5204



McGuffey Montessori

5128 Westgate Drive, Oxford, OH 45056 • (513)523-7742 • mcguffeymontessori.com

Zachary Moore
City of Oxford
15 South College
Oxford, OH 45056

Received 7/7/2020 for
Permit P2020-0144

Zachary,

Thanks so much for talking with me yesterday about our plans for keeping students and staff safe next year. This letter is to describe our needs and plans for the two spaces at Westgate Mall and to ask for Temporary Variance to use these commercial properties for school spaces for 2020-21.

Our goal is to be open for every student every day while still ensuring everyone a safe environment to work and learn. We are grateful for your help and support as we try to navigate our options for how to achieve this.

	Upper Unit (Grades 4-8)	High School (Grades 9-10)
Property Address	5170 College Corner Pike	5158 College Corner Pike
Grade levels	4-8	9-10 (3 students currently expected)
Numbers	32 students plus 2-4 staff at any given time	3-6 students plus 1-2 staff at any given time
Reason	COVID-19 safety for social distancing with additional bathrooms and sinks	
Usage	Self-contained temporary classroom space, eating packed lunch and recess	
Hours of Operation	Monday-Friday 7:50am-5:30pm	
Extracurricular Usage	Not currently expected to exceed five hours per week.	
Car traffic	Some students will be dropped off between 7:50-8am. The bulk of students will be dropped off between 8:45-9am. Most students will get picked up between 3:30 and 3:45pm. A very few will stay until 5:30pm for our afterschool program.	Students will be dropped off between 7:50-8am. Students will be picked up between 3:30-3:40pm.

Foot Traffic (to main campus at 5128 Westgate Drive)	For students we anticipate less than 6 times during the school year. Some staff will need to walk back and forth from our main campus but this will be limited to one or two people as we try to protect the cohort bubbles. I anticipate this happening 1-2 times a day at the very most.	
Work that has been done by McGuffey in the space	• No work has been done by McGuffey	• Parents removed old floor tile and are replacing it with carpet squares. • Parent Matt Gerhardt replaced a lattice partition with a solid wood panel. • Kist Electric (a parent) repaired and added some outlets. • The school paid a contractor to replace the bathroom flooring. • Red Brick Realty painted the space and is replacing the HVAC system.
Work that still needs to be done.	• We have consulted with Scofield Windows and Doors about changing the door hardware to meet safety requirements. We can hold off on this. • We will need a kitchen/utility sink installed with a garbage disposal.	Matt Rodbro indicates they will do painting, flooring, electrical tidying, improve ventilation, install a bathroom on one side of the space and install two kitchen/utility sinks with a garbage disposal.

We are eager to work on whatever permits are needed for the work already done in the High School space.

Both spaces are currently considered temporary for the 2020-21 school year. It is highly likely that we will retain one of these spaces beyond 2020-21 for the high school. Which space we choose will depend on the trajectory of high school enrollment. We should know enough by January 2021 to make a decision and begin the normal zoning process.

Sincerely,



Nancy Hawthorne
nhawthorne@mcguffeymontessori.com



Community Development Department
Zoning Review
513-524-5204

January 11, 2021

Mr. Matt Rodbro
Main & High Development
21 N Poplar Street
Oxford, OH 45056

ALSO VIA EMAIL:

matt@redbrickproperty.com
nhawthorne@mcguffeymontessori.com
buttn@taguit.com

RE: Zoning Review for 5158 College Corner Pike (Permit #P2020-0144) – Temporary Approval EXTENSION

Dear Mr. Rodbro:

This letter is in regard to the school use (McGuffey Montessori) at 5158 College Corner Pike, as had been allowed on a temporary basis per my previous zoning response letter dated August 11, 2020.

The Oxford Zoning Code provides in **Section 1143.12(b)(2)(C)** that a school is normally classified as a Conditional Use in the GB General Business District.

Upon reconsideration of the unique and unprecedented conditions posed by the COVID-19 pandemic, which have continued into 2021, the Community Development Department has decided to extend temporary zoning approval of the present school use to **May 31, 2021**. All other conditions and expectations as per the original August 11 approval letter remain in effect.

The temporary use allowance will expire on June 1, 2021, coinciding with the same expiration date as noted on the Building Official's "time-limited" Certificate of Occupancy previously issued on August 21, 2020. If the tenant desires to continue the school use on or after this date, approval of a new Building & Zoning Permit will be required. Community Development staff can reassess the circumstances at that time, in determining whether a full Conditional Use review will be necessary.

If you have any questions, feel free to contact the Community Development Department at 513-524-5204.

Respectfully,

Zachary Moore, AICP
Planner
zmoore@cityofoxford.org
513-524-5204



Courtesy Notice

Community Development Department

Review & Comment Form

513-524-5204

You are receiving this notice because your property is located within 200 feet of a site set for consideration by the Oxford Planning Commission and City Council for future development that requires special approval.

CASE NO.: PC-2021-21

CASE TITLE: **CONDITIONAL USE, 5158 College Corner Pike**, use of tenant space as a school facility, The Architectural Group c/o Norm Butt, Applicant/Agent

HEARING DATE: **August 10, 2021, 7:00pm**

LOCATION: **Oxford Courthouse, 118 West High Street, Oxford OH 45056**

DESCRIPTION: The applicant is requesting approval of an off-site school facility for McGuffey Montessori, to be located within one of the business tenant spaces of Westgate Mall. The Westgate Mall site is zoned GB General Business, and in this zone a new school facility is normally required to undergo Conditional Use review/approval prior to establishment. The Conditional Use process is a mechanism to address the external effects particular uses may have on neighboring properties, and in turn certain conditions may be imposed to help mitigate those effects. The process entails a recommendation from the Planning Commission, which is then forwarded to City Council which makes the final decision. McGuffey intends to utilize the space for its high school program, and intends to limit occupancy of the space to no more than 3 students and no more than 2 adults/teachers. The request at this point is to simply continue the present operation, as City staff had allowed the school to begin more immediate operation in 2020 without going through the typical Conditional Use process due to the unique circumstances posed by the pandemic.

You are welcome to attend the scheduled City of Oxford Planning Commission hearing as noted above. If you cannot attend, but would like to comment on this matter, please complete this form and return it at your earliest convenience to **Planner Zachary Moore, 15 S. College Avenue, Oxford, OH 45056**. You may also email any comments or questions to zmoore@cityofoxford.org.

