



Agenda

Oxford City Council

Court House

TUESDAY, JANUARY 6, 2015

EXECUTIVE SESSION

7:15 P.M.

1. Roll call. Kevin McKeehan, Mayor; Kate Rousmaniere, Vice-Mayor; Mike Smith; Bob Blackburn; Steve Snyder; Richard Keebler; Edna Southard

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda, and Consent Agenda items, will be heard under Public Comments – and (2) Comments on all Resolutions and Ordinances will be heard during Council consideration of said item. Please wait until you are recognized by the Mayor, proceed to the podium, state your name and address so that your comments may be properly recorded and limit your remarks to a period of five minutes or less.

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

This facility is wheelchair accessible. If you plan to attend this meeting and you have a disability that requires special arrangements, please notify the City Manager's office 48 hours in advance so that reasonable accommodations can be made.

3. Public Participation.

- A. Notice to Legislative Authority - New permit for Walgreen Co DBA Walgreens 09906 200 S. Locust Street Oxford Ohio 45056.



Staff Report/Notice

- B. 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.

4. Consent Agenda.

- A. Minutes of the December 16, 2014 Public Hearing. (Mary Ann Eaton, Clerk of Council)



Minutes

- B. Minutes of the December 16, 2014 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

- C. Report regarding the December 9, 2014 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

- D. A Resolution authorizing the City Manager to enter into a contract with Key Chrysler, Jeep & Dodge, Inc., for the purchase of a 2015 Dodge Durango and specified options at State Contract pricing at a cost not to exceed \$28,245.50. (Mike Dreisbach, Service Director)



Staff Report/Resolution

5. Resolutions.

1. A Resolution of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a Neighborhood Conservation Overlay District for that area of Dana Drive, David Drive, Marcia Drive and Glenwood Drive as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Jung-Han Chen, Community Development Director).



Staff Report/Resolution

2. A Resolution approving and authorizing a Real Estate Purchase and Sale Agreement, a copy of which is attached hereto as Exhibit "A", between the City of Oxford, Ohio, and the Trustees of Lane Public Library for the purchase of real property located at 15 S. College Avenue Oxford, Ohio 45056 to utilize the existing Lane Library facility to meet the City's present and future space needs at a cost of one million four hundred thousand dollars (\$1,400,000.00). (Doug Elliott, City Manager)



Staff Report/Resolution

3. A Resolution authorizing the City Manager to enter into an agreement to settle Butler County Common Pleas Case No. CV2013-12-3365, and to make an additional payment in the amount of \$ _____ in connection with that settlement. (Mike Dreisbach, Service Director)



Staff Report/Resolution

6. Ordinances. Ordinances are adopted using a two-step procedure. First reading introduces the Ordinance and provides an opportunity for public input on the subject as well as allowing Council to request more information as needed. Second reading is to provide Council with the opportunity to consider new information and to deliberate.

A. First Reading.

1. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-1A (Single Family Low Density Residential) District And A R-1B (Single Family Medium Density Residential) District For 72 Parcels Located On Hilltop Road, Contreras Road, Panda Lane And Pin Oak Drive, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-1A (Single Family Low Density Residential) District For 91 Parcels Located On Country Club Drive, Olde Farm Road And Part Of Contreras Road, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

3. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-1B (Single Family Medium Density Residential) District For 57 Parcels Located On Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle And French Drive, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

4. An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-1B (Single Family Medium Density Residential) District For 56 Parcels Located On Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy

Lane And Contreras Road, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

B. Second Reading.

1. An Ordinance To Regulate The Rates And Charges To Be Charged And Collected And The Services To Be Rendered By Glenwood Energy Of Oxford, Inc., Its Successors And Assigns, For Gas And Gas Service Furnished To All Of Its Customers Within The Corporate Limits Of The City Of Oxford During The Period Ending February 4, 2018, And Repealing And Superseding Ordinance Nos. 3147, 3157, And 3267, Which Together, Previously Regulated Such Rates, Charges, And Services. (Mike Dreisbach, Service Director)



Staff Report/Ordinance

7. A. Announcements & Communications. 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.

1. Remarks from City Council and City Staff.

B. Future Meetings.

WED - Jan 7 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

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

TUES - Jan 13 Planning Commission Meeting 7:30 p.m.

THUR - Jan 15 Recreation Board Meeting 4:00 p.m. Senior Center

MON - Jan 19 Holiday - City Offices Closed

MON - Jan 19 Housing Advisory Commission Meeting Cancelled

TUES - Jan 20 City Council Meeting 7:30 p.m.

WED - Jan 21 Board of Zoning Appeals Meeting 7:30 p.m.

WED - Jan 28 Civil Service Commission Meeting 6:00 p.m.

8. Adjourn.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the: January 6, 2015
City Council Meeting

Prepared by: G. Alan Kyger
Date Prepared: December 24, 2014

Agenda Title: Notice to Legislative Authority.
Walgreens C2 – Wine Carry Out permit

Recommendation: Informational

In 2007, Walgreens built a new store at the corner of Locust and Fairfield Road.

In November of 2009, the following liquor permits were issued for this location.

C1 – Beer Carry Out

C2 – Wine Carry Out

D6 – Sunday Sales

These permits are still in effect.

The Walgreen Company is in the process of TREXing the existing C2 permit to another location outside of Oxford. (Below is a brief summary of ORC 4303.29 -TREX)

Because Oxford has one available C2 permit, Walgreen Company has applied for a new C2 permit to replace the existing permit which is being sold and TREXed out of Oxford. The requested new C2 permit cannot be issued until the existing C2 permit is sold and transferred outside the Oxford area.

Liquor Permits are controlled by the State of Ohio, Division of Liquor Control. The number of permits is governed by a quota system based on the population of the jurisdiction. Businesses located in jurisdictions which have no available liquor permits, will seek to buy permits from jurisdictions with an excess number of permits.

TREX: ORC 4303.29 allows for the transfer of location of a C1, C2, D1, D2, D3 or D5 permit, from one jurisdiction to another jurisdiction, for an economic development project located in the new jurisdiction. The transfer can only occur if the new Municipal Corporation or Township has no permits available and approves the transfer into the area for economic development purposes.

Reviewed By:

Department Head:

City Attorney:

City Manager:

Initial Date

OK / 12.30.14

DRE / 1-2-15

DRE / 1-2-15

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

93579419906		NEW	WALGREEN CO DBA WALGREENS 09906 200 S LOCUST ST OXFORD OH 45056	RECEIVED 12-19-2014 City of Oxford
PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
C2		PERMIT CLASSES		
09	088	A	A65490	
TAX DISTRICT		RECEIPT NO.		

FROM 12/16/2014

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 12/16/2014

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/16/2015

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 9357941-9906

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF OXFORD CITY COUNCIL
101 E HIGH ST
OXFORD OHIO 45056

SECTION 3

CORPORATION/STOCK DATA VERIFICATION

CORPORATE NAME **WALGREEN CO** TOTAL SHARES HELD **0.00** PERMIT # **9357941-00272**
RENEWAL YEAR JUNE 2014-2015

STOCKHOLDERS HOLDING 5% OR MORE OF OUTSTANDING SHARES	LAST FOUR DIGITS OF SOCIAL SECURITY #	SHARES	OFFICE HELD	BIRTHDATE
LARGE CORPORATION				
JASON DUBINSKY	*****0367	0.00	SECRETARY	07/25/73
GREGORY WASSON	*****2851	0.00	CEO	10/19/58
MICHAEL FELISH	*****3559	0.00	ASST SECR.	10/24/57
JOHN A MANN	*****5584	0.00	ASST SECR.	08/16/57
MARK WAGNER	*****7488	0.00	VICE PRES.	10/22/61
JOHN SPINA	*****9075	0.00	TREASURER	02/02/59

IF INFORMATION LISTED ABOVE IS NOT ACCURATE, PLEASE INDICATE CHANGES BELOW.

NAME	SOCIAL SECURITY #	SHARES	OFFICE HELD	BIRTHDATE
TOTAL NUMBER OF SHARES HELD				

The City of Oxford's Public Hearing regarding the Plan of Operation and Governance for Municipal Electric Aggregation was called to order by Mayor Kevin McKeehan on Tuesday, December 16, 2014 at 6:30 p.m. Those members present were Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith, Steve Snyder and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Jung-Han Chen, Community Development Director; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

Present for Eagle Energy, LLC were Don Marshall, Dick Lonneman and Jim Macenko.

APPROVAL OF AGENDA

Mr. Keebler moved to approve the agenda. Mr. Smith seconded. The motion passed 7-0-0.

ENTER INTO PUBLIC HEARING

Mr. Snyder moved to enter into the Public Hearing regarding Municipal Electric Aggregation at 6:30 p.m. Ms. Rousmaniere seconded. The motion passed 7-0-0.

Mr. Elliott advised this was the second and last Public Hearing for Oxford's Electric Aggregation Program and thanked those in the audience for attending. Mr. Elliott noted the purpose of the hearing was to talk about the draft Plan of Operation and Governance. Mr. Elliott advised the next step after the Public Hearings was to submit an application for the Electric Aggregation Program to the Public Utilities Commission of Ohio (PUCO) for certification. Mr. Elliott noted he would turn the meeting over to Don Marshall of Eagle Energy and when he was finished with his comments, questions and comments from the public would be entertained.

Mr. Don Marshall, President, Eagle Energy, LLC, reiterated that this was the second Public Hearing as provided by the PUCO rules for the aggregation process. Mr. Marshall advised the most important part of the application process was the Plan of Operation and Governance which he hoped to file with the PUCO for the City by the end of December. Mr. Marshall noted the PUCO had 30 days to approve the application and he expected their approval by the end of January. Mr. Marshall advised in mid January Eagle Energy would issue Request for Proposals (RFPs) to about 12 certified suppliers and after their evaluation of the responses they would make a recommendation to Council of who they thought would best serve the City of Oxford. Mr. Marshall noted the Plan of Operation and Governance included 10 provisions required by the PUCO ranging from the rate schedule, disconnect procedures and enrollment procedures. Mr. Marshall advised residents that moved within the City could keep their plan and residents moving to Oxford from another area could opt-in to the plan. Mr. Marshall noted the other provisions were straightforward and he discussed them in detail at the first Public Hearing. Mr. Marshall advised Eagle Energy would review the comments from both Public Hearings to make sure they had everyone's input covered by the Plan of Operation. Mr. Marshall noted once Eagle Energy filed the Plan of Operation as part of the application for certification, that Plan of Operation would reside at the City and would remain the living document of how the plan was to operate.

Mr. Marshall advised if changes occurred the plan would be amended and re-submitted to the PUCO for approval. Mr. Marshall discussed the components of electric bills and explained the 'price to compare' option. Mr. Marshall noted there was a lot of discussion at the first Public Hearing regarding renewable energy and Eagle Energy would request pricing in the RFP for 100% to 0% renewable so Council could have an informed decision making process.

Mr. Blackburn inquired if the PUCO rated suppliers and Mr. Marshall advised no, but the suppliers were certified by the PUCO. Mr. Marshall noted Eagle Energy would score the suppliers based on Eagle Energy's criteria.

Mr. Elliott reiterated the time line for the aggregation process noting it should be complete in May of 2105.

Mr. Vincent Hand, 511 E. Chestnut Street, advised he was speaking initially as a member of the Oxford Environmental Commission and would read a statement prepared by the Environmental Commission as follows: 'The Oxford Environmental Commission recommends that the Oxford City Council pursue an electric aggregation program consisting of 100% renewable energy. If this is not possible and a lesser percent of renewable energy is used the Environmental Commission recommends to the City Council the creation of a Community Choice Program whereby residents can select a 100% renewable energy option. Community Choice Programs have been implemented in communities as small as Compton Hills, IL which has a population of 11,000 to those as large as Cleveland with a population of 396,000.' Mr. Hand then spoke as a resident and addressed Mr. Blackburn's question. Mr. Hand advised the Columbus Dispatch recently published an article that provided a rating for a number of energy providers in the State of Ohio. Mr. Hand offered to locate the article if Council so wished. Mr. Hand noted through his own research he found several offerings where the cost of renewable energy was a fraction of a cent per KWh different for 100% renewable verses a more conventional power offering.

Mr. Keebler advised the duration of the rate offering needed to be considered and Mr. Marshall noted variable rates verses fixed rates also needed to be considered. Mr. Marshall advised the purpose of aggregation was to find rates cheaper than what was offered on the PUCO website and Eagle Energy intended to do that. Mr. Marshall noted renewable energy would be more expensive than traditional fossil fuel.

Ms. Sandra Woy Hazelton, 513 White Oak Drive, advised she would read a letter into the record from the Oxford League of Women Voters that was sent to Mr. Elliott and to Council members as follows: 'The League of Women Voters of Oxford commends the Oxford City Council for its support of aggregation for the purchase of electricity for city residents. The League's support of aggregation is based on our position on Energy, the result of a two-year study and adopted early 2013. Our position is to "Support locally initiated community-based collaborative projects for energy conservation." With this goal in mind we have consistently supported municipal aggregation in various public meetings, believing that "By aggregating demand, we the City have more buying power and can negotiate contract details that not only stress a good price, but also support environmentally-sound suppliers who use renewable energy sources."

We publicized the aggregation issue in the press this way and we published the explanation of the issue in the widely distributed Voters Information Guide as follows: Aggregation means the joining together of many residents of a municipality to form a buying group. The City of Oxford would negotiate a contract with a Public Utilities Commission of Ohio (PUCO) certified electric provider. Aggregation provides a greater buying power to negotiate contract details that lower costs and support environmentally-sound sources. This method of purchasing electrical power for a municipality began in Northeast Ohio in 2001 and has been widely adopted throughout the State.

We hope this letter makes clear that supporters of this initiative, and informed voters, have always seen a dual purpose in seeking aggregation. We fully understand that accepting a more moderate cost-saving now may be a necessary trade-off for long-term benefits.

As the Council develops its plan for Oxford residents who will participate, the League of Women Voters of Oxford urges a plan that is both cost effective and environmentally responsible. As a group of buyers, city of Oxford residents should be able to do two things: buy at lower rates and contribute to a healthier environment for ourselves and for those who come after us.

Therefore we urge Council to accept a proposal for the City aggregation plan as put forth by the City's Environmental Commission: that residents who participate in the City of Oxford aggregation plan have two options: Option 1 – 50% fossil fuels and 50% renewable fuels Option 2 – 100% renewable fuels.

On behalf of the League of Women Voters of Oxford,

Arianne Hartsell-Gundy
President of the League'

Linda Musmeci Kimball, 724 Melinda Drive, advised she saw no reason why the City's aggregation goals couldn't be two fold, to lower the financial cost and to lower the environmental costs. Ms. Musmeci Kimball noted it was an opportunity for the community to wean itself off of fossil fuels if that was possible. Ms. Musmeci Kimball stated she felt to find a supplier that could offer at least partially renewable energy sources along with fossil fuel energy sources in their package was doable.

Ms. Sally Southard, 110 Oberlin Court, noted she was pleased to speak to not only lower costs but to speak to a more environmentally friendly decision that those in Oxford could make. Ms. Southard advised she felt that continued the statement that this City Council and earlier City Councils had made about attracting young families to Oxford who were looking to see that this was a special place in which to live. Ms. Southard noted the City was fortunate to have on a frequent basis the opportunity to attract new families to Oxford with such a large industry as the university, the hospital and the school district. Ms. Southard advised those families would look at a City that was attempting to be a part of making a better world. Ms. Southard noted her hope Council would look seriously at lower cost and look to the future of the community and the people we wanted to attract who would see how far-sighted this community was.

Mr. Kevin Armitage, 26 Jeffrey Drive, advised he wanted to emphasize his comments from the first hearing. Mr. Armitage noted the reason coal was cheaper on our electric bills was because we could pollute for free. Mr. Armitage advised coal pollution does incredible damage to our country and to the world. Mr. Armitage noted 13,000 Americans would die this year because of coal pollution and tens of thousands more would have heart attacks and thousands more would suffer from asthma. Mr. Armitage discussed the problems in North Carolina due to coal ash disposal noting some communities there were without drinking water. Mr. Armitage noted women of child bearing age should not eat seafood because of the mercury in our oceans due to coal burning. Mr. Armitage advised we all paid for the cascading effects of what coal does to us with our health and our lives, insurance premiums, and money to pay for environmental messes. Mr. Armitage noted Oxford should do what every country in northern Europe was doing and start investing in 100% renewable energy and drive the market. Mr. Armitage advised transitioning from fossil fuel to renewable energy will become cheaper and cheaper. Mr. Armitage urged Council to do everything possible to drive Oxford to a 100% renewable standard because it was the right thing to do.