You can view the most up to date meeting information and materials at any time by going to: cityofoxford.org/planning-commission and clicking on the upcoming meeting date

NAME (PRINT): Linda Roberts

ADDRESS: 5207 Westgate Dr. P.O. Box 358

TELEPHONE: Home 513-523-6487 Cell Work Retired

COMMENT (You may attach a separate note or letter if more space is needed):

To Zachary Moore in regards to the
locating of an off-site school facility,
"McLuffy Montessori" in Westgate
Shopping Center. Owners (Main an High
Development LLC, Red Brick)

My home is behind the said Mall.
Have complained several times concerning
the condition of the outside of the
premises, last time was in March 2019.
At that time I had visited all business
located in the facility on 29 also
vicinity of the mall, also residents
on Westgate concerning their views
on the Mall. Next to the condition
of the premises, such as over grown
shrubs, grass, tree's branch's falling, trash
thrown or blown into shrubs. Which is

very unsightly from "our side" of shrubbery on people wandering in the area.

The problem's I see are conditions of the premise and wandering people. Daily on nights there are people wandering behind the mall and use our yards for short cuts. It is very nerve racking to wonder when my security light goes off, "Is it someone up to no good or just a person wandering?" (I might as well say it, "it is usually the homeless!")

I had thought it was a requirement to have a privacy fence behind their property when joining residential properties?

This was the most asked question by everyone that was spoken to!

All the interest focused by the concerned

business and residents were wanting addressed in 2019.

All business need to update and repair their business in a timely manner to keep it properly filled.

There is an old saying "you have to spend money to make money!"

This is a great location, for any type of business, but in order to attract business you have to keep up exterior and interior and conduct your management of said area, constantly.

So my main thought is this! Now that you are going to utilize some area as an off-site school facility. I think it's best to address this area

which has been overlooked. Privacy fence is needed due to the close proximity of the residence and the problems which has occurred several time, with person's being chased by police and even others running thru yards to mall area then to ~~27~~ to avoid police or whoever is chasing them. This has also been done in the reverse from center to yard

So anyone in the said business or schools there is a chance there could be an altercation with someone entering from the front to go out the back or viceversa and having an unnecessary incident. A fence would avoid that problem. Might even help the insurance to be lower!

Also every parent that has a student at MIAMI, eventually goes out 27 to patronize the business out in the area. Be it hardware, Walmart, food, car repair, car purchase, books, and I'm sure that generates lots of tax money!

I notice some work being done now, it's been awhile since I have seen any activity there at the mall.

I hope this area gets focused on and made into the area it should be like the rest of Oxford. We work on keeping our neighborhood up and it would be real nice if said business would do the same! We are All Oxford!!

P.S.
excuse writing
printer is down!

Sincerely,
Linda Rhot

**Internal Use Only:**

Case No. _____

Date Filed _____

Conditional Use Permit Application

Applicant Information

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

Name * Norman D. Butt, AIA, LEED AP BD+C, Principal -The Architectural Group, Inc.

Mailing Address * 135 N. Main Street

City, State & Zip Code * Dayton, Ohio 45402

Telephone Number(s) * 937-223-2500

Email Address buttn@taguit.com

Owner Information

Name * Main & High Development, Inc.

Mailing Address * 21 N. Polar Street

City, State & Zip Code * Oxford, Ohio ,45056

Telephone Number(s) * 513-524-9340

Email Address sarah@redbrickproperty.com

Location and Lot Information

Location of Property * 5158 College Corner Pike

Legal Description * See Attached

Zoning District * GB, General Business

Total Area * 1,318 SF → Check One * Acres ☐ Square Feet ☒

Existing Use Description * B-Business (Previous Immediate Temporary E-Educational Use/B-Business Occupancy

Proposed Use Description * E-Educational Use/OBC B-Business 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.

4. A description of the existing uses of the site.
 5. The zoning district in which the site is located.
 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, and service vehicles.
 - b. The hours of operation.
 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.
 - b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 - d. How any potential negative effects on adjacent land will be mitigated.
 8. A statement about why the location proposed is more appropriate for the use than other locations.
 9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
 10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.
 11. A list of the names and mailing addresses of all land owners within 200 feet of the site (see [next section](#)).
 12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.
- 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.
1. North arrow.
 2. Scale.
 3. Vicinity map.
 4. All existing and proposed lot lines within the site.
 5. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
 6. Location, height, and use of all proposed and existing structures.
 7. Location and design of all proposed vehicle management areas.
 8. Location, size, and type of all proposed signs.
 9. Location, height, and type of all proposed screening and landscaping.
 10. Distances to residential zoning districts if within 1,000 feet.
 11. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 12. Other information as required by the Planning Commission.
- D. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- E. Other. Photographs of the existing use and its surroundings.

See Chapter 1147, Conditional Uses, for the full text, particularly 1147.03 for use-specific regulations¹.

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.

Planning Commission Review

From Section 1147.02(c)¹.

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.

From Section 1147.02(c)(2) General Decision Standards¹. All Conditional Uses shall satisfy these General Decision Standards.

- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- 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 \$500.00 plus \$10.00 for postage. You may write a \$510.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Norman D. Butts, ASX

Date *

6/28/2021

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, 15 South College Avenue, Oxford, OH 45056.

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

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

June 28, 2021

zmoore@cityofoxford.org
sperry@cityofoxford.org

Zachary Moore, AICP
Planner
City of Oxford
Community Development
15 S. College Avenue
Oxford, Ohio 45056

RE: McGuffey Montessori High School
5158 College Corner Pike
Submission for Conditional Use - Temporary Educational Use/B-Business Occupancy

Dear Zachary,

On behalf of the McGuffey Montessori School I wish to thank you and Sam for your assistance in providing guidance through the processes of this submission for Conditional Use approval. This request is for temporary occupancy within the 5158 College Corner tenant suite within the Westgate Mall, a space previously approved for temporary occupancy by McGuffey for the 2020/2021 school year. It is our hope that the information provided below and defined within the numerous attachments will be positively received by the Planning Commission, and subsequently by The City Council. Approval will allow the high school program to remain temporarily in the same location for an additional year while planning resumes, which was unfortunately not able to proceed during the Covid-19 pandemic.

CONDITIONAL USE

Chapter 1147

1147.01 General

- (a) Purpose: Conditional Uses are land uses that are potentially appropriate in many zoning districts
- (b) Effect of Conditional use permit: Specific use and location

1147.02 Procedure

A. **Fee:** Addressed with application.

B. **Description of Use:**

1. **Applicant:** On behalf of the McGuffey Montessori School
Norman D. Butt, AIA, LEED AP BD+C
Principal
The Architectural Group, Inc.
135 N. Main Street
Dayton, Ohio 45402
937-223-2500
buttn@taguit.com

Applicant Tenant:

McGuffey Montessori School
Nancy Hawthorne, Head of School
5128 Westgate Drive
Oxford, OH 45056
513-523-7742
nhawthorne@mcguffeymontessori.com

Property Owner:

Main & High Development, LLC
21 N. Poplar St.
Oxford, OH 45056

Creating architecture since 1990

513-524-9340

2. Agent Letter: See attached.
3. Legal Description: See attached.
4. Existing Uses at Site: See attached.
5. Existing Zoning District: GB, General Business District
6. Proposed Use of Site (Description of the Proposed Use):
 - a. Use and Occupancy: The intended use is for continuation of the seminal high school educational program limited to the 2021/2022 school year (through June 2022) with no more than three (3) students and two (2) adults.
 - b. Approved for temporary occupancy in 2020/2021 at the same location, McGuffey utilized the space to educate two high school students under an Ohio Building Code Limited-Time Period with use classification as B-Business. The intent simultaneously was to develop their high school program while making decisions that would lead them to find permanent occupancy in another location for the 2021-2022 school year and beyond. Unfortunately, the Covid-19 pandemic impacted their occupancy and planning considerations and they were unable to fully take advantage of the allotted period of time. Due to this unforeseen event Nancy Hawthorne, Head of School, wishes to extend the temporary occupancy for one more year. The plan is to begin looking for an alternative space in September for fall 2022.

Maximum occupancy of the space would remain low at five (5) or fewer persons with specifically three (3) students enrolled as of this moment. The Ohio Building Code recognizes that an occupancy of five (5) persons or less for educational purposes is exempt from E-educational use classification. Please see the excerpt below. Consequently, as a B-Business occupancy space with a presented occupancy of less than six (6) persons the B-business use type is consistent with the allowable zoning use in that location and should not require a temporary zoning exemption or conditional use application.

Ohio Building Code (OBC)

"Section 305 EDUCATIONAL GROUP E

305.1 Educational Group E. Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any time for educational purposes through the 12th grade."

- c. No students will have driver's licenses during the 2021/2022 school year so no parking spaces nor traffic flow will be impacted by student driving and parking. Teachers will park at the Westgate location.
 - d. The students will arrive and depart directly at this 5158 location. They will occasionally walk to the Westgate campus during the school day.
 - e. Correct, we plan to begin looking for an alternative space in September for fall 2022.
 - f. Hours of our operations will be 7:30 am-4:00 pm on school days from August 15-May 25.
7. Compatibility Narrative:
 - a. The educational use is different from other uses in the mall, but will be temporary for the 2021/2022 school year and recognized by the Ohio Building Code, not as an educational use, but as a B-business occupancy since it will have less than six (6) occupants. The

use of parking will be extremely limited and have fewer persons occupying the facility with less frequency of daily turnover/visitation.

- b. No changes are necessary for the occupancy either interiorly or exteriorly.
 - c. No operations will be occurring that would create potential nuisances, such as excessive noise, lighting, odor, fumes, vibrations, or emissions.
 - d. No negative effects on adjacent lands would be applicable as no exterior changes are to occur to the facility.
8. Appropriate Location:
The temporary location works well for the school since it is close to the main campus school located at 5218 Westgate. This reduces parking at the 5159 College Corner location, as the teachers will be parking at the Westgate location. The Westgate location is currently maximized for its student population and locating the students off campus assists with occupancy issues as well as reduces traffic flow on Westgate by parents dropping off their students.
9. Location Desirability:
Occupancy of the lease space within the Mall reduces a visible vacancy, is an economic gain to the Owner and perpetuates the growth of the McGuffey Montessori School within the Community.
10. Potential Concerns: Traffic flow within the parking area would be of concern, but with no student driving involvement and teachers parking off site, this concern is mitigated.
11. Names & Address: See attached.

B. Site Plan:

- 1. See attached documents and plans indicating unchanged site conditions.

Please feel free to contact me if you have any questions or require additional information.

Respectfully,
Norman



Norman D. Butt, AIA, LEED AP BD+C
Principal
135 N. Main St
Dayton, OH 45402
937-223-2500
buttn@taguit.com

ATTACHMENTS

From: Sam Perry <sperry@cityofoxford.org>
Sent: Tuesday, June 22, 2021 5:28 PM
To: Norman Butt <buttn@taguit.com>
Cc: Zachary Moore <zmoore@cityofoxford.org>
Subject: McGuffey High

Norm,

Zach shared with me your request for continued usage as a school for 5158 CCP at the Westgate Mall property. I'm glad to hear that the high school program is successful and that continued growth is planned. Not knowing if/when the permanent location will happen, I need to remove that aspect from the analysis and focus on the fact that a school is planned for this site and no conditional use has been reviewed or approved as the code requires. Though it is likely that a school is much less intense than a business use for this site, there are other public purposes for the code requirement.

The zoning and building approval has expired several months ago. The building code purpose has primarily to do with the safety/egress of the occupants. Please correct me if I am wrong, as you are more of an expert as an architect.

The zoning code in general has more to do with ensuring a 'good fit' of the use with the surrounding uses and properties. The zoning code for schools in Oxford also has a purpose of maximizing safety and health of the students by publicly analyzing the access to and from the school. There are other purposes, but that one in particular stood out to me in Code 1147.03(b)(30). Others have to do with future growth, play areas and transportation of students. These are all external site conditions that differ from building code classifications.

I am open to meet and discuss in person or on the phone, but I'm not comfortable with checking off the zoning approval, based on the building code definition. The next available agenda for Planning Commission is August 10 with a submittal deadline of Monday, June 28 at 5:00 p.m. You are free to offer more info, meet with me or submit a conditional use application.