Ms. Linda Musmeci Kimball, noted regardless of what program was selected and regardless of what supplier was selected there was a term for the contract price and supply. Ms. Musmeci Kimball inquired what options Oxford residents had at the end of the term. Mr. Elliott advised before the contract expired whether it be 12, 24 or 36 months new pricing would be requested from the supplier as this was an ongoing program. Mr. Marshall added that if the pricing was not satisfactory, another RFP would be issued.

Mr. Larry Rankin, 610 French Drive, noted a previous speaker made a very good case for not using fossil fuels in future contracts. Mr. Rankin advised he had done some research and was concerned as a citizen because this was a national debate and there was two sides to every usage whether it was nuclear power, coal, natural gas, solar, geothermal or wind as all of those had pros and cons. Mr. Rankin noted concern with this becoming a local debate on such national issues and his concern that we don't become emotional about those issues. Mr. Rankin advised he trusted Council and staff to look at this in a rational way as a lot of Oxford residents would appreciate a lower cost for electricity and he felt cost was a very significant factor in this issue. Mr. Rankin advised he contracted with an alternate supplier with a \$150 termination fee and inquired if that contract would be null and void once Oxford's program was in place. Mr. Elliott advised no, that his contract would still be in place. Mr. Elliott noted Mr. Rankin would not receive an opt-out letter for Oxford's program because he was already with another supplier. Mr. Elliott suggested that Mr. Rankin contact City Hall to see what was being offered and decide based on his termination fee whether it made sense to leave that supplier and join Oxford's program. Mr. Elliott noted customers who already had an alternate supplier or were on a government assistance program or who were not current on their electric bill would not receive a letter. Mr. Elliott advised everyone else would receive a letter and if they wanted to participate they didn't have to do anything but if they didn't want to participate they would have to opt-out of the program. Mr. Keebler advised his contract expired in May so he would not receive a letter about Oxford's program although he might want to join. Mr. Keebler noted he understood that Oxford's program would be written so that anyone who did not opt-in to begin with could get in anytime and Mr. Marshall advised that was correct. Mr. Keebler noted Oxford customers needed to pay attention because there were a lot of choices. Mr. Rankin inquired if Oxford's aggregation program would continue indefinitely and Mr. Elliott advised yes, unless there was a compelling reason not to.

Mr. Michael Handy, 33 Jeffrey Drive, advised he bought his house in 2004 and his electric rates were very low compared to today. Mr. Handy noted his electric bills were 20-40% higher on average now and that was probably conservative. Mr. Handy advised he had replaced his heat pump, changed light bulbs and did various other things and was using 20-40% less energy every year now than what he used to but was still paying 20-40% more. Mr. Handy noted his concern was that Oxford got the lowest rate possible and if it was possible to have two options that would be fine as well.

Ms. Mary Jo Clark, 10 Olde Farm Road, inquired if residents in the Choice program would get a letter regarding Oxford's aggregation program. Mr. Elliott advised no, and suggested again that those consumers contact City Hall to see if it made sense for them to leave their supplier and join the City's aggregation program.

Mr. Elliott thanked everyone for their comments noting both Public Hearings had been very productive.

Mr. Keebler noted he was sure Mr. Elliott and Mr. Marshall had discussed what to request in the bid for electric suppliers and inquired when Council would weigh in on that. Mr. Elliott advised the RFP would ask for pricing for 100% renewable energy, 50% renewable energy and lowest cost and Council would decide which one would be the primary program for Oxford residents. Mr. Elliott noted if residents wanted the other options they would have to contact City Hall. Mr. Elliott advised the RFP needed to be structured to receive the most attractive proposals. Mr. Keebler suggested asking for three primary proposals. One for 100% renewable, one for 50% renewable and one for lowest cost and if Council elected to award to the 50% or lowest cost, there could be an opt-in process for the 100% renewable program. Mr. Elliott advised he didn't want to make the RFP too complicated and there would only be a certain period of time to act on a proposal because the supplier wanted to lock-in the price. Mr. Marshall noted concern that not all suppliers would even have a renewable option. Mr. Snyder inquired if there were any administrative costs to the City. Mr. Elliott advised the administrative costs for Eagle Energy's services would be passed on to the consumer at .0005 per KWh.

Mayor McKeehan thanked the public, Mr. Marshall, staff and Council for their input on this issue.

CLOSE PUBLIC HEARING

Mr. Snyder moved to close the Public Hearing at 7:31 p.m. Mr. Blackburn seconded. The motion passed 7-0-0.

ADJOURN

Ms. Rousmaniere moved to adjourn at 7:31 p.m. Mr. Blackburn seconded. The motion passed 7-0-0.

A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, December 16, 2014 at 7:36 p.m. Those members present were Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith, Steve Snyder and Edna Southard.

Staff members present: Mr. Doug Elliott, City Manager; Mr. Mike Dreisbach, Service Director; Mr. Bob Holzworth, Police Chief; Mr. Joe Newlin, Finance Director; Mr. Jung-Han Chen, Community Development Director; Mr. Alan Kyger, Economic Development Director; Mr. John Detherage, Fire Chief; Mr. Steve McHugh, Law Director and Ms. Mary Ann Eaton, Clerk of Council.

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Snyder advised Council received notification that the applicant withdrew the application for the second reading of a proposed planned development.

Ms. Southard moved to approve the agenda with the removal of item 6. B 3. Mr. Snyder seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PRESENTATION **FARMERS MARKET**

Mr. Larry Slocum, noted the Uptown Farmers Market just finished their 11th season and provided a market report by way of a song. Mr. Slocum advised he gave the Finance Director a check for \$250 for the use of lot 52 for the 2014 Farmers Market. Mr. Slocum noted the Market's goal to bring more Miami students to the Farmers Market had been achieved. Mr. Slocum advised during parents weekend hundreds of Miami students and their parents attended the market.

Mayor McKeehan thanked Mr. Slocum noting the City was fortunate to have such a fine Farmers Market.

PUBLIC COMMENTS

Ms. Kathleen Zien, Joseph Drive, inquired if the applicant for the planned development who withdrew their application would have to back through the Planning Commission to present anything else and Mayor McKeehan advised yes.

Ms. Sharon Kline, noted she worked for McCullough Hyde Memorial Hospital and was representing the Coalition for Healthy Community Oxford Area. **Ms. Amy Macechko**, noted she worked for the Talawanda School District and was representing the Coalition for Healthy Community Oxford Area. Ms. Kline advised in 2011 the Coalition for Healthy Community conducted a community needs assessment to determine the priority areas they wanted to address over the next decade. Ms. Kline noted in 2013 McCullough Hyde Memorial Hospital conducted an in depth community needs assessment that mirrored the findings of the Coalition's assessment and the regional assessment. Ms. Kline advised the three priority areas identified were alcohol and other drugs, mental health and obesity. Ms. Kline noted three work groups were formed and in January of 2014 a group of diverse community members came together to start addressing obesity and they were eager to address the community about healthy lifestyles, nutrition and exercise. Ms. Macechko advised the obesity prevention work group identified a grant opportunity through Interact for Health, a health organization that sought to improve the health of people in the greater Cincinnati region by being a catalyst for health and wellness. Ms. Macechko noted the Thriving Communities program was designed to help communities empower themselves and promote their own culture of healthy lifestyles permanently. Ms. Macechko advised the Coalition for Healthy Community Oxford Area which served the Talawanda School District had been invited to be part of the Thriving Communities project which involved funding and technical assistance to support and sustain health promotion in our community with the priority area being active living. Ms. Macechko noted the work group was being expanded to include key sectors that needed to be part of it and representatives from surrounding townships. Ms. Macechko advised this group would work to identify the key goals to help move this project forward and they appreciated the support of the City of Oxford especially Jung-Han Chen, Gail Brahier and Andrew Wilson. Ms. Macechko noted the group felt the time was right to move the project forward in light of the implementation of other projects such as Oxford Trails, Safe Routes to School and the Pedestrian and Bicycle Plan and they looked forward to coordinating their efforts to make the greater Oxford area the healthiest, most active community in Ohio.

Mayor McKeehan noted that Council appreciated these efforts.

CONSENT AGENDA

MINUTES

Minutes of the December 2, 2014 Electric Aggregation Public Hearing. (Mary Ann Eaton, Clerk of Council)

Minutes of the December 2, 2014 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the December 3, 2014 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the December 3, 2014 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

RESOLUTION
DISPOSE OF CONTRABAND

A Resolution No. 4879 authorizing the Police Chief and the Finance Director to dispose of contraband no longer needed as evidence. (Bob Holzworth, Police Chief)

RESOLUTION
FARMERS MARKET

A Resolution No. 4880 authorizing the City Manager to close Lot 52 each Saturday in 2015 from 5:00 a.m. to 12:30 p.m. to permit the operation of the Farmer's Market within Lot 52 during said time. (Mary Ann Eaton, Clerk of Council)

Mr. Snyder moved to approve the consent agenda. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION
CONTRACT WITH
UC PHYSICIANS

A Resolution No. 4881 approving and authorizing an agreement, a copy of which is attached hereto as Exhibit "A", between the City of Oxford and the University of Cincinnati Physicians Company, LLC for EMS medical direction and continuing education and authorizing the City Manager to execute the same. (John Detherage, Fire Chief)

Chief Detherage asked for Council's approval to renew the contract with UC Physicians for medical direction. Chief Detherage noted the Fire Department had worked with UC for two years and were very pleased with their service.

Ms. Rousmaniere excused herself from the dais.

Mr. Keebler noted the proposed contract was for three years but it had a 60 day no fault cancellation clause.

Mr. McHugh advised the proposed contract was the same as the original one except for the addition of paragraph 5.12 which covered new federal healthcare provisions.

Mr. Snyder moved to adopt Resolution No. 4881. Mr. Blackburn seconded. The motion passed 6-0-0.

ORDINANCE
FIRST READING

ORDINANCE
NATURAL GAS RATE INCREASE

An Ordinance To Regulate The Rates And Charges To Be Charged And Collected And The Services To Be Rendered By Glenwood Energy Of Oxford, Inc., Its Successors And Assigns, For Gas And Gas Service Furnished To All Of Its Customers Within The Corporate Limits Of The City Of Oxford During The Period Ending February 4, 2018, And Repealing And Superseding Ordinance Nos. 3147, 3157, And 3267, Which Together, Previously Regulated Such Rates, Charges, And Services. (Mike Dreisbach, Service Director)

Ms. Rousmaniere returned to the dais.

Mr. Dreisbach advised approximately 3.5 years ago Glenwood Energy requested a rate adjustment from the City which was granted and it had been amended twice since the original Ordinance was adopted. Once to approve a fee for pressure testing gas lines and once to pay for relocating gas mains along S. 27 to accommodate the highway expansion project. Mr. Dreisbach noted several months ago, Glenwood Energy approached the City and expressed the need for another rate adjustment and the City's utility attorney and his associates evaluated the request. Mr. Dreisbach advised there were two main components to the gas bill from Glenwood Energy and 2/3 of the bill was attributed to recovering the costs for fuel which the company was not entitled to make a profit on. Mr. Dreisbach noted the other aspect of the bill was the meter charge and the general service rate and that was where the company was allowed to make a profit and that was regulated by the City. Mr. Dreisbach advised the general service rate was currently \$2.81 per 1000 cubic feet of natural gas and the company requested an increase of \$0.91 per 1000 cubic feet or a 32% increase. Mr. Dreisbach noted the City's utility attorney evaluated the rate increase request and found Glenwood Energy was only entitled to an increase of \$0.22 per 1000 cubic feet for a new rate of \$3.03 per 1000 cubic feet which seemed very reasonable. Mr. Dreisbach advised the new rate was lower than what Oxford residents were paying in 2006. Mr. Dreisbach noted there was no increase this year for water, sewer, refuse or recycling services.

Mayor McKeehan inquired if there were any comments from the public and there were none.

Ms. Southard inquired if the pipeline relocation rider was the same rate for all customers. Mr. Dreisbach advised yes, it was a dollar figure based on usage. Ms. Southard asked Mr. Dreisbach to explain for the public that Glenwood Energy was the only company that provided natural gas to Oxford. Mr. Dreisbach advised Glenwood Energy had a defined service area and this territory was theirs alone.

ORDINANCES
SECOND READING

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance No. 3291 accepting the Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-1B (Single Family Medium Density Residential) District, And R-2A (Single And Two Family Residential) District For 17 Parcels Located On Christopher Drive Between Kelly Drive And Jeffrey Drive, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen noted this was the second reading for establishing an overlay district for Christopher Drive and the Planning Commission recommended approval of the map amendment.

Ms. Carolyn Haynes, 38 Christopher Drive, noted she had lived on Christopher Drive with her partner for 18 years and when they first learned about this opportunity they informed everyone on their block both in person and in writing. Ms. Haynes advised they were excited about the opportunity because the community on this street was very important to them. Ms. Haynes noted she and her partner worked at Miami University and a lot of their colleagues lived elsewhere but they chose to stay in Oxford because they enjoyed their set of neighbors. Ms. Haynes advised the neighbors had watched each other's children grow up, they had shoveled each other's driveways, socialized and looked out for one another. Ms. Haynes noted her hope Council would accept their petition.

Ms. Rousmaniere moved to adopt Ordinance No. 3291. **Ms. Southard** seconded. **The Ordinance was adopted by the following roll call:**

AYE: Mr. Keebler, Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
ZONING MAP AMENDMENT

An Ordinance No. 3292 Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-2A (Single And Two Family Residential) District For 70 Parcels Located On Melissa Drive, Melinda Drive, And Part Of Dana And David Drives, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Ms. Southard recused herself as a resident of the proposed district.

Mr. Chen advised this was a proposed overlay district and residents started this process in September. Mr. Chen advised it was now before Council for their acceptance of the Planning Commission's recommendation to create the proposed overlay district on the official zoning map.

Ms. Linda Musmeci Kimball, noted the adoption of this Ordinance would give the neighbors a reason to have a block party.

Mr. Snyder moved to adopt Ordinance No. 3292. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Mr. Blackburn, Mr. Keebler,
Mayor McKeehan (6)

NAY: None (0)

ABS: None (0)

ORDINANCE
ACCEPTING ANNEXATION

An Ordinance No. 3293 Accepting The Annexation Petition From Douglas R. Elliott, Jr. For 137.622 Acres Of Land In The Township Of Oxford, Butler County, Ohio, And Accepting Said Territory To Be Annexed. (Doug Elliott, City Manager)

Mr. Elliott advised the proposed Ordinance would accept the annexation petition for 137.622 acres of land on Bonham Road and it was precipitated by the County Engineer who wished to replace the Bonham Road bridge. Mr. Elliott noted the County Engineer also wanted the City to lower the speed limit from 45 to 35 mph which the City agreed to do. Mr. Elliott advised the new bridge would include a sidewalk, it would be raised 6-10 feet and would be designed for straighter alignment with the roadway. Mr. Elliott noted the existing bridge was built in the 1960s and no longer complied with today's standards. Mr. Elliott advised the annexation affected 16 parcels on Bonham Road and 4 of the 16 only included right-of-way. Mr. Elliott noted if adopted, the Ordinance would be effective in 30 days.

Mayor McKeehan inquired if there were any comments from the public and there were none.

Ms. Rousmaniere inquired when the new bridge would be constructed and Mr. Elliott advised in 2016.

Mr. Snyder moved to adopt Ordinance No. 3293. Ms. Rousmaniere seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere,
Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTIONS 1143.12,
1143.13 AND 1143.14

An Ordinance No. 3294 Repealing Oxford Codified Ordinance Section 1143.12 Entitled General Business District, 1143.13 Entitled Office And Light Industrial District And 1143.14 Entitled Light Industrial District, And Adopting New Oxford Codified Ordinance Section 1143.12 Entitled General Business District, 1143.13 Entitled Office And Light Industrial District And 1143.14 Entitled Light Industrial District. (Jung-Han Chen, Community Development Director)

Mr. Chen referred to page 155 of Council's packet and advised two uses were being added to the General Business District and the Light Industrial District as conditional uses and a reference was updated for the Office and Light Industrial District.