Sam

Sam Perry, AICP
Community Development Director
513-524-5204



CONDITIONAL USE APPLICATIONMcGuffey Montessori School High School

EXISTING USES

The following represent a list of tenants, addresses, and uses (OBC defined) within the existing Westgate Mall on College Corner Pike:

5144	Oxford Health and Wellness Center & Neuropathy	B-Business Occupancy
5148	Fresenius Medical Center	B-Business Occupancy
5150	Berean Bible Church	A-3 Assembly
5152	Wonderful International Market	B-Business Occupancy
5156	Vacant	
5158	McGuffey Montessori High School	B-Business Occupancy (E-Educational)
5160	International Brotherhood of Electrical Workers	B-Business Occupancy
5162	Oxford Martial Arts & Fitness	A-3 Assembly
5164	Cash Flow Recovery, LLC – Call Center	B-Business Occupancy
5166	Bounce Back – Cash Flow Solutions, Inc.	B-Business Occupancy
5168	Vacant	
5170	Vacant	
5172	Novachem Laboratories, Inc.	B-Business Occupancy
5174	Mr. BBQ	A-2 Assembly/ B-Business Occupancy

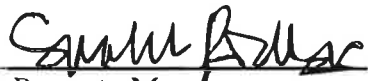
LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Norman D. Butt, AIA, LEED AP BD+C has permission to represent our interest with the City of Oxford and act on our behalf for the

Conditional Use Request at our property located at 5158 College Corner Pike,
Oxford, Ohio 45056

Thank you,

Signed: 
Red Brick Property Mgmt

06/28/2021
Date:

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that McGuffey Montessori School has permission to represent our interest with the City of Oxford and act on our behalf for the

Conditional Use Request at our property located at 5158 College Corner Pike,
Oxford, Ohio 45056

Thank you,

Signed: 

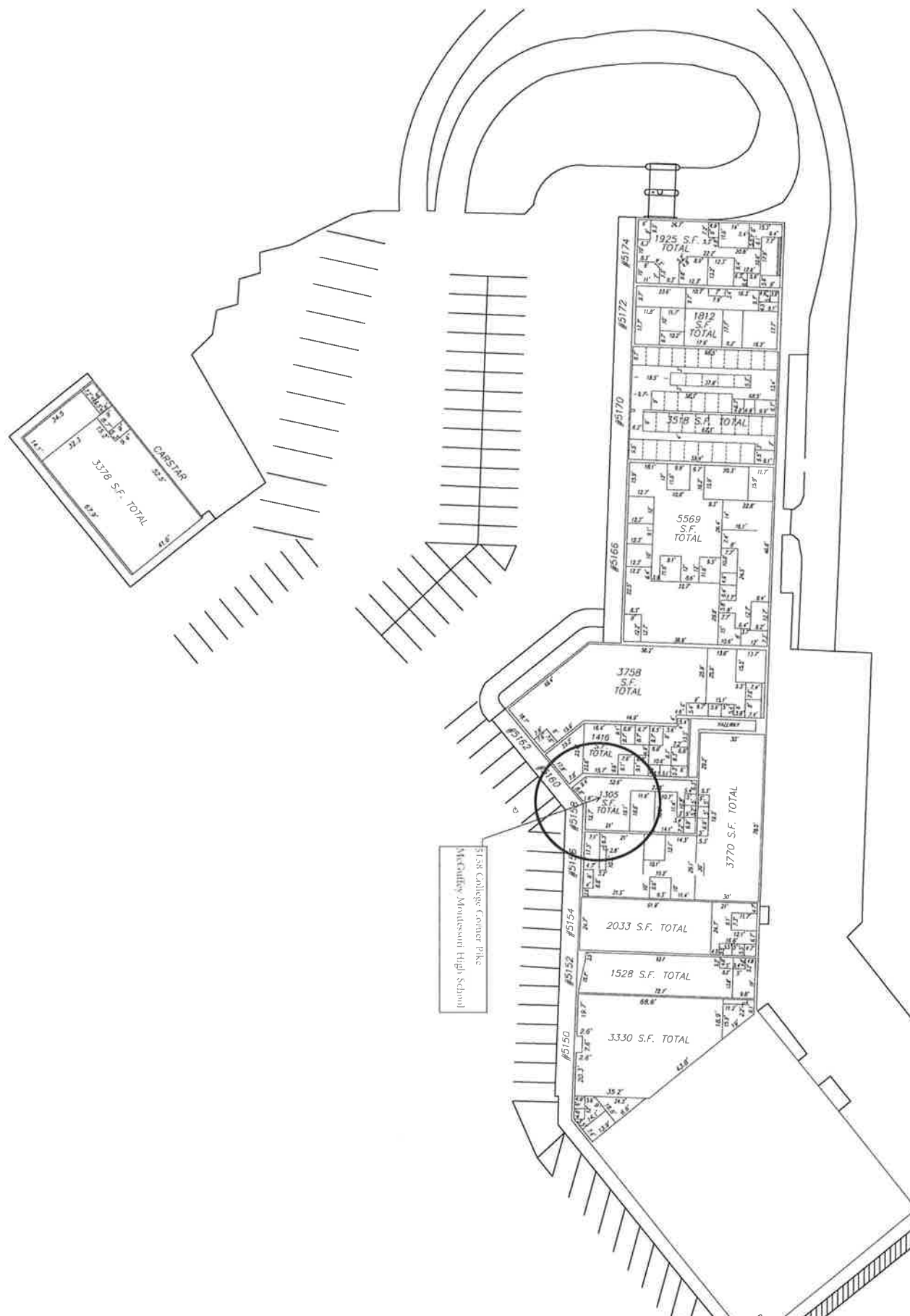
06/25/2021
Date:

Red Brick Property Mgmt

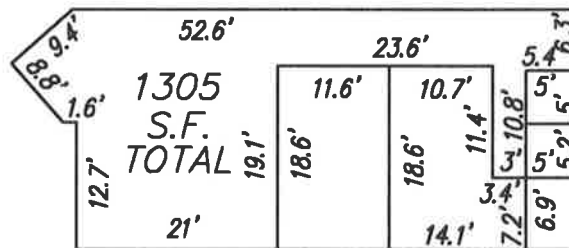
5158 200 Foot Radius Address List

Property Address	Tenant Name	Owner Name	Owner Address	
5120 College Corner Pk	MUCFCU	MUCFCU	420 Wells Mills Dr.	
5131 College Corner Pk		Mabry David C TR ETAL David C and Sarah Sharp Mabry CO TRS	102 Stone Creek Dr.	Oxford OH 45056
5135 College Corner Pk		Daniel and Lucielle Hutten	3030 Oxford Millville Rd	Oxford, OH 45056
5142 College Corner Pk	Wendy's	Main & High Development	21 N. Poplar ST	Oxford, OH 45056
5145 College Corner Pk		Hometown Laundries and Car Washes, LLC	5145 College Corner Pk	Oxford, OH 45056 1003
5157 College Corner Pk			5145 College Corner Pk	Oxford, OH 45056 1003
PROPERTY OF RADIUS:				
5144-5174 College Corner Pike	Multiple	Main & High Development	21 N. Poplar ST	Oxford, OH 45056
	5144 Oxford Health and Neuropathy Wellness Center			
	5148 Fresenius Kidney Care			
	5150 Berean Bible Church			
	5152 Wonderful International Market			
	5154 ?			
	5156 Vacant			
	5158 McGuffy Montessori High School (5128 Westgate Dr. Oxford, OH 45056			
	5160 IBEW (5158 College Corner Pk)			
	5162 Oxford Martial Arts & Fitness - Soma Academy Gracie Brazilian Jiu-Jitsu			
	5164 Cashflow Recovery, LLC, Call Center			
	5166 Bounce Back - Cashflow Solutions, Inc.			
	5168 Vacant			
	5170 Mattress by Appointment			
	5172 Nva Chan Laboratories, Inc.			
	5174 Mr. BBQ			
5171 College Corner Pk	Oxford U Lock Storage, LLC	Oxford U Lock Storage, LLC	5145 College Corner Pk	Oxford, OH 45056 0694
5173 College Corner Pk	State Line Auto Body	State Line Auto Body	8716 Tanager Woods Dr.	Cincinnati, OH 45249
5175 College Corner Pk	State Line Auto Body	Kerry Cantwell	5173 College Corner Pk	Oxford, OH 45056 1003
5180 College Corner Pike	Oxford Car Care	Main & High Development	21 N. Poplar ST	Oxford, OH 45056
5181 College Corner Pk	Glenwood Energy of Oxford In Glenwood Energy of Oxford Inc.		PO Box 880	Oxford, OH 45056 0991
5182 College Corner Pk	Oxford Pit Stop	Sous Le Ciel Investments, LLC	21 N. Poplar St.	Oxford, OH 45056 1254
5190 College Corner Pk	Oxford Star, LLC	Oxford Star, LLC	5190 College Corner Pk	Oxford, OH 45056 1004
5200 College Corner Pk	Somerville National Bank	Somerville National Bank	197 S. Main St.	Somerville, OH 45064
5201 College Corner Pk	Mobile Home park	Miami of Ohio MHP Limited Liability Co	6310 E. Kemper Rd Ste. 125	Cincinnati, OH 45241 2360
5151 Westgate Dr.		4 D Investments Inc	125 W. Spring St	Oxford, OH 45056 1768
5175 Westgate Dr.		William Lader	5175 Westgate Dr.	Oxford, OH 45056 1014
5185 Westgate Dr.		Bonnie Jo Piper	5185 Westgate Dr.	Oxford, OH 45056 1014
5199 Westgate Dr.		Mildred Parks	5199 Westgate Dr.	Oxford, OH 45056 1014
5207 Westgate Dr.		Michael Roberts	PO Box 358	Oxford, OH 45056 0477
5217 Westgate Dr.		Theresa Roberts	5217 Westgate Dr.	Oxford, OH 45056 1016
Westgate Vacant Lot .42 A		Theresa Roberts	5217 Westgate Dr.	Oxford, OH 45056 1016
5237 Westgate Dr.		Cindy Hockenberry	11038 State Route 227	Camden, OH 45311
5234 Hester Rd.		Christopher M. Rodbro	6335 Fairfield Rd	Oxford, OH 45056 9745





FRONT OF
BUILDING



Drawing:
08D001-000 CP

Scale
1" = 20'

Drawn by:
ATB

Checked By:

Issue Date:
04-18-08

**WESTGATE
SHOPPING CENTER**
ADDRESS #5158
STATE ROUTE 27

INTERIOR AREA AND LAYOUT

**bayer
becker**

318 S. COLLEGE AVE.
OXFORD, OH 45056 - 513.523.4270



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	August 27, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	PC-2021-26, 1986 Lake Forest Drive, FINAL SUBDIVISION, South Forest Edge Section 1, Forest Edge Lando Development LLC, Applicant
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 9-3-21

Proposal Summary:

The developer for South Forest Edge Section 1 is requesting approval of a Final Subdivision application associated with the Record Plat for the planned 36-unit landownership development. Approval of the Record Plat would allow for the creation of individual lots for each of the 36 dwelling units planned, with the remaining private land devoted to access (streets, parking and sidewalks), amenities, and open/green space associated with the development. This remaining land, which would essentially become one large parcel intertwined with the 36 private dwelling unit lots, would eventually be held in common by a homeowners' association (HOA) responsible for maintaining the infrastructure and features within.

Background:

The South Forest Edge Section 1 project has thus far garnered the following approvals:

- Preliminary Planned Development (PD) – approved by Council on March 2, 2021 by Ord. No. 3613
- Construction Drawings – preliminary set approved on a contingent basis by City staff on August 5, 2021. Final set to be approved at a later date.
- Final Planned Development (PD) – approved by Council on August 17, 2021 by Ord. No. 3632

Discussion and Recommendation:

The Record Plat is the legal instrument to be recorded with the Butler County Recorder which will officially subdivide new lot boundaries and establish necessary easements for access, drainage, and utilities. City staff has reviewed the proposed Record Plat instrument and believes it satisfies all prior design-related



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

approval conditions inherent to past Preliminary PD and Final PD approvals, inclusive of providing a pedestrian access easement north of the main development area, between Lake Forest Drive and Magnolia Drive which is located within the Annex development. In keeping with Section 203 of the Oxford Subdivision Regulations, staff recommends the subject application be **approved** subject to the following conditions:

1. The Final Subdivision shall be valid for 1 year from the City Council ordinance date. All recordings shall be completed and construction of the infrastructure improvements started within this 1 year time period.
2. As necessary, the applicant shall update and/or re-file Construction Drawings along with any necessary cost estimates for approval by applicable City departments.
3. The applicant shall file with the City a suitable form of financial security in order to guarantee construction of the improvements. The Record Plat shall not be released to the subdivider for recording until such financial security is accepted by the City.

ORDINANCE NO.

AN ORDINANCE APPROVING THE FINAL SUBDIVISION APPLICATION AND PLAT FOR SOUTH FOREST EDGE SECTION 1 WITH CONDITIONS.