Mayor McKeehan inquired if there were any comments from the public and there were none.

Mr. Snyder noted the next two Ordinances were related and Mr. Chen advised the next Ordinance addressed potential concerns regarding the new uses for Mini-Warehouses and Business Incubators and the third Ordinance added a definition for those uses in the Definition Chapter of the Zoning Code.

Mr. Keebler moved to adopt Ordinance No. 3294. Mr. Blackburn seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Snyder, Ms. Southard, Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere, Mr. Smith,
Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTION 1147.03

An Ordinance No. 3295 Repealing Oxford Codified Ordinance Section 1147.03 Entitled Use Specific Regulations & Potential Concerns And Adopting New Oxford Codified Ordinance Section 1147.03 Entitled Use Specific Regulations & Potential Concerns. (Jung-Han Chen Community Development Director)

Mayor McKeehan inquired if there were any comments from the public or from Council and there were none.

Mr. Snyder moved to adopt Ordinance No. 3295. Ms. Rousmaniere seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Southard, Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
NEW SECTIONS 1159.03
AND 1159.14

An Ordinance No. 3296 Repealing Oxford Codified Ordinance Sections 1159.03 Entitled Definitions (Beginning With The Letter "B") And 1159.14 Entitled Definitions (Beginning With The Letter "M") And Adopting New Oxford Codified Ordinance Section 1159.03 Entitled Definitions (Beginning With The Letter "B") And 1159.14 Entitled Definitions (Beginning With The Letter "M"). (Jung-Han Chen, Community Development Director)

Mayor McKeehan inquired if there were any comments from the public or from Council and there were none.

Mr. Snyder moved to adopt Ordinance No. 3296. Ms. Rousmaniere seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Blackburn, Mr. Keebler, Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance No. 3297 Amending Ordinance No. 3249. Supplemental Budget Ordinance Number 8 To Make Supplemental Appropriations For Fiscal Year 2014. (Joe Newlin, Finance Director)

Mr. Newlin advised the amount of budgeted expenses for Rumpke was increased from \$5,000 to \$9,000. Mr. Newlin noted since the agenda was published a medical bill was received that was a lot higher than anticipated so instead of appropriating and additional \$50,000 in Fund 230 he requested that it be increased to \$100,000.

Mr. Snyder moved to amend Supplemental Budget Number 8 to increase the appropriation to Fund 230 to \$100,000. Ms. Rousmaniere seconded. The motion passed 7-0-0.

Mayor McKeehan inquired if there were any comments from the public or from Council and there were none.

Mr. Smith moved to adopt Ordinance No. 3297 as amended. Mr. Keebler seconded. The Ordinance was adopted by the following roll call:

AYE: Mr. Keebler, Ms. Rousmaniere, Mr. Smith, Mr. Snyder, Ms. Southard, Mr. Blackburn, Mayor McKeehan (7)

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS

Mr. Elliott advised the City reached an agreement with the Lane Library Board of Trustees for the purchase of the existing Oxford Lane Library at 15 S. College Avenue for 1.4 million dollars. Mr. Elliott noted this would allow the City to address present and future space needs. Mr. Elliott advised a Resolution for the purchase of the existing library would be an agenda item for the first Council Meeting in January.

Mr. Elliott thanked City staff for their hard work and dedication noting the City had a fine group of employees. Mr. Elliott advised 2014 was a very productive year and thanked Council for their support of the City Manager and staff and thanked them for their hard work and dedication. Mr. Elliott noted he looked forward to 2015 and wished everyone a Happy Holiday.

Mr. Dreisbach wished everyone Happy Holidays.

Chief Holzworth encouraged everyone to enjoy the free parking Uptown noting the two hour limit was still in force. Chief Holzworth advised the Police Department offered vacant house checks and noted people could register for that service online or in person at the OPD. Chief Holzworth noted an Officer or a Citizen on Patrol would physically go to those homes and check the windows and doors as often as possible.

Mr. Kyger wished everyone Happy Holidays and noted he looked forward to 2015.

Mr. Smith wished everyone Happy Holidays.

Ms. Rousmaniere wished everyone Happy Holidays. Ms. Rousmaniere thanked citizens who had communicated with her over the years and especially over the last few weeks about electric aggregation and an agenda item. Ms. Rousmaniere noted it was great to hear from people about what their considerations were and their opinions on the issues on Council agendas. Ms. Rousmaniere advised she was always grateful to hear from people.

Mr. Keebler wished everyone a Merry Christmas and Happy New Year.

Ms. Southard noted the Uptown look beautiful this season. Ms. Southard advised the Miami University Football Team raised money to donate nearly 200 turkeys to people who were food insecure. Ms. Southard noted Kroger's stored the turkeys because the food pantry didn't have the facilities to do so and advised that kind of synergy was wonderful. Ms. Southard noted this evening began with a song by Mr. Slocum of the Farmers Market and advised it was wonderful that the Farmers Market vendors donated their extra food to the food pantry. Ms. Southard wished everyone Happy Hanukkah, Merry Christmas, Happy Kwanzaa and a Happy New Year.

Mr. Blackburn thanked City staff and Department Heads for helping to make City Council's job easier. Mr. Blackburn wished everyone Merry Christmas, Happy New Year, Happy Hanukkah Happy Kwanzaa, and encouraged everyone to hug their partner, spouse and kids.

Mayor McKeehan advised it had been a good year in Oxford and thanked City staff and his fellow Councilors for their efforts. Mayor McKeehan noted he had finished a little more than a year as Mayor and it had been a pleasure and he looked forward to a good 2015. Mayor McKeehan wished everyone Merry Christmas and Happy New Year.

ADJOURN

Mr. Snyder moved to adjourn at 8:25 p.m. Ms. Rousmaniere seconded. The motion passed 7-0-0.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 6, 2015

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

December 16, 2014
Date Prepared

PLANNING COMMISSION MEETING REPORT – December 9, 2014
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Public Hearings

PC-2014-16 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in R-1A/ R-1B (Single Family Residential) Districts. A petition to establish a Neighborhood Conservation Overlay District was filed on September 24, 2014 to the Clerk of City Council. Resolution 4859 was adopted by the City Council accepting the petition and forwarded to the Planning Commission on October 7, 2014.

A total of 72 parcels were included in this petition. A total of 55 representing 57 parcels contained in this proposed overlay district.

Several neighbors came to support this map amendment. The Commission went through the Decision Standards and found the proposed amendment met the standards and voted 2-1-3 to recommend approval to Council for legislative action.

PC-2014-17 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive, Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R-1A (Single Family Residential) District. A petition to establish a Neighborhood Conservation Overlay District was filed on September 16, 2014 to the Clerk of City Council. Resolution 4867 was adopted by the City Council accepting the petition and forwarded to the Planning Commission on October 21, 2014.

A total of 91 parcels were included in this petition and a total of 70 signatures were gathered for the proposed overlay district, representing 71 parcels.

Several neighbors came to voice their support to this petition and the Commission also inquired about some neighbors who did not support the petition. The Commission voted 5-1-0 to recommend approval to the City Council for consideration.

PC-2014-18 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R-1B (Single Family Residential) District. A petition to establish a Neighborhood Conservation Overlay District was filed on September 15, 2014 to the Clerk of City Council. A Resolution was adopted by the City Council accepting the petition and forwarded to the Planning Commission on October 21, 2014.

A total of 57 parcels were included in this proposed areas, a total of 44 signatures were gathered representing 47 parcels of the area.

After the public hearing, the Commission voted 4-1-1 recommending approval to the City Council for legislative consideration.

PC-2014-19 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest, Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R-1B (Single Family Medium Density Residential) District. A petition to establish a Neighborhood Conservation Overlay District was filed on September 26, 2014 to the Clerk of City Council. Resolution 4868 was adopted by the City Council accepting the petition and forwarded to the Planning Commission on October 21, 2014.

A total of 56 parcels were included in this proposed areas, a total of 44 signatures were gathered representing 46 parcels of the area.

After the public hearing, the Commission voted 5-1-0 recommending approval to the City Council for legislative consideration.

Next Meeting

The next regularly scheduled Planning Commission meeting will take place January 6, 2015

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>12/19/14</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DRE</u>	<u>1-2-15</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Service Department
Originating Department

City Council Meeting of: January 6, 2015

Michael B. Dreisbach
Prepared By

Account Code #: 140.490.61163; 320.819.65125; 330.839.69139

Budgeted Amount: \$30,000.00

December 19, 2014
Date Prepared

Agenda Title: **Purchase of Replacement Vehicle #01-01**

Recommendation: **Approve**

Discussion:

The 2015 capital equipment budget includes \$30,000 for the purchase of a replacement vehicle for use by Service Department administration. The current vehicle, #01-01, is a 2001 model that has met its planned replacement cycle and is now 14 years old.

The State of Ohio DAS contract for the purchase of trucks and vans (Index GDC093; Item # 3AT) includes a 2015 Dodge Durango. The unit price for this vehicle sold through Key Chrysler, Jeep, and Dodge, Inc. is \$27,294. Staff is also requesting the following optional equipment:

Vehicle base:	\$ 27,294.00
Delivery	60.00
Additional set of keys	144.00
Manual	160.00
Cargo cover	74.00
OEM Security	495.00
30 day tag	18.50

Total with all optional equipment \$28,245.50

This Resolution will authorize the City Manager to enter into an agreement with Key Chrysler, Jeep & Dodge, Inc. for the purchase of a 2015 Dodge Durango and specified options at a cost not to exceed **\$28,245.50**. Staff also recommends Council authorize the sale of a 2001 Dodge Durango four wheel drive vehicle by public auction or trade in at the earliest convenience of the City. Public auction may include the use of an Internet government auction site such as GovDeals if approved by the City Manager.

Approved By:

Department Head:

Initial Date
MBD \ 12/23/14

City Manager:

DRE \ 1-2-15

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KEY CHRYSLER, JEEP & DODGE, INC., FOR THE PURCHASE OF A 2015 DODGE DURANGO AND SPECIFIED OPTIONS AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$28,245.50.

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

SECTION 1: Council hereby authorizes the Service Department to purchase a 2015 Dodge Durango and specified options at State Contract pricing at a cost not to exceed \$28,245.50.

SECTION 2: The City Manager is hereby authorized to enter into a contract with Key Chrysler, Jeep & Dodge, Inc., for the purchase a 2015 Dodge Durango and specified options at State Contract pricing at a cost not to exceed \$28,245.50. Council further authorizes the sale of a 2001 Dodge Durango four wheel drive vehicle by public auction or trade in at the earliest convenience of the City.

SECTION 3: Funds have been appropriated in an amount in excess of the purchase price authorized.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

ITEM – 3AT – SUV – Full Size – Flex Fuel

DELIVERY: 60-120 DAYS A.R.O. (See IV.A.) INDICATE CITY/STATE OF MANUFACTURER: Sterling Heights, MI

CONTRACTOR: Key Chrysler MFG: Dodge MODEL: Durango MODEL NUMBER: WDEL75

Item ID No.: 26711

UNIT PRICE: \$27,294.00

List any exceptions to the specifications: NONE

<u>ITEM ID NO.</u>			<u>UNIT COST</u>
26712	Delivery charge per mile, per vehicle round trip map mileage for delivery by the contractor:		\$.25
26713	Minimum Delivery Charge		\$ 60.00

<u>ITEM ID NO.</u>	<u>CONTRACTOR'S ORDER NO.</u>	<u>OPTIONS</u>	<u>UNIT COST</u>
26714	TT30	30 Day Tag	\$ 18.50
		Parts Manual	No Award
26715	SM	Service Manual (Electronic)	\$ 160.00
26716	FOBS	Additional Set of Keys	\$ 144.00
Included	-	Skid Plate(s)	\$ 0.00
Included	-	Locking Differential	\$ 0.00
26717	XTNDR	Seat Belt Extender (1 Unit)	\$ 10.50
Specify on PO	AND	3 rd Row Seat Delete	\$ 0.00
26718	CSC	Cargo Cover	\$ 74.00
26719	LMI	Daytime Run Lights	\$ 39.00

List standard paint colors: Silver, White, Black, Red, Granite, Max Steel, Redline 2 Coat, Blue

INSTRUCTIONS TO STATE AGENCIES REQUESTING UNSPECIFIED OPTIONS: State agencies that require additional equipment that is not listed in the option table above will need to provide the following to the contract analyst, Alice Ewing, for approval;

1. Quote: Lists the unit price and the contents of the option(s). Manufacturer's invoice should be included.
2. Justification: Specific reasoning why the unlisted option is needed to perform job duties.

UNSPECIFIED OPTION PRICE: 3% above manufacturer invoice.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 6, 2015

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

December 23, 2014
Date Prepared

Agenda Title:	Resolution Accepting a Petition to Establish a Neighborhood Conservation Overlay District and Referring the Petition to the Planning Commission for Recommendation
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Recommendation: Approval
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Discussion:

The Residential Conservation Overlay District legislation was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of property owners within the proposed district. This petition goes before City Council for acceptance and the petition is then referred to the Planning Commission for review. There have been eight petitions to come before the City Council previously.

This petition for acceptance was filed by residents in the neighborhood of Dana, David, Marcia and Glenview Drives on November 11, 2014. There are a total of 66 parcels contained in the proposed overlay district boundary. The petition shows signatures obtained and the date when the owners signed the petition. A map of the proposed area is attached illustrating the area for consideration.

The signatures supporting this petition exceed the two-thirds requirement of the parcels of this petitioned area. The signatures represent 54 parcels within the boundary, which is 82%. Additionally, the boundary of the proposed overlay district also satisfies the general boundary requirements of Section 1146 of the Codified Ordinances. This overlay fits like a puzzle piece with the previous overlay to the north.

This is the first step in creating a neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review. Staff recommends approval of this resolution.

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>12/23/14</u>
City Attorney:	<u></u>	<u></u>
City Manager:	<u>DRE</u>	<u>1-2-15</u>

RESOLUTION NO.

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR THAT AREA OF DANA DRIVE, DAVID DRIVE, MARCIA DRIVE AND GLENWOOD DRIVE AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

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

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)



**Dana David
Marcia Glenview
Neighborhood
Conservation
Overlay District
Petition Boundaries**

Legend

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



1 inch = 200 feet

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

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

EAST BOUNDARY: Dana Drive # 1301 to # 1321

NORTH BOUNDARY: David Drive # 612 to # 716

WEST BOUNDARY: David Drive # 718 to # 738

SOUTH BOUNDARY: Dana Drive # 1321 to # 1353

CIRCULATOR'S FULL NAME: Janice Belka

CIRCULATOR'S ADDRESS: 1333 Dana Drive, Oxford, OH 45056

CIRCULATOR'S SIGNATURE: *Janice Belka*

CIRCULATOR'S FULL NAME: David Belka

CIRCULATOR'S ADDRESS: 1333 Dana Drive, Oxford, OH 45056

RECEIVED
NOV 11 2014
CITY OF OXFORD

CIRCULATOR'S SIGNATURE:

David E. Belba

CIRCULATOR'S FULL NAME:

Michael Beck

CIRCULATOR'S ADDRESS:

1348 Dana Drive

CIRCULATOR'S SIGNATURE:

Michael Beck

CIRCULATOR'S FULL NAME:

Theresa Beck

CIRCULATOR'S ADDRESS:

1348 Dana Drive

CIRCULATOR'S SIGNATURE:

Theresa Beck

CIRCULATOR'S FULL NAME:

Helen Gorman

CIRCULATOR'S ADDRESS:

719 David Drive

CIRCULATOR'S SIGNATURE:

Helen Gorman

CIRCULATOR'S FULL NAME:

Joan Christine Ingham

CIRCULATOR'S ADDRESS:

1327 Dana Drive

CIRCULATOR'S SIGNATURE:

J. C. Ingham

DATE SUBMITTED: 11/11/2014

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS
WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)



October 2014

Dear Oxford Neighborhood Homeowners,

It is our hope to include you in our attempt to create a "Neighborhood Conservation Overlay District" for our neighborhood of 66 parcels/lots which include David, Marcia and Dana Dr. from David Drive to where it meets the other end of David Dr. (see map). Melissa, Melinda and part of Dana Drive in Southern Knolls have already turned in their petition. Our neighborhood is in an area the City has zoned R2A, Single and Two-Family Residential.

An Overlay District, allowed by ordinance of the City of Oxford in September 2012, is defined as a residential neighborhood/district whose residents may petition the City to restrict the rental use of one-family dwellings to no more than two unrelated persons (or, where there are more than two persons residing in the dwelling unit, persons classified as constituting a family).

Without the Overlay established in our neighborhood, a single dwelling unit could house up to four unrelated people, meaning anyone could turn our neighborhood houses into student rentals. Other Oxford neighborhoods (Heritage, Emerald Woods Drive area and Cedar Dr.) have already turned in the paperwork to qualify as an Overlay District. Contreras/James/Dick/Joseph homeowners have already been granted their Zoning Map Amendment for an Overlay District.

This letter is being mailed to each home owner. We hope you will join us in this effort to establish an Overlay District for our neighborhood by signing a petition we will be circulating in the coming weeks. The entire process takes three or more months.

To achieve a "Neighborhood Overlay" zoning, a neighborhood must:

1. Contact its property owners and have 2/3 sign a petition within a 60-day time period;
2. Send the completed petition to Oxford City Council to be approved by the Planning Commission and then City Council;
3. Have the petition read and approved at a second City Council meeting.

One of us will be contacting you soon with the opportunity for you to sign the petition. The signer must be the homeowner (if jointly owned, only one needs to sign the petition).

Jan and Dave Belka, 1333 Dana Drive Phone 523-1122 (Call with any questions.)
Michael and Terry Beck, 1348 Dana Drive
Helen Gorman, 719 David Drive
Christine Ingham, 1327 Dana Drive



C = Chestnut (12)

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

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Date	Address	Name(s)	Signature	Notes
10-26-14	1301 DANA DR	BRADLEY D ENGEL		
10-26-14	1304 DANA DR	TIMOTHY A AND MEGAN K KUYKENDOLL		
10-26-14	1305 DANA DR	JOSHUA L KLEIMAN		
10-26-14	1308 DANA DR	DENNIS P & BARBARA K JENA		
	1310 DANA DR	ELLEN A & HERBERT JAEGER		called left message. letter sent home
	1315 DANA DR	WILMA J NEUMANN TR		
	1316 DANA DR	NATHAN S & LAUREN M FRENCH		
	1320 DANA DR	MICHAEL AND LESLIE WENDT ETAL		
	1321 DANA DR	JAMES E & SUSAN C LIPNICKY		
	1324 DANA DR	SHAWN H PRINCELL		

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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	1305 DANA DR	JOSHUA L KLEIMAN		
	1308 DANA DR	DENNIS P & BARBARA K JENA		
	1310 DANA DR	ELLEN A & HERBERT JAEGER		
10/27/14	1315 DANA DR	WILMA J NEUMANN TR	<i>Wilma Neumann</i>	
11/4/14	1316 DANA DR	NATHAN S & LAUREN M FRENCH	<i>NF</i>	
	1320 DANA DR	MICHAEL AND LESLIE WENDT ETAL		<i>Sent letter no response</i>
10/27/14	1321 DANA DR	JAMES E & SUSAN C LIPNICKY	<i>James E Lipnicky</i>	
10/31/14	1324 DANA DR	SHAWN H PRINCELL	<i>Shawn H Princell</i>	

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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	1327 DANA DR	JC INGHAM		
	1328 DANA DR	NICHOLAS J AND KATHARINE M GILLESPIE		
	1329 DANA DR	MATTHEW J AERNI STEPHANIE M SWEET-AERNI		
	1332 DANA DR	PAMELA S HUGHES		
10-15-14	1333 DANA DR	DAVID & JANICE BELKA	Janice Belka duplicate	
	1336 DANA DR	ROHIT MENEZES		
	1337 DANA DR	KRISTIN K PRINCELL		
	1340 DANA DR	TIMOTHY A POFF		
11/8/14	1341 DANA DR	CHARLES JR & MARTHA WATERS	Martha J. Waters	

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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10/27/14	1327 DANA DR	JC INGHAM	<i>JC Ingham</i>	
	1328 DANA DR	NICHOLAS J AND KATHARINE M GILLESPIE		No sent letter
	1329 DANA DR	MATTHEW J AERNI STEPHANIE M SWEET-AERNI		No sent letter
	1332 DANA DR	PAMELA S HUGHES		
	1333 DANA DR	DAVID & JANICE BELKA		
10/27/2014	1336 DANA DR	ROHIT MENEZES	<i>Rohit Menezes</i>	
11/8/14	1337 DANA DR	KRISTIN K PRINCELL	<i>Kristin Prindle</i>	
	1340 DANA DR	TIMOTHY A POFF		
	1341 DANA DR	CHARLES JR & MARTHA WATERS		

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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	1332 DANA DR	PAMELA S HUGHES		
	1333 DANA DR	DAVID & JANICE BELKA		
	1336 DANA DR	ROHIT MENEZES		
	1337 DANA DR	KRISTIN K PRINCELL		
10/30/2014	1340 DANA DR	TIMOTHY A POFF		
	1341 DANA DR	CHARLES JR & MARTHA WATERS		

From: "Belka, David" <dbelka@miamicity.edu>
 Subject: Jan Belka
 Date: October 31, 2014 1:17:49 PM EDT
 To: Pam Hughes <pamhughes310@gmail.com>
 1 Attachment, 344 KB

This should be the one. Sorry for the mistake.

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
 David Belka, 1333 Dana Drive

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	1329 DANA DR	MATTHEW J AERNI STEPHANIE M SWEET-AERNI		
10/31/14	1332 DANA DR	PAMELA S HUGHES	<i>Pamela S. Hughes</i>	<i>signed</i>
	1333 DANA DR	DAVID & JANICE BELKA	<i>Janice Belka</i>	
	1336 DANA DR	ROHIT MENEZES		
	1337 DANA DR	KRISTIN K PRINCELL		
	1340 DANA DR	TIMOTHY A POFF		
	1341 DANA DR	CHARLES JR & MARTHA WATERS		

F

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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Date	Address	Name(s)	Signature	Notes
11/2/14	1344 DANA DR	SARAH AND GEOFFREY RIGGLE	Sarah Riggle	
Letter near	1345 DANA DR	KELLY K CHURCH THOMAS C WRIGHT		
	1348 DANA DR	MICHAEL B & THERESA E BECK	Theresa E. Beck	
Letter near	1349 DANA DR	MICHAEL T & JANET CHURCH		
10/30/2014	1353 DANA DR	TIMOTHY J & INGRID HEINEMAN	Ingrid Heineman	
	612 DAVID DR	STEVEN A & JENNIFER A LIPKE		
	613 DAVID DR	CLYDE BROWN		
11/9/14	614 DAVID DR	TERRENCE L WILLIAMSON	Marsha Williamson Terrence L. Williamson	
11/10/14	617 DAVID DR	RICHARD B THOMAS	Richard B. Thomas	
	618 DAVID DR	ANDREA AND JASON D BIRCHFIELD		

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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	1348 DANA DR	MICHAEL B & THERESA E BECK		
	1349 DANA DR	MICHAEL T & JANET CHURCH		
	1353 DANA DR	TIMOTHY J & INGRID HEINEMAN		
	612 DAVID DR	STEVEN A & JENNIFER A LIPKE		
10/29/14	613 DAVID DR	CLYDE BROWN		
	614 DAVID DR	TERRENCE L WILLIAMSON		
	617 DAVID DR	RICHARD B THOMAS		
	618 DAVID DR	ANDREA AND JASON D BIRCHFIELD		

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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	1348 DANA DR	MICHAEL B & THERESA E BECK		
10/31	1349 DANA DR	MICHAEL T & JANET CHURCH	Janet Church	
	1353 DANA DR	TIMOTHY J & INGRID HEINEMAN		
10/26	612 DAVID DR	STEVEN A & JENNIFER A LIPKE	Steven A. Lipke	
	613 DAVID DR	CLYDE BROWN		
	614 DAVID DR	TERRENCE L WILLIAMSON		
	617 DAVID DR	RICHARD B THOMAS		
10/26	618 DAVID DR	ANDREA AND JASON D BIRCHFIELD	Andrea Birchfield	

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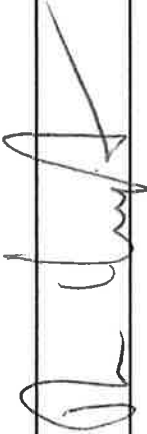
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	1348 DANA DR	MICHAEL B & THERESA E BECK		
	1349 DANA DR	MICHAEL T & JANET CHURCH		
	1353 DANA DR	TIMOTHY J & INGRID HEINEMAN		
	612 DAVID DR	STEVEN A & JENNIFER A LIPKE		
	613 DAVID DR	CLYDE BROWN		
	614 DAVID DR	TERRENCE L WILLIAMSON		
	617 DAVID DR	RICHARD B THOMAS		
	618 DAVID DR	ANDREA AND JASON D BIRCHFIELD		

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Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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Date	Address	Name(s)	Signature	Notes
10-28-14	733 DAVID DR	KRISTINA L WHEELRIGHT		
10-28-14	734 DAVID DR	BRUCE W & DARLENE M GRAY		
10-28-14	738 DAVID DR	BRIAN C & ANDREA C TOBIN		
10-28-14	602 GLENVIEW DR	CLAYTON MARTIN MILLER JR RUTH G MILLER	Clayton Martin Miller Jr.	
10-30-14	603 GLENVIEW DR	TAMISE R AND GEORGE M IRONSTRACK	George Ironstrack	
10-30-14	700 MARCIA DR	RALPH W ALEXANDER & KATHLEEN R ALEXANDER		
11-2-14	703 MARCIA DR	THOMAS A FARMER	Shawn Farmer	
11-2-14	704 MARCIA DR	JANICE JARRELL MCCLAUGHLIN		
11-2-14	705 MARCIA DR	SCOTT & VICTORIA SHRIVER	Victoria Shriver	
10-30-14	708 MARCIA DR	MARGARET T SACCO	Margaret T. Sacco	

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Janice Belka

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Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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10/28/2014	734 DAVID DR	BRUCE W & DARLENE M GRAY	Darlene M Gray	
	738 DAVID DR	BRIAN C & ANDREA C TOBIN		sent letter no response
	602 GLENVIEW DR	CLAYTON MARTIN MILLER JR RUTH G MILLER		
	603 GLENVIEW DR	TAMISE R AND GEORGE M IRONSTRACK		
	700 MARCIA DR	RALPH W ALEXANDER & KATHLEEN R ALEXANDER		sent letter no response
	703 MARCIA DR	THOMAS A FARMER		
	704 MARCIA DR	JANICE JARRELL MCLAUGHLIN		sent letter no response
	705 MARCIA DR	SCOTT & VICTORIA SHRIVER		
	708 MARCIA DR	MARGARET T SACCO		

H

H

H = Helen Gorman

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H 10/26/14	716 DAVID DR	FREDERICK J SCHUURMANN & THERESA	Theresa Schuurmann	
H 11/2/14	718 DAVID DR	CHRISTIAN A PETTITT TR	Richard M. Pettitt	sent letter
H 10/26/14	719 DAVID DR	RAYMOND F GORMAN	Rayl Gorman	NO
H	720 DAVID DR	KATHRYN KOHL		sent letter
H	722 DAVID DR	BOBBE I BURKE		NO
H 10/26/14	724 DAVID DR	TIFFANY BELKA FRANCISCO AYO CUESTA	Tiffany Belka	
H 10-26-14	725 DAVID DR	JENNIFER N RICHARDSON ROBERT S HELTON	Jennifer Richardson	
H 10/30/14	726 DAVID DR	KAREN L WOMACK	Karen Womack	
H 10/28/14	728 DAVID DR	DANIEL J HERRON DEBORAH B HERRON	Daniel B. Herron	
H 10-26-14	730 DAVID DR	ADAM BECK	Adam Beck	

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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Date	Address	Name(s)	Signature	Notes
	700 DAVID DR	ALISHA & RUSSELL BOWER		
	701 DAVID DR	MARIA CARRUBBA & CHRISTINE WHETSTINE		
10/25/14	704 DAVID DR	MARILYN P YOUNG TR	Marilyn P. Young	
10/25/14	705 DAVID DR	HOBART MCNASH SMITH MARGARET L SMITH	Hobart McNash Smith	
11/2/14	708 DAVID DR	MICHAEL S & BARBARA J BROIDA	Michael Broida	
	709 DAVID DR	BEVERLY ANN DREIBELBIS		
	711 DAVID DR	WASHINGTON RAMPA VAZQUEZ MARIA S VAZQUEZ		
	712 DAVID DR	WILLIAM C HAGEN RENEE HAGEN		
10/30/2014	714 DAVID DR	ROBERT & ISABEL GEORGE	Robert George	
	715 DAVID DR	PATRICK N DOWLING		

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Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

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	701 DAVID DR	MARIA CARRUBBA & CHRISTINE WHETSTINE		
	704 DAVID DR	MARILYN P YOUNG TR		
	705 DAVID DR	HOBART MCNASH SMITH MARGARET L SMITH		
	708 DAVID DR	MICHAEL S & BARBARA J BROIDA		
	709 DAVID DR	BEVERLY ANN DREIBELBIS		
	711 DAVID DR	WASHINGTON RAMPA VAZQUEZ MARIA S VAZQUEZ		
	712 DAVID DR	WILLIAM C HAGEN RENEE HAGEN		
	714 DAVID DR	ROBERT & ISABEL GEORGE		
10-26-14	715 DAVID DR	PATRICK N DOWLING	Patrick N. Dowling	

H = Helen Gorman

you're a copy

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	700 DAVID DR	ALISHA & RUSSELL BOWER		for sale empty sent letter
	701 DAVID DR	MARIA CARRUBBA & CHRISTINE WHETSTINE		N/A 11/17 PM 10/30 letter sent
	704 DAVID DR	MARILYN P YOUNG TR		
	705 DAVID DR	HOBART MCNASH SMITH MARGARET L SMITH		
	708 DAVID DR	MICHAEL S & BARBARA J BROIDA		
10-27-14	709 DAVID DR	BEVERLY ANN DREIBELBIS	Beverly Dreibelis	
	711 DAVID DR	WASHINGTON RAMPA VAZQUEZ MARIA S VAZQUEZ	Maria S Vazquez	
10/26/14	712 DAVID DR	WILLIAM C HAGEN RENEE HAGEN	William Hagen	
	714 DAVID DR	ROBERT & ISABEL GEORGE		
	715 DAVID DR	PATRICK N DOWLING		

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Date	Address	Name(s)	Signature	Notes
B	709 MARCIA DR	KARL Y CHOW		
J	711 MARCIA DR	LUIS I PRADANOS-GARCIA & DANIELA INCLEZAN	Daniela Inclezan	
B	712 MARCIA DR	THOMAS W SPEH TR		sent letter no response
B	715 MARCIA DR	ANNE SETTEVEN	Anne Setteven	
B	719 MARCIA DR	BETA HOMES LLC	Robert Benz / Beta Homes	
C	723 MARCIA DR	ROBERT M & DOROTHY MAE BENZ	Robert M Benz	

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: January 6, 2015

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 22, 2014

Date Prepared

Agenda Title: Resolution approving and authorizing a Real Estate Purchase and Sale agreement between the City of Oxford, Ohio, and the Trustees of Lane Public Library for the purchase of real property located at 15 S. College Avenue Oxford, Ohio 45056 to utilize the existing Lane Library facility to meet the City's present and future space needs at a cost of one million four hundred thousand dollars (\$1,400,000.00).

Recommendation: Adopt the Resolution.

Discussion:

The Lane Library Board of Trustees and the City of Oxford have reached an agreement to sell the present Oxford Lane Library located at 15 S. College Avenue to the City of Oxford for \$1.4 million. The City of Oxford plans to utilize the existing Lane Library facility to meet the City's present and future space needs. The proposed Resolution will enable both entities to formally vote on this purchase agreement.

Approved By:

Initial Date

Department Head:
City Manager:

DRE 1/2/15

RESOLUTION NO.