WHEREAS, in accordance with Oxford Codified Ordinance Section 1101.203, the City of Oxford's Community Development Department received the Final Subdivision Application and Final Plat for South Forest Edge Section 1 (Exhibit "A") on August 3, 2021 consisting of 11.663 acres; and

WHEREAS, the Community Development Director has reviewed the Final Plat, the approved Preliminary Plat and the Final Planned Development approval Ordinance No. 3632 adopted August 17, 2021; and

WHEREAS, the Community Development Director finds that the Final Plat meets the requirements of Oxford Codified Ordinance Section 1101.203 and further finds the Final Plat substantially corresponds to the approved Preliminary Plat and Final Planned Development; and

WHEREAS, the City Manager and the Community Development Director recommend Council approve the Final Subdivision Application and Plat attached hereto as Exhibit "A" for South Forest Edge Section 1 with the following conditions:

1. The Final Subdivision shall be valid for one year from the City Council Ordinance date. All recordings shall be completed and construction of the infrastructure improvements started within this one year time-period.
2. As necessary, the applicant shall update and/or re-file construction drawings along with any necessary cost estimates for approval by applicable City departments.
3. The applicant shall file with the City a suitable form of financial security in order to guarantee the construction of the public improvements. The Record Plat shall not be released to the sub-divider for recording until such financial security is accepted by the City.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Community Development Director and further approves the Final Subdivision application and plat for South Forest Edge Section 1 consisting of 11.663 acres with the conditions set forth above.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



Internal Use Only:

Case No. _____

Date Filed _____

Final Subdivision Application

Applicant Information

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

Name * Forest Edge Lando Development, LLC

Mailing Address * 125 West Spring Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-524-9500

Email Address pam@hoteldevelopment.net

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 S. College Avenue, Suite 101

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-532-4270

Email Address johnbayer@bayerbecker.com

Location and Lot Information

Name of Subdivision * South Forest Edge Section 1

Location of Property * 19876 Lake Forest Drive, Oxford, Ohio 45056

Legal Description * Part of Lot 3716

Date of Planning Commission Preliminary Approval * 4/20/2021

Number of Lots * 37

Zoning District * R-2A PLANNED DEV.

Total Area * 11.663 Acres

Requirements and Documentation

Plat

Fifteen (15) copies of the plat on bond. Drawing size must be at least 18x24" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford¹. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The following information must appear on the plat:

- A. Boundary lines of the area being subdivided with accurate distances and bearings. Each section which is presented for final plat approval must have all of the required improvements extended to the property lines where necessary in order that future final plat sections may connect with them to maintain the continuity of the approved preliminary plan.
- B. A statement dedicating all proposed streets and alleys with their widths and names.

- C. The accurate outline of any portions of the property to be dedicated or granted for public use.
- D. The lines of adjoining streets and alleys with their widths and names.
- E. All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor.
- F. The locations of all building lines and easements provided for public use, services or utilities.
- G. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one hundredth of a foot.
- H. The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.
- I. The location of all survey monuments and benchmarks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corner.
- J. The name of the subdivision, the scale of the plat, points of the compass and name of owner or owners and subdivider if other than the owner and name of the surveyor and engineer preparing the plat.
- K. The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.
- L. Any private restrictions and trusteeships and their duration. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable, thus necessitating the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- M. Acknowledgement by the owner or owners of the plat restrictions.
- N. One tracing cloth or comparable material of the approved final plat, for the City records.
- O. The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- P. A receipt showing that all legally due taxes have been paid.
- Q. North arrow, scale and date.
- R. The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses, and drainage ways.
- S. Any existing water mains, culverts, water or sewer lines, easements, buildings and streets, within the tract or immediately adjacent thereto.
- T. Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
- U. The proposed location and width of streets, alleys lots and easements.
- V. The seal, registry number and signature of the public surveyor who prepared the plat.
- W. Any portion of the floodplain as delineated by the Butler County Flood Insurance Rate Maps (FIRM), effective December 17, 2010, must be clearly illustrated and labeled on the plat.

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.

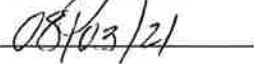
Fees & Receipt

The required fee for final plan is \$570.00 plus \$10.00 per lot, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date *

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

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

Notes

- You must adhere to notification and publication requirements.
- Submit materials 14 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).**
- Per Planning and Zoning Code 1101.203(H)¹, after final recording at the Butler County Recorder's Office, the applicant shall furnish a proof of such recording for filing to the Community Development Department prior to the issuance of any construction permits for site preparation.