A RESOLUTION APPROVING AND AUTHORIZING A REAL ESTATE PURCHASE AND SALE AGREEMENT, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A", BETWEEN THE CITY OF OXFORD, OHIO, AND THE TRUSTEES OF LANE PUBLIC LIBRARY FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 15 S. COLLEGE AVENUE OXFORD, OHIO 45056 TO UTILIZE THE EXISTING LANE LIBRARY FACILITY TO MEET THE CITY'S PRESENT AND FUTURE SPACE NEEDS AT A COST OF ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000.00).

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

SECTION 1: The City Council of the City of Oxford has reviewed the Agreement attached hereto and incorporated herein as Exhibit "A", and finds the same to be acceptable and in the best interest of the City and the citizens of the City of Oxford, Ohio.

SECTION 2: City Council hereby authorizes the City Manager to enter into, in a form substantially similar to, the Real Estate Purchase and Sale Agreement attached hereto and incorporated herein as Exhibit "A" between the City of Oxford, Ohio, and the Trustees of Lane Public Library for the purchase of real property located at 15 S. College Avenue Oxford, Ohio 45056 to utilize the existing Lane Library facility to meet the City's present and future space needs at a cost of one million four hundred thousand dollars (\$1,400,000.00) and further authorizes the City Manager to take all steps necessary to complete the transaction and to spend those additional funds necessary to complete the purchase of the property.

SECTION 3: Funds have been appropriated for said purchase.

SECTION 4: This resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

REAL ESTATE PURCHASE AND SALE AGREEMENT

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT ("Agreement") is entered into on this ____ day of January, 2015, between THE TRUSTEES OF LANE PUBLIC LIBRARY, more properly known as THE LANE PUBLIC LIBRARY, a political subdivision of the State of Ohio ("Seller"), and THE CITY OF OXFORD, OHIO, an Ohio municipal corporation ("Buyer").

1. **PREMISES**

Seller agrees to sell, and Buyer agrees to purchase, on the terms and conditions set forth in this Agreement, all of Seller's right, title, and interest in and to that real property commonly known as 15 S. College Avenue, Oxford, Ohio, and more particularly described on the attached **Exhibit A** (collectively, the "Real Property").

2. **PURCHASE PRICE**

The purchase price to be paid by Buyer for the Real Property is ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000.00), payable on delivery of a general warranty deed at closing in immediately available funds, as adjusted for prorations of taxes, utilities and other customary closing adjustments and credits. The parties agree all liens, reversionary interests and monetary encumbrances affecting the Real Property will be paid from the Price and or released at closing.

3. **EARNEST MONEY**

Buyer will deposit TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$25,000.00) in earnest money (the "Earnest Money") with Chicago Title Insurance Company. The Earnest Money shall be disbursed as follows: (a) if any contingency of Buyer is not satisfied or waived by Buyer, the Earnest Money shall be promptly returned to Buyer; (b) if the transaction is closed, the Earnest Money shall be applied to purchase price or as directed by Buyer; or (c) if there is a default by either party, as provided in paragraph 17 of this Agreement.

4. **INSPECTIONS.**

During the period between the full execution of this Agreement and the Closing, Buyer and its authorized agents, contractors, employees and representatives shall be entitled to perform such tests, inspections, studies or investigations of the Real Property as Buyer may deem necessary or desirable. Buyer shall restore the Real Property to the same condition as nearly as possible as existed immediately prior to the conducting of any such tests, inspections, studies or investigations.

5. **REVERSIONARY RIGHTS.**

Seller acknowledges and discloses that Seller currently holds title to the Real Property subject to reversionary rights held by Miami University, an Ohio Public University.

Seller further discloses that Seller has reached an agreement with Miami University, whereby Miami University will release its reversionary rights thereby allowing the Buyer to obtain ownership of the Real Property by limited warranty deed.

Seller further agrees to provide Buyer and the closing agent documentation of the required payment of the funds, detailing how and to whom the money is to be paid.

6. SELLER WARRANTIES, REPRESENTATIONS AND COVENANTS.

As a material inducement to the execution and delivery of this Agreement by Buyer and the performance by Buyer of its duties and obligations hereunder, Seller hereby makes the following representations, warranties and covenants as of the date of Seller's execution of this Agreement:

A. Legal Compliance. Seller has not received written notice that the Real Property is in violation or alleged violation of any legal requirement affecting the Real Property including, without limitation, any violation or alleged violation of any building, subdivision, environmental or other codes, laws, ordinances, statutes, regulations, rules or orders of authorities having jurisdiction in these matters, and Seller has no reason to believe, without any investigation or inquiry on Seller's part, that the Real Property is in violation or alleged violation of any legal requirement affecting the Real Property.

B. Zoning. To the best of Seller's knowledge, the Real Property is zoned to permit the current use being made thereof. Seller is not aware of, and has not been notified in writing of, any pending or any proposed proceedings which would alter the current zoning of the Real Property, and Seller is not aware, and has not been notified in writing, that the Real Property is not in compliance with applicable zoning codes, ordinances and regulations.

C. Permits. Seller has obtained all material permits known to Seller to be required to evidence the lawful use and enjoyment of the Real Property.

D. Environmental Matters. With respect to the Real Property: (1) to the best of Seller's knowledge, the Real Property is not in violation of any Environmental Law (as defined below); (2) to the best of Seller's knowledge, no Hazardous Materials (as defined below) have been used, generated, stored, or disposed of on, under or about the Real Property, in violation of Environmental Laws or transported to or from the Real Property in violation of Environmental Laws; and (3) to the best of Seller's knowledge, there are no underground storage tanks or associated equipment at, in or under the Real Property; and (4) Seller has received no notice from any governmental agency of any investigation or proceeding by such agency concerning the presence or alleged presence of Hazardous Materials on the Real Property. The term "Environmental Law" includes any federal, state or local law, ordinance, regulation, directive or order pertaining to health, industrial hygiene, waste disposal, or the environment, including, without limitation, the Comprehensive Environmental Response, Liability and Compensation Act, 42 U.S.C. § 9601 et seq., the federal Superfund Amendments and Reauthorization Act, the

Federal Resource Conservation and Recovery Act, and any other federal, state or local statute, law, ordinance, code, rule, regulation, order or decree regulating, relating to or imposing liability for Hazardous Materials. The term "Hazardous Materials" includes, without limitation, all hazardous, toxic or dangerous substances, wastes and materials, pollutants and contaminants classified as such under any Environmental Law.

E. Governmental Actions and Litigation. There is no pending or, to the best of Seller's knowledge, threatened (1) condemnation or eminent domain proceeding affecting the Real Property, and Seller has no knowledge that any such action is presently contemplated; or (2) litigation or governmental proceeding affecting the Real Property and, to the best of Seller's knowledge, there is no basis for assertion of any claim, suit or action against Seller or the Real Property based on the use or existence of the Real Property or the occurrence of any action or event thereon or associated therewith. If any such legal or administrative actions, suits or proceedings or any unresolved arbitrations directly or indirectly concerning the Real Property, or any portion thereof or any interest therein are commenced, Seller shall immediately provide Buyer with written notice thereof.

F. No Conflict. Seller has full power and authority to execute, deliver and carry out this Agreement and has taken all necessary action to authorize the execution, delivery and performance of this Agreement. The execution and delivery of, and consummation of the transactions contemplated by this Agreement are not prohibited by, and will not conflict with, constitute grounds for termination for, or result in the breach of any agreement or instrument to which Seller is now a party or otherwise subject. At Closing, Seller shall deliver such documents as may be reasonably required to establish the authority to convey the Real Property as provided in this Agreement.

G. Liens, Encumbrances and Other Interests. Seller owns the Real Property free of any liens or encumbrances excepting the Miami University reversionary rights clause, and encumbrances as disclosed in the title commitment to be obtained per the terms of this Agreement. As of the date of Closing, the Real Property shall be free from mechanic's liens or the possibility of the rightful filing thereof. Seller has no knowledge of any off-record or undisclosed legal or equitable interest in any part of the Real Property.

H. Utilities and Access. Seller knows of no fact or condition that could result in the termination or impairment of access to the Real Property or that could result in impairment in the providing of sewer, water, electric, gas, telephone or other utilities to the Real Property.

I. Unrecorded Agreements. Seller knows of no private restrictions or conditions by deed, contract or other agreement relating to the Real Property that do not appear of record.

J. Seller's Personal Property. Seller acknowledges and agrees that all personal property of Seller left on the Real Property as of the date of the Closing shall be conclusively determined to have been abandoned and shall become the property of Buyer.

7. CONTINGENCIES.

The obligations of Buyer under this Agreement are conditioned upon the satisfaction of the contingencies ("Contingencies") described below.

A. 120-Day Contingency Period. Buyer shall have a period of one hundred twenty (120) days after this Agreement has been fully executed (the "120-Day Contingency Period") within which to waive or satisfy the contingencies described below in this Section 7.

(1) Title. Buyer's approval, in its sole discretion, of the condition of title to the Real Property (including, without limitation, approval of all covenants, easements, restrictions, agreements and other matters of record affecting the Real Property), the assessments against and the zoning of the Real Property, and all other restrictions and conditions on the development and use of the Real Property. Buyer shall pay all expenses of the title commitment and owner's title insurance policy obtained by Buyer, and Buyer shall pay the premium for any lender's title insurance policy and/or endorsements required by Buyer's lender.

(2) Survey. Buyer, at its option and expense, will obtain a current, certified ALTA survey satisfactory to Buyer from a surveyor of Buyer's choice. If obtained, Buyer shall promptly deliver a copy of such survey to Seller.

(3) Inspections. Inspections, to be made at Buyer's option and expense, of the Property, including but not limited to, the building improvements, systems, fixtures, roof and structural matters, building construction plans and specifications and the environmental condition of the Property, and Buyer's determination that the Real Property is in all respects satisfactory to Buyer, which determination shall be made by Buyer exercising its sole discretion.

(4) Financing. Buyer obtaining financing on terms and conditions satisfactory to Buyer in its sole discretion, enabling Buyer to consummate this Agreement. Should Buyer determine to finance the purchase, Buyer shall make application and obtain a commitment for such financing before the end of the 120-Day Contingency Period.

B. Closing Date Contingency Period. The contingencies described in this Section shall be contingencies until the Closing, and Buyer's obligations hereunder shall be contingent on such contingencies being satisfied as of Closing (the "Closing Date Contingency Period").

(1) Representations and Warranties. All of Seller's representations and warranties set forth in this Agreement being true and correct when made and at all times thereafter to and through the date of Closing.

(2) Title, Zoning, Environmental and Other Conditions. Any matters approved by Buyer in regards to title, zoning, environmental and the other contingencies set forth in Section 7 shall not have changed or been altered after the expiration of the 120-Day Contingency Period and prior to Closing, unless approved by Buyer in writing.

C. Notice of Defects and Objections. Prior to the expiration of the 120-Day Contingency Period, Buyer shall notify Seller of any defect or objectionable matter disclosed by the title commitment, survey or Buyer's inspections, testing and investigation of the Property. Seller shall have fourteen (14) days after the expiration of the 120-Day Contingency Period (the "Cure Period") to remove such defects or cure such objections to the satisfaction of Buyer. If the Seller declines or is unable to remove such defects or cure such objections within the Cure Period, then Buyer may, at its option exercisable within fourteen (14) days after the expiration of the Cure Period (the "Termination Period"), either: (a) waive the defects and its objections and proceed to closing; or (b) terminate this Agreement by written notice to Seller. Failure of Buyer to exercise its option within the Termination Period shall be deemed to be the exercise of the option to terminate this Agreement. In the event of a termination of this Agreement, the Escrow Agent shall immediately return the Earnest Money to Buyer, and Buyer and Seller shall be relieved of all further obligations hereunder.

8. DUE DILIGENCE DELIVERIES

Seller shall provide to Buyer, within fourteen (14) days after execution of this Agreement, to the extent the following documents are in Seller's possession: (i) true and accurate copies of all agreements affecting the Property; (ii) Seller's most recent soils, engineering and environmental reports; (iii) the most recent title insurance policy or commitment; and (iv) Seller's existing ALTA surveys of the Real Property.

9. CONDITION OF TITLE; TITLE INSURANCE COMMITMENT AND POLICY

In addition to other standard contingencies, and subject to Buyer's review of title and survey matters, Buyer's obligations under this Agreement will be conditioned upon the release of all liens and monetary encumbrances from the Real Property and the payment of all delinquent real estate taxes and assessments on the Real Property, if any. At closing, Seller will convey good, marketable fee simple title, by limited warranty deed, subject only to real property taxes and installments of assessments that are a lien but not yet due and payable, zoning ordinances and all other laws, ordinances and regulations applicable to the Real Property and easements, covenants, conditions, restrictions and encumbrances approved by Buyer.

10. ACCESS AND UTILITIES

Buyer shall have the right during the Inspection Period to confirm that the Real Property has adequate access and that the utilities available to the Real Property are sufficient for Buyer's intended use of the Property.

11. PRORATIONS

Real estate taxes and special assessments shall be prorated using the long-proration method as of the date of closing on the basis of the latest ascertainable tax bills. All items of income and expense will be prorated to the date of closing.

12. CLOSING COSTS

Seller shall be responsible for the cost of any transfer taxes; and one-half of any escrow fees. Buyer shall pay for all fees and costs associated with the costs of the title commitment; the premiums for a standard owner's policy of title insurance in the amount of the Price; any special endorsements to the title policy; recording costs for the deed, one-half of any escrow fees, survey updates, and any other reports or studies desired by Buyer.

13. CLOSING

If all contingencies set forth in this Agreement have been satisfied or waived by Buyer, the closing (the "Closing") shall occur on or about October 15, 2015, at a location to be agreed upon by the parties. Either Seller or Buyer may request an extension of the closing date of up to thirty (30) days. Seller shall deliver occupancy and possession of the Real Property to Buyer at the Closing free and clear of all tenants and other occupants. Notwithstanding anything herein to the contrary, should Seller not obtain a certificate of occupancy on or before August 15, 2015 for its new premises on Locust Street at the site of the former Wal-Mart, then Seller may extend the closing date for a period no longer than sixty days after issuance of said certificate of occupancy.

14. NO BROKERS

Neither Buyer nor Seller have dealt with any broker with regard to this transaction.

15. INSURANCE; DESTRUCTION; CONDEMNATION

A. Seller shall maintain, at its expense, through and including the date of Closing, the casualty insurance on the Real Property presently maintained by Seller.

B. If, prior to the Closing, the Real Property is damaged or destroyed by fire or other casualty Buyer shall have the option of: (i) accepting the Real Property in its damaged condition, in which event Seller shall deliver any insurance proceeds it receives prior to Closing to Buyer, assign to Buyer to the extent permitted by law or such insurance policy at the Closing all of the rights of Seller in and to any proceeds of insurance as a result of said damage or destruction and reduce the Purchase Price by the amount of the deductible exceeding One Thousand Dollars (\$1,000); or (ii) terminating this Agreement, in which event the Earnest Money and any interest thereon shall forthwith be returned to Buyer, the parties shall be released of all obligations hereunder, and this Agreement shall be of no further force or effect.

16. BINDING EFFECT

This Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective executors and/or administrators, heirs, successors and assigns.

17. DEFAULT.

A. Buyer's Default. In the event that Seller is ready, willing and able to convey the Real Property in accordance with this Agreement, and Buyer is obligated under the terms of this Agreement to consummate the transaction evidenced by this Agreement but fails to consummate this Agreement and take title, the parties recognize and agree that the damages Seller will sustain will be difficult if not impossible to ascertain. Therefore, the parties agree that, in the event of Buyer's default, Seller shall be entitled to receive and retain the Earnest Money as liquidated damages for Buyer's failure to close. Seller's right to receive and retain the Earnest Money shall constitute the waiver by Seller of all other rights and remedies against Buyer except for any liability of Buyer to Seller under paragraph 4 of this Agreement.

B. Seller's Default. If the conditions precedent have been satisfied or waived by Buyer and the closing is not concluded through no fault of Buyer, Buyer, at its option, may: [i] elect to enforce the terms of this Agreement by action for specific performance and/or exercise any other right to remedy available to it at law or in equity; or [ii] terminate this Agreement by notice to Seller. In either of the foregoing events, Buyer shall be entitled to an immediate refund of the Earnest Money after notice to Seller.

18. LEGAL CONSTRUCTION

This Agreement supersedes all other agreements and understandings between the parties, oral or written, and constitutes the entire agreement between the parties with respect to the subject matter herein. No amendment or modification shall be effective unless it is in writing and signed by Buyer and Seller and dated subsequent to the date of this Agreement. This Agreement shall be governed by the laws of the State of Ohio.

19. SEVERABILITY

If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable.

[SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the date of the signature of the last signatory hereto.

SELLER:

THE LANE PUBLIC LIBRARY
a political subdivision of the State of Ohio

By: _____
Printed Name: Joseph Greenward
Title: Executive Director
Date : _____

BUYER:

THE CITY OF OXFORD, OHIO
an Ohio municipal corporation

By: _____
Printed Name: Douglas R. Elliott, Jr.
Title: City Manager
Date : _____

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Situate in the City of Oxford, County of Butler and State of Ohio and being entire inlots 123 and 124 as said lots are known and designated on the recorded plat of said city.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: January 6, 2015

Account Code #: 141.720.51445

Budgeted Amount: \$ Encumbered

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

Dec. 23, 2014
Date Prepared

Agenda Title: Authorization to Settle Property Valuation Litigation
ODOT PID: 81769 Project: BUT27-10.92 Parcel 157

Recommendation: Approval

Discussion:

The City has worked with the owners of ~42 properties in order to acquire the necessary right-of-way (ROW) for roadway and sidewalk improvements to US27 South from Chestnut St. to Southpointe Parkway. To date, the City has signed agreements with all but 6 of the property owners involved in the project.

Given that the City and the owner of Parcel 157 (Oxford Cemetery Association) could not reach an agreement prior to the City's ROW certification date, the City was forced to file suit against the Owners in Butler County Court of Common Pleas. The case was assigned number CV2013-12-3365.

The City met in mediation with members of the Oxford Cemetery Association Board of Trustees, owners of Parcel 157, on December 16, 2014. The owners were represented by attorney Jay Bennett.

Following a careful review of facts, risk, and potential expenses regarding this parcel, a tentative settlement has been reached with the owners pending approval by the Oxford City Council. The settlement value of \$_____ includes any and all compensation for any expense related to the ROW acquisition for this project, PID 81769. Adequate funds to pay for the settlement have already been encumbered by the City and are available to expense.

It is Staff's recommendation that the Oxford City Council authorize the City Manager to enter into settlement agreements with the Oxford Cemetery Association to resolve this court action.

Approved By:

Department Head:

Initial MBD Date 12/23/14

City Manager:

DRE 1/2/15

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO SETTLE BUTLER COUNTY COMMON PLEAS CASE NO. CV2013-12-3365, AND TO MAKE AN ADDITIONAL PAYMENT IN THE AMOUNT OF \$_____ IN CONNECTION WITH THAT SETTLEMENT.

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

SECTION 1: Council previously authorized the City Manager and the Law Director to enter into settlement negotiations regarding *City of Oxford vs. Oxford Cemetery Association* Butler County Common Pleas Case No. CV2013-12-3365.

SECTION 2: The City Manager and the Law Director have reviewed the terms of the settlement reached through mediation conducted on December 16, 2014 with counsel for Oxford Cemetery Association, and recommend Council accept that offer and authorize an additional payment in the amount of \$_____ in connection with that settlement.

SECTION 3: Council has determined that this settlement between Oxford Cemetery Association, and the City of Oxford will further the U.S. 27 Roadway Improvement project in an efficient manner and will benefit the citizens of the City of Oxford, and hereby accepts the recommendations of the City Manager and the Law Director.

SECTION 4: Council hereby authorizes the City Manager to accept the pending offer of settlement on behalf of the City of Oxford and authorizes the City Manager to enter into a settlement agreement, which shall be acceptable to the Law Director, on behalf of the City of Oxford and to carry out all steps necessary to process the settlement agreement and the Law Director to take all steps necessary to implement the settlement of the aforementioned case.

SECTION 5: Upon final execution of a settlement agreement as set forth herein, Council further authorizes an additional payment in the amount of \$_____, bringing the total settlement with Oxford Cemetery Association, to the sum of \$_____.

SECTION 6: This resolution shall take effect at the
earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 6, 2015

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

December 16, 2014
Date Prepared:

PC-2014-16 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the overlay district boundary, **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R1A (Single Family Low Density Residential) District and R1B (single Family Medium Density Residential) District enabling legislation for this was adopted by City Council in 2012. A total of 72 parcels were included in the petition and a total of 55 property owners' signatures were obtained, for a total of 57 parcels. The legislation allows a neighborhood to generate a petition to create an overlay district subject to meeting certain standards and public hearing process.

The petition to establish a neighborhood conservation overlay district was filed on September 24, 2014 with the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 7, 2014. The Planning Commission reviewed the request on December 9, 2014 with many property owners in attendance at the hearing. The Planning Commission recommended approval of this amendment and forwarding this request to City Council for legislative action.

The intent is to be a grass-roots effort which only alters one aspect of the permitted land uses (residential occupancy). Therefore the base zoning district regulations are retained. Without the overlay, a single dwelling unit can have up to four unrelated persons. With the overlay, a single dwelling unit is limited to no more than two unrelated persons. Existing dwellings with more than two unrelated persons would be allowed to continue as legal conforming.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC / 12/17/14
JRE / 1/2/15

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL) DISTRICT AND A R1-B (SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL) DISTRICT FOR 72 PARCELS LOCATED ON HILLTOP ROAD, CONTRERAS ROAD, PANDA LANE AND PIN OAK DRIVE, IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on December 9, 2014 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District and a R1-B (Single Family Medium Density Residential) District for 72 parcels located on Hilltop Road, Contreras Road, Panda Lane and Pin Oak Drive, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District and a R-1B (Single Family Medium Density Residential) District for 72 parcels located on Hilltop Road, Contreras Road, Panda Lane and Pin Oak Drive, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 4: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KEVIN MCKEEHAN
PREPARED BY: LAW (STAFF)

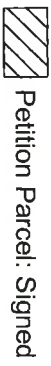


Hilltop Contreras Panda Pin Oak Neighborhood Conservation Overlay District *Petition Boundaries*

Legend



Petition Area



Petition Parcel: Signed



Petition Parcel: Not Signed



Oxford Corporation Limit

Address Point

Parcel



Building Footprint



Paved Roadway



1 inch = 300 feet

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

EXHIBIT "A"



**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	January 6, 2014
<u>Case Number</u>	PC-2014-16
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	PC-2014-16 ZONING MAP AMENDMENT , to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, City of Oxford, Applicant
<u>Public Hearing Information</u>	On December 9, 2014 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 9, 2014. Public Hearing notices were mailed out to surrounding properties on November 18, 2014.
<u>Commission Action</u>	The Planning Commission voted 2-1-3 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met the Decision Standards of Chapter 1146, and at least one Decision Standard of Chapter 1135
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated November 20, 2014 2. Proposed Boundary Map 3. Interoffice Reviews 4. Surrounding Property Notifications 5. Review and Comment Form Responses 6. Zoning Map Amendment Application Dated October 24, 2014 7. Resolution 4859 City Council Acceptance of Petition 8. Staff Summary to City Council Dated September 30, 2014 9. Petition for Residential Conservation Overlay District

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2014-16

Date – December 9, 2014

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in a R-1A/R1B Single Family Low and Medium Density Residential Districts in and around the Hills and Hollows Subdivision, specifically Hilltop, Pin Oak, Panda Drive, and Contreras Road City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in a R1A (Single Family Low Density Residential) District and R1B (Single Family Medium Density Residential) District.

A petition to establish a neighborhood conservation overlay district was filed on September 24, 2014 to the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 7, 2014.

ZONING CODE

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

COMPREHENSIVE PLAN

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

Objective Expand Housing options

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

Objective: Expand homeownership opportunities

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

AGENCY REVIEWS

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

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

PUBLIC REVIEW AND COMMENTS

Three reviews were received. All were in favor of the Overlay District.

DECISION CRITERIA

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

ANALYSIS

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

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

The conversion of a single family residential dwelling from owner-occupied to rental property in a neighborhood creates a negative impact to the neighborhood in a variety of forms, including property deterioration, congestion, noise and traffic. It also set the pace for more properties in the neighborhood to be more susceptible to turning into rental properties.

A petition was filed by a group of neighbors in and around the Hills and Hollow Subdivision neighborhood, specifically Hilltop, Pin Oak, Panda Drive and Contreras Road for a total of 72 parcels of tracts of land, to be considered a Neighborhood Conservation Overlay District on September 24, 2014 with the Clerk of the Oxford City Council. The petition also showed that there were 55 signatures obtained. A map of the proposed district was attached illustrating the area for consideration.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on October 7, 2014 and forwarded this petition to the Planning Commission for Zoning Map Amendment consideration.

This petition includes those properties on the south side of Contreras that was not part of parties covered in the overlay district of Dick, James and Joseph Drive. This inclusion eliminates any potential issues of creating islands that are specific contrary to the boundary criterial.

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

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

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

RECOMMENDATION

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

SUBMITTED

BY: Jungh-Han Chen
Jungh-Han Chen
Community Development Director

DATE: November 20, 2014

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

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

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 2, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development Department

PC-2014-16 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-17 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive, Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-18 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-19 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other



Comments or status update requested by: Lynn Taylor

Please return no later than: **12/05/2014** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

PC-2014-16

X

PC-2014-17

X

PC-2014-18

X

PC-2014-19

X

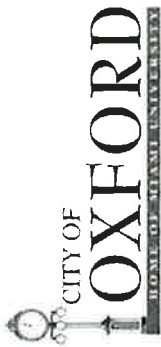
Drawings reviewed by: _____

V. Popescu

Date: 12.2-14

VICTOR POPESCU

PRINTED NAME



PC-2014-16 Surrounding Property Owners Map

Notifications

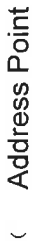
Legend



Subject Area



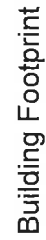
200 Ft. Buffer



Address Point



Parcel



Building Footprint

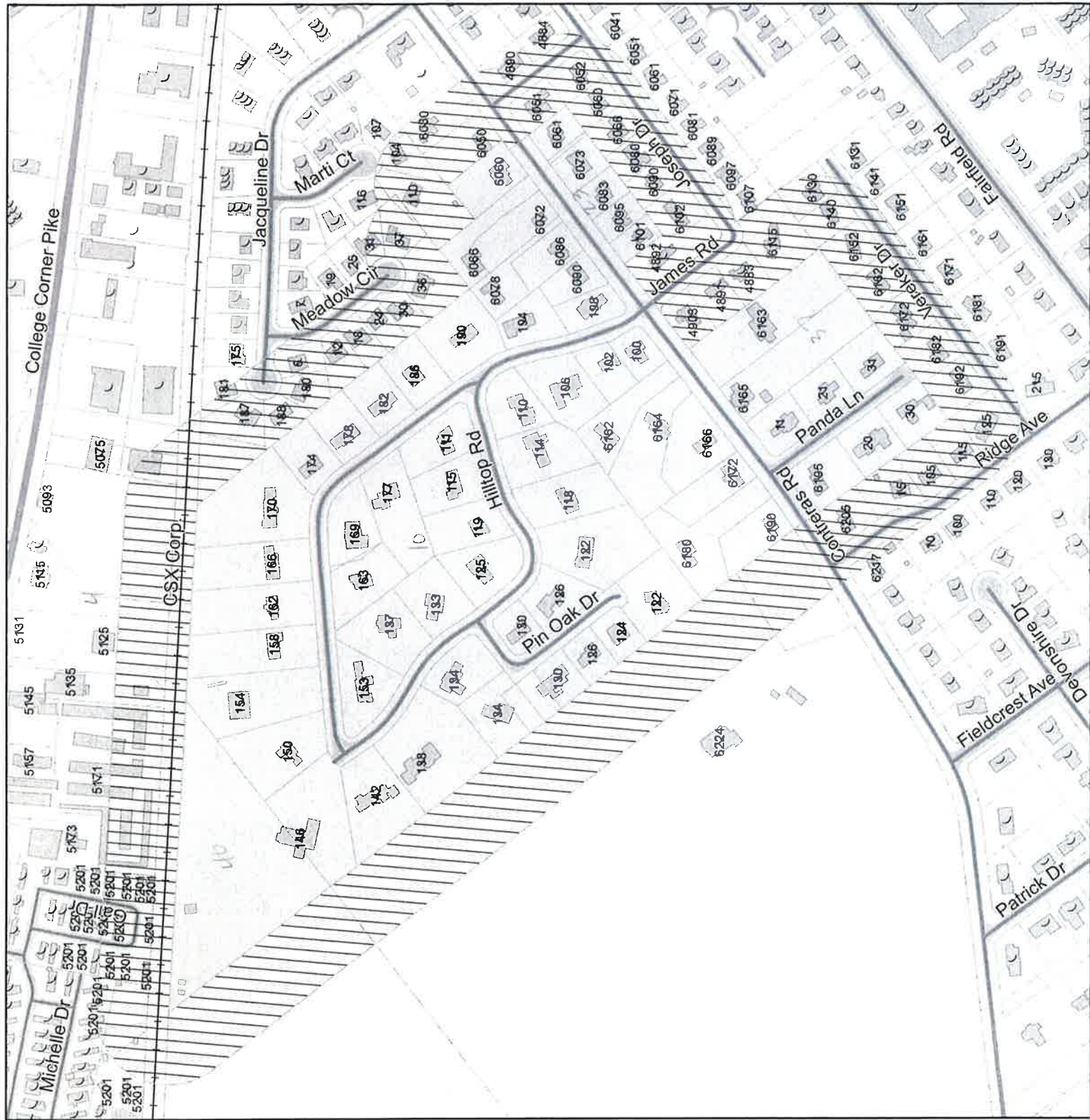


Paved Roadway



1 inch = 375 feet

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





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

CASE NO: PC-2014-16

DATE OF HEARING: December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, City of Oxford, Applicant

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at least ten (10) days before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056

Name: Michael T. Barickman

Address: 6060 Joseph Dr., Oxford, OH 45056

Telephone: Home: _____ **Work:** _____

COMMENTS:

We support this measure as it will help preserve the family nature of our surrounding neighborhood and maintain the character that we desire.

Any efforts by citizens to continue single-family, owner-occupied homes in and out of the Mile Square to prevent student sprawl and deterioration of properties should be supported and endorsed by city staff, Council, boards and commissions.

We are appreciative that a dedicated group of our neighbors spearheaded the effort for Dick, James and Joseph Drives and that overlay district was approved. Perhaps ours was the case that encouraged other single-family, owner-occupied, residences to maintain and enjoy their properties of many years, for many years to come, in hopes of deterring city-wide, student rental sprawl.

Michael T. Barickman
Signature
Michael T. Barickman

Nov 26, 2014
Date



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

CASE NO.: PC-2014-16

DATE OF HEARING:

December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name: Ronald C Stevens

Address: 6086 Contreras
Oxford, OH 45056

Telephone: Home: 513-255-0402 Work: 513 529 7396

COMMENTS:

We are in agreement of overlay area.

Ronald Stevens
Signature

11/24/14
Date



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

CASE NO.: PC-2014-16

DATE OF HEARING:

December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name: Bill Fisher

Address: 4883 James Rd.

Oxford

Telephone: Home: 524-4504 Work: _____

COMMENTS:

I am in full favor of the above district, contiguous with the Wespiser Place Overlay District, becoming a Conservation overlay district. Clearly from the three other Amendments up for Council consideration, this is a movement the community is strongly in favor of.

Signature

Date

Nov. 21, 2014



Internal Use Only:

Case No.

PC-2014-16

Date Filed

10/24/14

Zoning Map Amendment Application

Applicant Information

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

Name *

Jung-Nan Chen

Mailing Address *

101 E High St.

City, State & Zip Code *

Oxford OH 45056

Telephone Number(s) *

513-524-5204

Email Address

jhchen@cityofoxford.org

Location and Lot Information

Location *

Hills + Hollows Subdivision - Hilltop, Pin Oak, Panda, Contreras

General Description
of Proposed Amendment *

Zoning Map Amendment - establish

Current Zoning *

R-1A, R-1B

neighborhood conservation overlay district

Proposed Zone(s) *

Overlay District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

- (1) **Contents of application.** The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

- A. Application Fee.
- B. The name, mailing address, and telephone number of the applicant.
- C. A general description of the proposed amendment.
- D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- E. A statement that identifies potential negative consequences of the proposed amendment.
- F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
- G. A legal description of the area to be rezoned.
- H. The proposed zoning of the area.
- I. The current zoning of the area.
- J. A description of existing uses in the area.