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/>

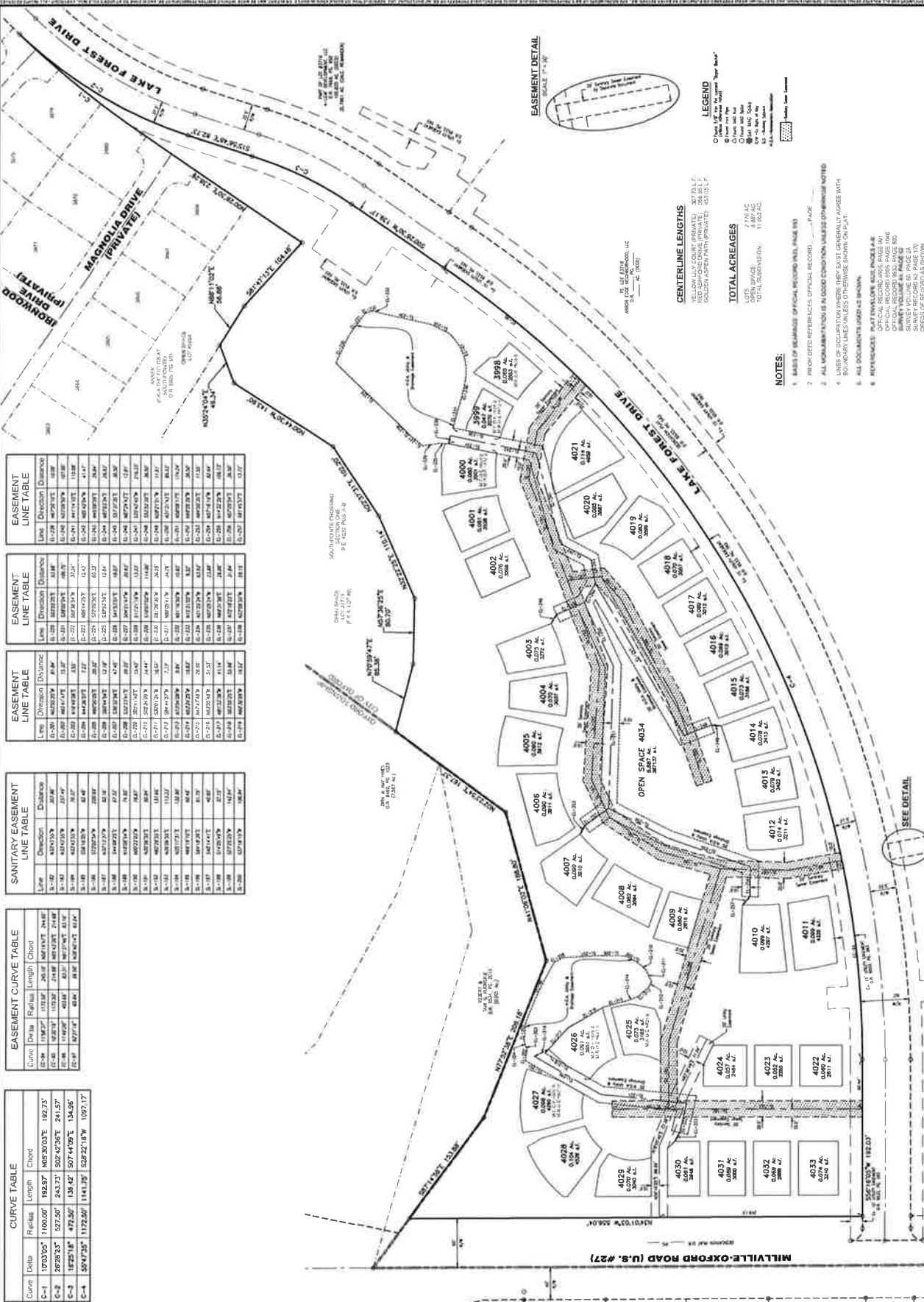
CURVE TABLE				
Curve	Delta	R _{radius}	Length	Chord
C-1	10°03'09"	1100.00'	192.97'	N65°30'03"E 192.73'
C-2	26°28'23"	527.50'	233.73'	S02°42'36"E 241.15'
C-3	18°23'18"	472.50'	135.42'	S07°44'09"E 134.96'
C-4	50°47'35"	472.50'	114.75'	S28°22'18"W 109.17'

Curve	Delta	Radius	Length	Chord
25-34	11°52'37"	1178.30'	240.18'	807.18'±VE 294.83'
25-40	12°20'18"	1109.28'	214.88'	887.40'±VE 274.68'
25-45	12°47'26"	1038.33'	183.31'	855.02'±VE 251.55'
25-50	13°14'35"	967.44'	154.58'	826.86'±VE 231.24'

Line	Decision	Distance
1-102	3474/3578	23.66
1-103	3432/3538	23.99
1-104	3424/3533	23.97
1-105	3381/3538	31.48
1-106	3326/3538	22.88
1-107	3271/3579	31.22
1-108	3449/3573	42.22
1-109	3458/3578	74.85
1-110	3402/3579	76.87
1-111	3426/3572	46.79
1-112	3479/3573	131.66
1-113	3430/3573	131.66
1-114	3357/3573	132.26
1-115	3307/3573	132.26
1-116	3447/3573	81.29
1-117	3481/3573	45.87
1-118	3445/3573	45.87
1-119	3378/3573	143.84
1-120	3374/3573	143.84

EASEMENT LINE TABLE		Direction	Distance
1	100.00	N 89° 59' 59" E	100.00
2	100.00	N 89° 59' 59" E	100.00
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EASEMENT LINE TABLE			
Station	Distance	Direction	Angle
1	100.00	N 0° 0' 0" E	90° 0' 0"
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70	100.00	N 0° 0' 0" E	90° 0' 0"
71	100.00	N 0° 0' 0" E	90

[illegible]

NOTES:

3. BASIS OF DISBURSE: OFFICIAL RECORD (PAG. 193)
 4. PRIOR DEED REFERENCE: _____ PAGE _____
 5. ALL INFORMATION IS A GOOD CONDITION UNLESS OTHERWISE NOTED
 6. LINES OF OCCUPATION WHERE THEY EXIST GENERALLY AGREE WITH
 BOUNDARY LINES UNLESS OTHERWISE SHOWN ON PLAN.
 7. ALL DOCUMENTS USED ARE SHOWN.
 8. REFERENCES: PATENT RECORD 105, PAGE 191
 OFFICIAL RECORD 595, PAGE 146
 SURVEY VOLUME 66, PAGE 25
 SURVEY VOLUME 66, PAGE 25
 SURVEY RECORD 83, PAGE 170

TOTAL ACRES: 100.00

LOTS	271
OPEN SPACE:	686
TOTAL SUBDIVISION	116

CENTERLINE LENGTHS

YELLOW LILY COURT (PRIVATE) 307 73 L F.
RED ASHFORD DRIVE (PRIVATE) 056 65 L F.
GOLDEN ASPEN PATH (PRIVATE) 459 05 L F.

EASEMENT DETAIL

SCALE 1" = 30'



RECORD PLAT

SOUTH FOREST EDGE
SECTION 1
PART OF LOT #3716
CONGRESS LANDS WEST OF THE MIAMI RIVER
SECTION 36, TOWN 5, RANGE 1
CITY OF OXFORD, BUTLER COUNTY, OHIO
RECORD PLAT



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	August 27, 2021
COUNCIL MEETING DATE:	September 7, 2021
AGENDA TITLE:	PC-2021-27, 1701 Lake Forest Drive, FINAL SUBDIVISION, Oxford-Millville Road (US 27) Right-of-Way Dedication, 4-Leaf Development LLC, Applicant
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 9-3-21</i>

Proposal Summary:

4-Leaf Development LLC is requesting approval of a Right-of-Way Dedication Plat associated with Millville Oxford Road (US 27). The US 27 corridor adjoins two large sites being developed by the applicant, each under the name South Forest Edge, inclusive of a 36-unit Planned Development west of Lake Forest Drive and a 21-lot subdivision east of Lake Forest Drive. Both South Forest Edge developments required, as a condition of prior approvals, that right-of-way be dedicated along the US 27 corridor consistent with the Oxford Thoroughfare Plan. The Plan classifies US 27 as a Principal Arterial, which calls for a typical right-of-way section spanning 120 feet in overall width. In order to be consistent with the Plan, the developer is dedicating 60 feet of total right-of-way width from the centerline of US 27. The current right-of-way width from centerline varies between approx. 30 feet and approx. 47 feet. The total amount of area to be dedicated is 1.038 acres.