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

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *

Jung Han Chen
10/24/14

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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

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

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

RESOLUTION NO. 4859

PC - 2014-16

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR THAT AREA OF HILLTOP ROAD, PART OF CONTRERAS ROAD, PANDA LANE AND PIN OAK DRIVE AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

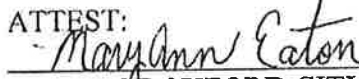
SECTION 1: The Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford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

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

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


VICE MAYOR

ADOPTED: October 7, 2014

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 7, 2014

Account Code No. #:

Jung-Han Chen
Prepared By

Budgeted Amount:

September 30, 2014
Date Prepared

Agenda Title:	Resolution Accepting a Petition to Establish a Neighborhood Conservation Overlay District and Referring the Petition to the Planning Commission for Recommendation
----------------------	---

Recommendation: <u>Approval</u>
--

Discussion:

The Residential Conservation Overlay District legislation was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of property owners within the proposed district. This petition goes before City Council for acceptance and the petition is then referred to the Planning Commission for review. There have been four (4) petitions to come before the City Council previously.

This petition for acceptance was filed by residents in the neighborhood of Hilltop, Panda Lane, and Pin Oak Drive., on September 24, 2014. There are a total of 72 parcels contained in the proposed overlay district boundary. The petition shows 53 valid signatures obtained, a total of 57 parcels, and the date when the owners signed the petition. A map of the proposed area is attached illustrating the area for consideration.

The signatures in this petition exceed the two-thirds requirement of the parcel owners of this petitioned area. The signatures represent 57 parcels within the boundary, which is 79%. Additionally, the boundary of the proposed overlay district also satisfies the general boundary requirements of Section 1146 of the Codified Ordinances.

This is the first step in creating a neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review. Staff recommends approval of this resolution.

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>9/30/14</u>
City Attorney:	<u> </u>	<u> </u>
City Manager:	<u> </u>	<u> </u>

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT
FOR HILLTOP RD., PANDA LN., AND ADJACENT CONTRERAS RD. CORRIDOR**

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 "Neighborhood Conservation Overlay District" of the City of Oxford Zoning Code to preserve the attractiveness, desirability and privacy of residential neighborhoods by controlling occupancy by unrelated persons. Establishment of the overlay district will have the effect of limiting occupancy and rental of single-family homes to not more than two unrelated persons throughout the overlay district. Existing rental permits are allowed to continue until such license has been let to expire for more than one year. Addition or removal of properties from the overlay district is subject to the same petitioning and approval process. A copy of Chapter 1146 is provided to advise homeowners of the restrictions imposed.

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated on the line opposite my signature. I support establishment of a neighborhood conservation overlay district within the boundaries described below (see attached map):

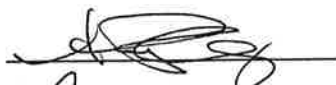
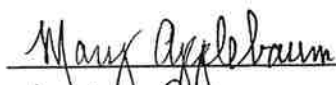
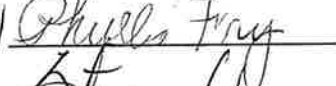
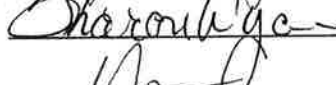
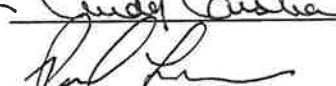
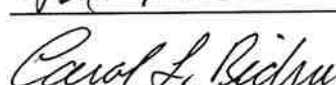
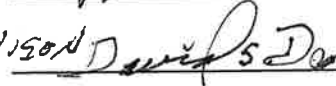
- Properties with frontage upon Contreras Road between Dick Drive and Panda Lane, including 6060 to 6195 Contreras Road
- All properties with frontage upon Hilltop Road
- All properties with frontage upon Pin Oak Drive
- All properties with frontage upon Panda Lane

PETITION CIRCULATOR/PROPERTY OWNER

<u>ROBERT A. BENSON</u>	<u>Robert A. Benson</u>	<u>6090 CONTRERAS RD.</u>	<u>7/21/14</u>
(name)	(signature)	(address)	(date)

PROPERTY OWNERS

NAME	SIGNATURE	ADDRESS	DATE
<u>Barbara S. Hamilton</u>	<u>Barbara S. Hamilton</u>	<u>102 Hilltop Rd</u>	<u>7/21/14</u>
<u>Mary Bausano</u>	<u>Mary Bausano</u>	<u>114 Hilltop Rd</u>	<u>7-21-14</u>
<u>Karen Burnard</u>	<u>Karen Burnard</u>	<u>6013 Contreras</u>	<u>7/22/14</u>
<u>Jim Davis</u>	<u>J. L. Davis</u>	<u>194 Hilltop Rd</u>	<u>7-24-14</u>
<u>Cheryl C. Vajda</u>	<u>Cheryl C. Vajda</u>	<u>6086 Contreras Rd</u>	<u>8-4-14</u>

NAME	SIGNATURE	ADDRESS	DATE
Amy Clay		6061 Contreras	8-4-14
Ann Bader		106 Hilltop Dr.	8-5-14
Mary Applebaum		125 Hilltop Road	8-5-14
Julie Gurinskas		119 Hilltop Rd	8-5-14
Mark Adams		110 Hilltop Rd	8-6-14
Phyllis Fry		6078 Contreras Rd	8-6-14
SHARON WYANT		6069 Contreras	8-7-14
M.A. STEINBERG		6072 CONTRERAS	8-8-14
CINDY GRESHAM		6095 CONTRERAS	8-10-14
Paul Larson		115 Hilltop Road	8-12-14
Carol L. Richmond		111 Hilltop Rd	8-21-14
Catherine Wagner		163 Hilltop Rd	8-21-14
BENJAMIN SUTCLIFF		6083 CONTRERAS	8-21-14
DAVID S. DENNISON		198 Hilltop	8-25-14

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT
FOR HILLTOP RD., PANDA LN., AND ADJACENT CONTRERAS RD. CORRIDOR**

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I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated on the line opposite my signature. I support establishment of a neighborhood conservation overlay district within the boundaries described below (see attached map):

- Properties with frontage upon Contreras Road between Dick Drive and Panda Lane, including 6060 to 6195 Contreras Road
- All properties with frontage upon Hilltop Road
- All properties with frontage upon Pin Oak Drive
- All properties with frontage upon Panda Lane

PETITION CIRCULATOR/PROPERTY OWNER

DAN HAIZMAN [Signature] 190 Hilltop Rd 7/23/14
(name) (signature) (address) (date)

PROPERTY OWNERS

NAME	SIGNATURE	ADDRESS	DATE
<u>Lara Fenning Moore</u>	<u>[Signature]</u>	<u>177 Hilltop Rd</u>	<u>7/24/14</u>
<u>D. R. FULTON</u>	<u>D.R. Fulton</u>	<u>162 HILLTOP RD.</u>	<u>7/24/14</u>
<u>Jodi Clemens</u>	<u>[Signature]</u>	<u>174 Hilltop</u>	<u>7/26/14</u>
<u>John Beaton</u>	<u>JOHN BEATON</u>	<u>182 Hilltop</u>	<u>7-26-14</u>
<u>Clyde F. Shannon</u>	<u>CLYDE F. SHANNON</u>	<u>169 Hilltop</u>	<u>7/27/14</u>

[illegible]

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT
FOR HILLTOP RD., PANDA LN., AND ADJACENT CONTRERAS RD. CORRIDOR**

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 "Neighborhood Conservation Overlay District" of the City of Oxford Zoning Code to preserve the attractiveness, desirability and privacy of residential neighborhoods by controlling occupancy by unrelated persons. Establishment of the overlay district will have the effect of limiting occupancy and rental of single-family homes to not more than two unrelated persons throughout the overlay district. Existing rental permits are allowed to continue until such license has been let to expire for more than one year. Addition or removal of properties from the overlay district is subject to the same petitioning and approval process. A copy of Chapter 1146 is provided to advise homeowners of the restrictions imposed.

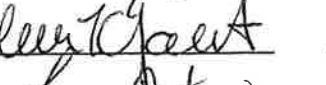
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- All properties with frontage upon Hilltop Road
- All properties with frontage upon Pin Oak Drive
- All properties with frontage upon Panda Lane

PETITION CIRCULATOR/PROPERTY OWNER

<u>DAVID PRYTHERCH</u>	<u></u>	<u>6195 CONTRERAS RD</u>	<u>8/6/14</u>
(name)	(signature)	(address)	(date)

PROPERTY OWNERS

NAME	SIGNATURE	ADDRESS	DATE
<u>Kristy Small</u>	<u></u>	<u>21 S. Panda Lane</u>	<u>8-6-14</u>
<u>RONALD REAGH</u>	<u></u>	<u>20 S. PANDA LANE</u>	<u>8-6-14</u>
<u>Elena Albarrán</u>	<u></u>	<u>30 S. Panda Lane</u>	<u>8-6-14</u>
<u>Tom & Melissa Caton</u>	<u></u>	<u>6172 Contreras Rd</u>	<u>8/7/14</u>
<u>Pepper Stetler</u>	<u></u>	<u>1666 Contreras Rd</u>	<u>8/7/14</u>

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT
FOR HILLTOP RD., PANDA LN., AND ADJACENT CONTRERAS RD. CORRIDOR**

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 "Neighborhood Conservation Overlay District" of the City of Oxford Zoning Code to preserve the attractiveness, desirability and privacy of residential neighborhoods by controlling occupancy by unrelated persons. Establishment of the overlay district will have the effect of limiting occupancy and rental of single-family homes to not more than two unrelated persons throughout the overlay district. Existing rental permits are allowed to continue until such license has been let to expire for more than one year. Addition or removal of properties from the overlay district is subject to the same petitioning and approval process. A copy of Chapter 1146 is provided to advise homeowners of the restrictions imposed.

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated on the line opposite my signature. I support establishment of a neighborhood conservation overlay district within the boundaries described below (see attached map):

- Properties with frontage upon Contreras Road between Dick Drive and Panda Lane, including 6060 to 6195 Contreras Road
- All properties with frontage upon Hilltop Road
- All properties with frontage upon Pin Oak Drive
- All properties with frontage upon Panda Lane

PETITION CIRCULATOR/PROPERTY OWNER

Janet Ziegler Janet Ziegler 126 Pin Oak Drive 7/26/2014
(name) (signature) (address) (date)

PROPERTY OWNERS

NAME	SIGNATURE	ADDRESS	DATE
Joycelyn Wilhelm	Joycelyn Wilhelm	124 Pin Oak Dr.	7/26/2014
Vernice A. Traxel	Vernice A. Traxel	126 Hilltop Rd	7-28-14
Ann B. Kirby	Ann B. Kirby	130 Pin Oak Dr.	7/29/14
Robert M. Bogan	Robert M. Bogan	134 Hilltop	7-29-14
SANDRA RICHARDSON	Sandra Richardson	130 Hilltop	7-29-14

DATE _____

[illegible]

Property Owners Who Declined to Sign the Petition

6066 Contreras Road – Levenderis (Benson contacted 8/22)

6190 Contreras Road – Corso (Prytherch contacted 8/27)

118 Hilltop Road – Friede (Prytherch e-mail communication 8/26)

142 Hilltop Road – Harris – (Ziegler contacted 8/22)

146 Hilltop Road – Hautau – (Ziegler contacted 8/8)

170 Hilltop Road – Rodbro – (Haizman contacted 7/26)

122 Pin Oak Drive – Stephenson – (Ziegler contacted 8/9)

Property Owners Who Were Unavailable to Sign or Decline

100 Hilltop Road - Volz – unavailable – (Benson sent letter 8/22- postal receipt attached)

11 Panda Lane – Hollingsworth – unavailable – (Prytherch deposited material 8/27)

Properties Held in Trust by a Bank

138 Hilltop Road – PNC Bank Trust Division in Arlington TX – (Benson contacted Trust officer 8/19 by letter with Return Receipt Requested)

134 Pin Oak Drive – First Financial Bank – (Ziegler contacted Trust officer 8/22)

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO INITIATE A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES THAT WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONERS TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

PROPERTIES WITH FRONTAGE UPON CONTRERAS ROAD BETWEEN DICK DRIVE AND PANDA LANE INCLUDING 6060 TO 6195 CONTRERAS ROAD
ALL PROPERTIES WITH FRONTAGE UPON HILLTOP ROAD
ALL PROPERTIES WITH FRONTAGE UPON PIN OAK DRIVE
ALL PROPERTIES WITH FRONTAGE UPON PANDA LANE

CIRCULATORS' FULL NAMES AND ADDRESSES:

ROBERT BENSON	DANIEL HAIZMAN	DAVID PRYTHERCH	JANET ZIEGLER
6090 CONTRERAS ROAD	190 HILLTOP ROAD	6195 CONTRERAS ROAD	126 PIN OAK DRIVE

DATE SUBMITTED:

THE PETITION MUST CONTAIN THE SIGNATURES OF AN OWNER OF RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 6, 2015

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

December 16, 2014

Date Prepared:

PC-2014-17 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive and Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R1A (Single Family Low Density Residential) District. A total of 91 parcels were included in the petition and a total of 70 property owners' signatures were obtained, for a total of 71 parcels. The legislation allows a neighborhood to generate a petition to create an overlay district subject to meeting certain standards and public hearing process.

The petition to establish a neighborhood conservation overlay district was filed on September 16, 2014 with the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 21, 2014. The Planning Commission reviewed the request on December 9, 2014 with many property owners in attendance at the hearing. The Planning Commission recommended approval of this amendment and forwarding this request to City Council for legislative action.