Background:

The South Forest Edge Section 1 project (36 units) has thus far garnered the following approvals:

- Preliminary Planned Development (PD) – approved by Council on March 2, 2021 by Ord. No. 3613 (Condition #5 required right-of-way dedication along US 27)
- Construction Drawings – preliminary set approved on a contingent basis by City staff on August 5, 2021. Final set to be approved at a later date.
- Final Planned Development (PD) – approved by Council on August 17, 2021 by Ord. No. 3632



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45056

The South Forest Edge Subdivision project (21 lots) has thus far garnered the following approvals:

- Preliminary Subdivision – approved by Council on April 20, 2021 by Ord. No. 3616 (Condition #5 required right-of-way dedication along US 27)

Recommendation:

Staff recommends **approval** of the Dedication Plat for Oxford-Millville Road as presented. If approved by Council as presented, the recording of this Dedication Plat can occur independent of other Record Plats associated with the two South Forest Edge developments (i.e. no financial security or bonding is necessary prior to receiving signatures from City officials).

ORDINANCE NO.

AN ORDINANCE APPROVING THE RIGHT OF WAY DEDICATION PLAT FOR U.S. 27 (OXFORD-MILLVILLE ROAD) IN THE CITY OF OXFORD.

WHEREAS, in accordance with Oxford Codified Ordinance Section 1101.203, the City of Oxford's Community Development Department received the Right of Way Dedication Plat for U.S. 27 (Exhibit "A") on August 3, 2021 consisting of 1.038 acres of additional public right of way; and

WHEREAS, the Community Development Director has reviewed the Right of Way Dedication Plat and found that the Right of Way Dedication Plat substantially conforms with the approved South Forest Edge Section 1 Final Planned Development (Ord 3632) and the approved South Forest Edge Preliminary Subdivision (Ord 3616); and

WHEREAS, the Community Development Director further finds that the Right of Way Dedication Plat meets the requirements of Oxford Codified Ordinance Section 1101.203; and

WHEREAS, the City Manager and the Community Development Director recommend Council approve the Right of Way Dedication Plat attached hereto as Exhibit "A" for U.S. 27 in the City of Oxford as submitted.

THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY ORDAINS THAT:

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Community Development Director and further approves the Right of Way Dedication Plat attached hereto as Exhibit "A" for U.S. 27 in the City of Oxford as submitted.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

**Internal Use Only:**

Case No. _____

Date Filed _____

Final Subdivision Application

Applicant Information

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

Name * 4-Leaf Development, LLC

Mailing Address * 125 West Spring Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-524-9500

Email Address pam@hoteldevelopment.net

Engineer/Surveyor Information

Name * Bayer Becker

Mailing Address * 110 S. College Avenue, Suite 101

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-532-4270

Email Address johnbayer@bayerbecker.com

Location and Lot Information

Name of Subdivision * Dedication Plat - Oxford-Millville Road (US27)

Location of Property * 1701 Lake Forest Drive, Oxford, Ohio 45056

Legal Description * Part of Lot 3716

Date of Planning Commission Preliminary Approval * 4/20/2021

Number of Lots * 1

Zoning District * R-2A PLANNED DEV.

Total Area * 1.038 Acres

Requirements and Documentation

Plat

Fifteen (15) copies of the plat on bond. Drawing size must be at least 18x24" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford¹. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The following information must appear on the plat:

- A. Boundary lines of the area being subdivided with accurate distances and bearings. Each section which is presented for final plat approval must have all of the required improvements extended to the property lines where necessary in order that future final plat sections may connect with them to maintain the continuity of the approved preliminary plan.
- B. A statement dedicating all proposed streets and alleys with their widths and names.

- C. The accurate outline of any portions of the property to be dedicated or granted for public use.
- D. The lines of adjoining streets and alleys with their widths and names.
- E. All lot lines together with an identification system for all lots and blocks. Lot numbers shall be secured from the County Auditor.
- F. The locations of all building lines and easements provided for public use, services or utilities.
- G. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements and any other areas for public or private use. Linear dimensions are to be given to the nearest one hundredth of a foot.
- H. The radii, arcs, lengths, points of tangency and central angles for all curvilinear streets and the radii and lengths for rounded corners.
- I. The location of all survey monuments and benchmarks together with their descriptions. There shall be a minimum of four permanent markers in each subdivision section located at or near the outer corner.
- J. The name of the subdivision, the scale of the plat, points of the compass and name of owner or owners and subdivider if other than the owner and name of the surveyor and engineer preparing the plat.
- K. The certificate of the surveyor attesting to the accuracy of the survey and to the correct locations of all monuments shown.
- L. Any private restrictions and trusteeships and their duration. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable, thus necessitating the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- M. Acknowledgement by the owner or owners of the plat restrictions.
- N. One tracing cloth or comparable material of the approved final plat, for the City records.
- O. The names and record owners of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- P. A receipt showing that all legally due taxes have been paid.
- Q. North arrow, scale and date.
- R. The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses, and drainage ways.
- S. Any existing water mains, culverts, water or sewer lines, easements, buildings and streets, within the tract or immediately adjacent thereto.
- T. Size of the tract in acres and lots in square feet and the boundary lines along with the linear measurement thereof.
- U. The proposed location and width of streets, alleys lots and easements.
- V. The seal, registry number and signature of the public surveyor who prepared the plat.
- W. Any portion of the floodplain as delineated by the Butler County Flood Insurance Rate Maps (FIRM), effective December 17, 2010, must be clearly illustrated and labeled on the plat.

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.

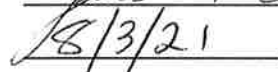
Fees & Receipt

The required fee for final plan is \$570.00 plus \$10.00 per lot, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date *

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

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

Notes

- You must adhere to notification and publication requirements.
- Submit materials 14 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).**
- Per Planning and Zoning Code 1101.203(H)¹, after final recording at the Butler County Recorder's Office, the applicant shall furnish a proof of such recording for filing to the Community Development Department prior to the issuance of any construction permits for site preparation.

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/>