The intent is to be a grass-roots effort which only alters one aspect of the permitted land uses (residential occupancy). Therefore the base zoning district regulations are retained. Without the overlay, a single dwelling unit can have up to four unrelated persons. With the overlay, a single dwelling unit may still be rental property, but is limited to no more than two unrelated persons. Existing dwellings with more than two unrelated persons would be allowed to continue as legal conforming.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 12/17/14
DRE 1/2/15

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL) DISTRICT FOR 91 PARCELS LOCATED ON COUNTRY CLUB DRIVE, OLDE FARM ROAD AND PART OF CONTRERAS ROAD, IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on December 9, 2014 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for 91 parcels located on Country Club Drive, Olde Farm Road and part of Contreras Road, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1A (Single Family Low Density Residential) District for 91 parcels located on Country Club Drive, Olde Farm Road and part of Contreras Road, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 4: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KEVIN MCKEEHAN
PREPARED BY: LAW (STAFF)



**Country Club
Olde Farm
Contreras
Neighborhood
Conservation
Overlay District
Petition Boundaries**

Legend

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



1 inch = 350 feet

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

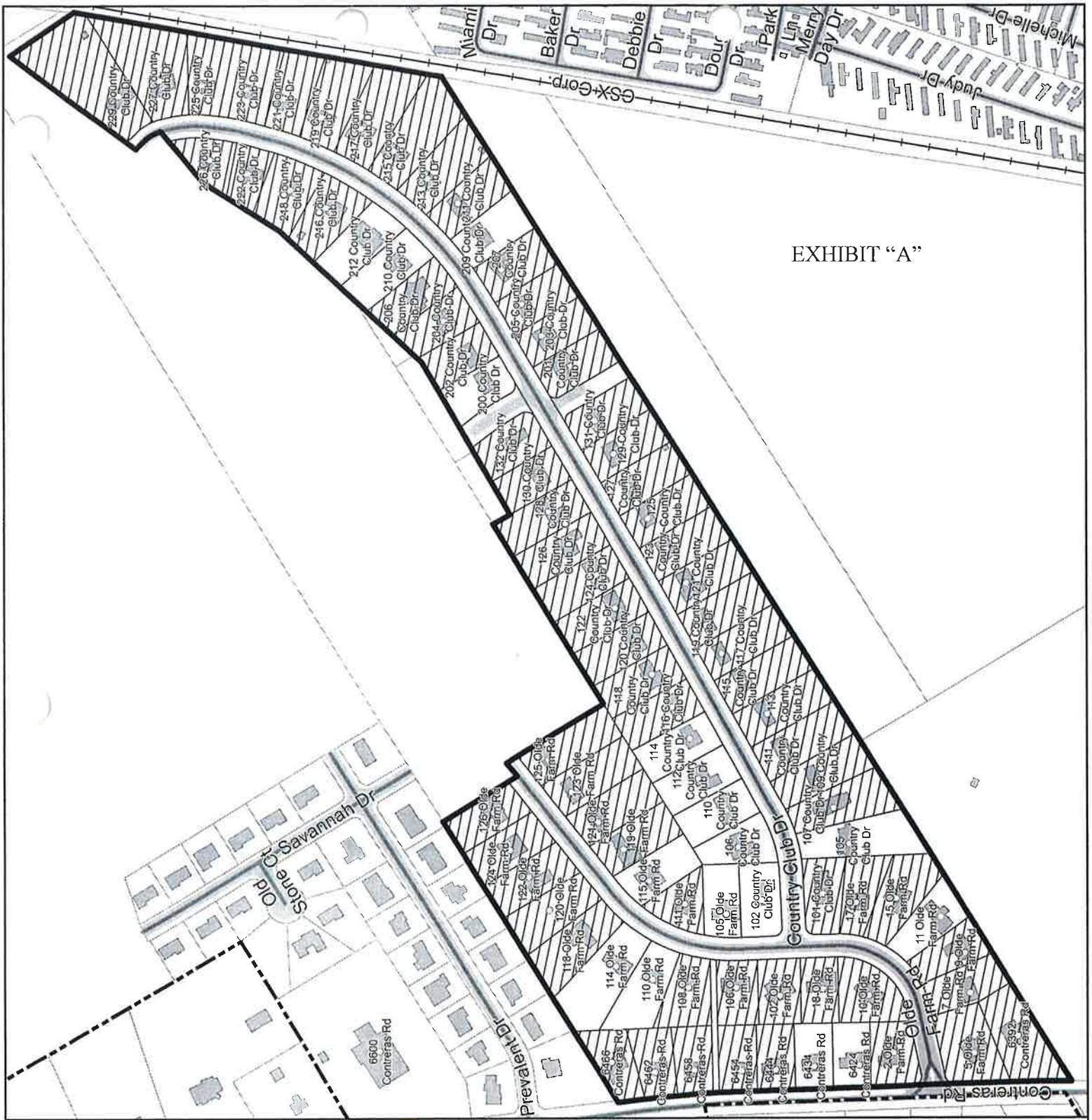


EXHIBIT "A"

**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	January 6, 2014
<u>Case Number</u>	PC-2014-17
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	PC-2014-17 ZONING MAP AMENDMENT , to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive, Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, City of Oxford, Applicant
<u>Public Hearing Information</u>	On December 9, 2014 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 9, 2014. Public Hearing notices were mailed out to surrounding properties on November 18, 2014.
<u>Commission Action</u>	The Planning Commission voted 5-1-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met the Decision Standards of Chapter 1146, and at least one Decision Standard of Chapter 1135
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated November 25, 2014 2. Proposed Boundary Map 3. Interoffice Reviews 4. Surrounding Property Notifications 5. Review and Comment Form Responses 6. Zoning Map Amendment Application Dated October 24, 2014 7. Resolution 4867 City Council Acceptance of Petition 8. Staff Summary to City Council Dated October 13, 2014 9. Petition for Residential Conservation Overlay District

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2014-17

Date – December 9, 2014

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1A Single Family Low Density Residential District, in the neighborhood of Country Club Drive, Olde Farm Road and part of Contreras Road City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R1A (Single Family Low Density Residential) District in the neighborhood of Country Club Drive, Olde Farm Road and part of Contreras Road.

A petition to establish a neighborhood conservation overlay district was filed on September 16, 2014 to the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 21, 2014.

ZONING CODE

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

COMPREHENSIVE PLAN

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

Objective Expand Housing options

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

Objective: Expand homeownership opportunities

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

AGENCY REVIEWS

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

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

PUBLIC REVIEW AND COMMENTS

Two reviews were received. Zero opposed the amendment, two were in favor.

DECISION CRITERIA

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

ANALYSIS

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

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

The conversion of a single family residential dwelling from owner-occupied to rental property in a neighborhood creates a negative impact to the neighborhood in a variety of forms, including property deterioration, congestion, noise and traffic. It also set the pace for more properties in the neighborhood to be more susceptible to turning into rental properties.

A petition was filed by a group of neighbors in Country Club Drive, Olde Farm Road and part of Contreras Road for a total of 91 parcels of tracts of land, to be considered a Neighborhood Conservation Overlay District on September 16, 2014 with the Clerk of the Oxford City Council. The petition also showed that there were 70 signatures obtained. A map of the proposed district was attached illustrating the area for consideration.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on October 21, 2014 and forwarded this petition to the Planning Commission for Zoning Map Amendment consideration.

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

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

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

RECOMMENDATION

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

SUBMITTED

BY: Jung-Han Chen
Jung-Han Chen
Community Development Director

DATE: November 25, 2014

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

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

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 2, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development Department

PC-2014-16 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-17 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive, Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-18 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-19 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

 X Review

 Revisions

 Other

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 2, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development Department

PC-2014-16 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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PC-2014-19 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

☒ Review

☐ Revisions

☐ Other



Comments or status update requested by: Lynn Taylor

Please return no later than: **12/05/2014** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

PC-2014-16

X

PC-2014-17

X

PC-2014-18

X

PC-2014-19

X

Drawings reviewed by: _____

V. Popescu

Date: 12-2-14

VICTOR POPESCU

PRINTED NAME



PC-2014-17

Surrounding Property Owners Map

Notifications

Legend

 Subject Area

 200 Ft. Buffer

(Address Point

 Parcel

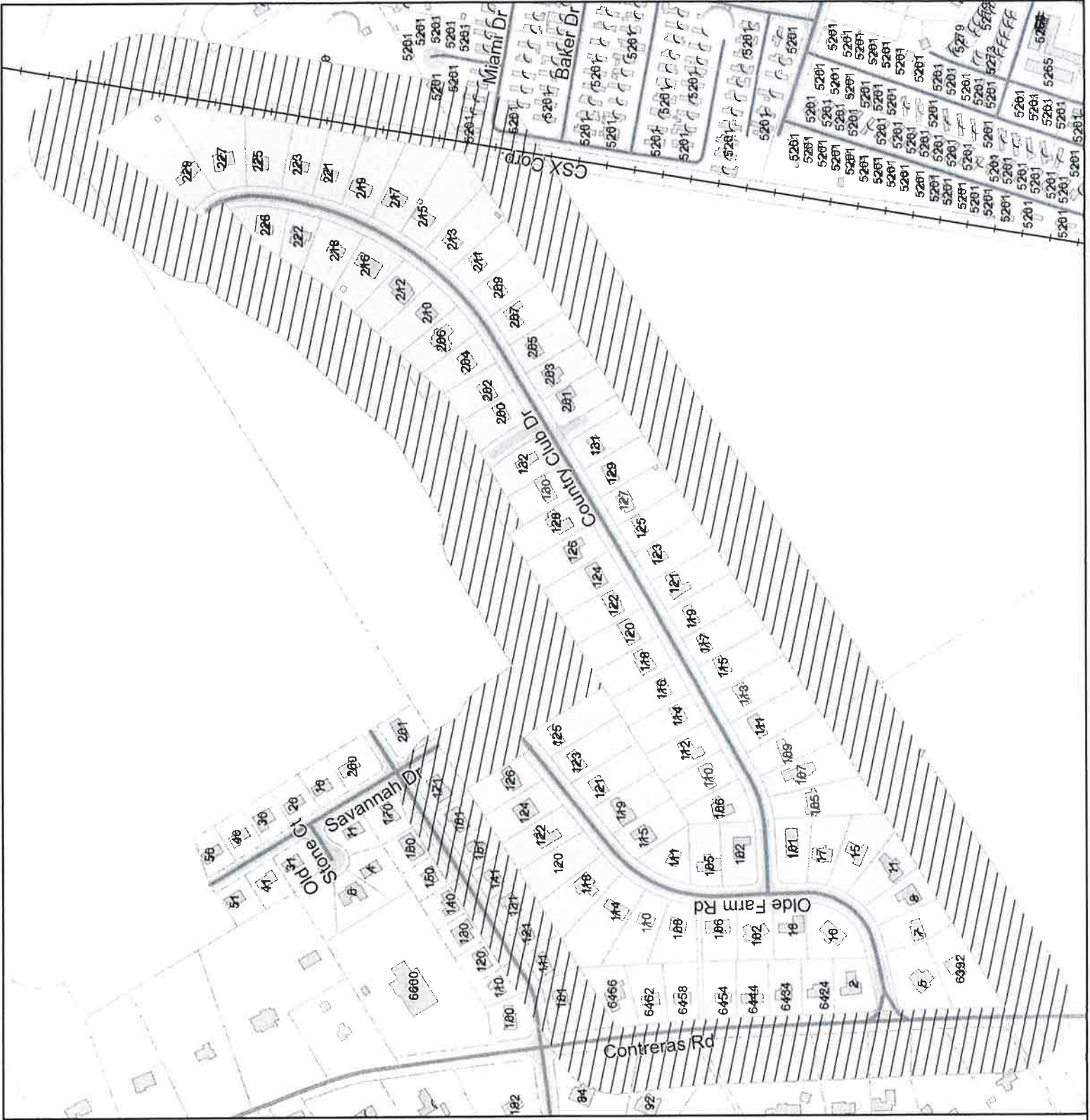
 Building Footprint

 Paved Roadway



1 inch = 410 feet

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





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

CASE NO.: PC-2014-17

DATE OF HEARING:

December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive, Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name:

Karen & DONALD Lipps

Address:

130 COUNTRY CLUB DR.
OXFORD, OH 45056

Telephone:

Home: (513) 255-1363

Work:

COMMENTS:

Regarding PC-2014-17

As an owner of a parcel in Country Club Dr.,
I am completely in agreement w/ the
proposed overlay.

Signature

Karen Lipps

Date

Nov 26, 2014

Lynn Taylor

From: Dr. J. Scott Brown <sbrow@miamioh.edu>
Sent: Tuesday, December 09, 2014 3:48 PM
To: Lynn Taylor
Subject: Comments on Case No: PC-2014-17

Dear Ms. Taylor,

Thank you for accepting my comments via e-mail.

I am writing to you to voice my opposition to the proposed Neighborhood Conservation Overlay District that would affect my property. My address is 100 Prevalent Drive, Oxford. As a homeowner and citizen of Oxford I am strongly opposed to the proposed district for the following reasons:

- 1) The current zoning ordinances in Oxford adequately protect my property and property values. The proposed district is unnecessary and reduces my property rights without good justification.
- 2) The property adjacent to mine has been continuously rented since I purchased my home, including a period in which multiple unrelated adults rented that home (These were three men in their mid-twenties who were not university students). Not only has there never been an issue with these renters, indeed, far more noise and traffic/parked vehicles have been associated with various owned homes where large families with 2 or 3 teenagers reside. Again, the proposed district would protect my property against something that has not been an issue for the decade that I have lived here.
- 3) The majority of unrelated renters toward which such overlay districts are targeted (i.e., college students) have no desire to reside anywhere near my neighborhood. That is, the areas included in case no: PC-2014-17 are generally too far from Miami University and the Upton Oxford area to be of interest to such renters. Once again, there is no need for the overlay.
- 4) Most importantly, the proposed overlay uses a definition of family that is discriminatory towards same-sex couples. Currently, Oxford ordinances define families as related individuals by blood, marriage, or adoption. While the overlay would not prevent home ownership or renting by a same-sex couple, it is nevertheless written in such a way as to take property rights away from same-sex home owners that would not be removed from married couples. For example, under the proposed overlay, a married couple might rent a portion of their home to a single adult. A same-sex couple, however, would be in violation of the overlay given that such an action would result in more than two unrelated adults being in residence. Until the city of Oxford rewrites how it defines families to include same-sex couples, I will remain vehemently opposed to such provisions.

In conclusion, there is no evidence that there is any need to protect my neighborhood through the addition of a conservation district overlay. This proposed ordinance unnecessarily removes my rights as a property owner. Furthermore, it risks exposing the city to violating the rights of same-sex home owners. In other words, it is a very bad idea.



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

CASE NO.: PC-2014-17

DATE OF HEARING: December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive, Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name: Cynthia Wynn / Dwight Wynn

Address: 126 Olde Farm Rd
Oxford, OH 45056-9003

Telephone: Home: (513) 523-1247 Work: _____

COMMENTS: single ~~signal~~ family Homes, No Building to rent or buy property already existing & renting out.

This neighbor hood should remain to be signal family homes, No duplex or Apartment type building.

Dwight D. Wynn
Signature Cynthia Wynn

Nov. 30, 2014
Date



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

CASE NO.: PC-2014-17

DATE OF HEARING: December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive, Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name:

Martha S. Brown

Address:

107 Country Club Dr.
Oxford, Ohio 45056

Telephone:

Home: 513-523-2218

Work: _____

COMMENTS:

Martha S. Brown

Signature

11-29-14

Date



Internal Use Only:	PC-2014-17
Case No.	
Date Filed	10/24/14

Zoning Map Amendment Application

Applicant Information

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

Name *

Jung-Nan Chen

Mailing Address *

101 E High St.

City, State & Zip Code *

Oxford OH 43056

Telephone Number(s) *

513-524-5204

Email Address

jhchen@cityofoxford.org

Location and Lot Information

Location *

Country Club Dr, Olde Farm Rd, part of Contreras

General Description
of Proposed Amendment *

Zoning Map Amendment - establish
R-1A neighborhood conservation
overlay district

Current Zoning *

Proposed Zone(s) *

Overlay District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

- A. Application Fee.
- B. The name, mailing address, and telephone number of the applicant.
- C. A general description of the proposed amendment.
- D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- E. A statement that identifies potential negative consequences of the proposed amendment.
- F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
- G. A legal description of the area to be rezoned.
- H. The proposed zoning of the area.
- I. The current zoning of the area.
- J. A description of existing uses in the area.

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

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *

Jung Han Chen
10/24/14

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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

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

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

PC-2014-17

RESOLUTION NO. 4867

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR THAT AREA OF COUNTRY CLUB DRIVE, OLDE FARM ROAD, AND PART OF CONTRERAS ROAD AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

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

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

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


MAYOR

ADOPTED: October 21, 2014

ATTEST: 
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 21, 2014

Account Code No. #:

Jung-Han CHen
Prepared By

Budgeted Amount:

October 13, 2014
Date Prepared

Agenda Title:	Resolution Accepting a Petition to Establish a Neighborhood Conservation Overlay District and Referring the Petition to the Planning Commission for Recommendation
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Recommendation: Approval
--

Discussion:

The Residential Conservation Overlay District legislation was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of property owners within the proposed district. This petition goes before City Council for acceptance and the petition is then referred to the Planning Commission for review. There have been two petitions to come before the City Council previously.

This petition for acceptance was filed by residents in the neighborhood of Country Club Drive, Olde Farm Road, and part of Contreras Road on September 16, 2014. There are a total of 91 parcels contained in the proposed overlay district boundary. The petition shows 70 signatures obtained and the date when the owners signed the petition. A map of the proposed area is attached illustrating the area for consideration.

The signatures in this petition exceed the two-thirds requirement of the parcel owners of this petitioned area. The signatures represent 70 parcels within the boundary, which is 77%. Additionally, the boundary of the proposed overlay district also satisfies the general boundary requirements of Section 1146 of the Codified Ordinances.

This is the first step in creating a neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review. Staff recommends approval of this resolution

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>10/14/14</u>
City Attorney:	<u> </u>	<u> </u>
City Manager:	<u> </u>	<u> </u>

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HERITAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

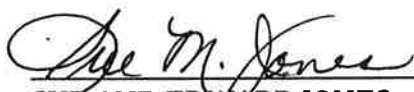
OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

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

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:
INCLUDES ALL PLATTED PROPERTIES IN HERITAGE I, II, III AND IV AND 6392 CONTRERAS ROAD.

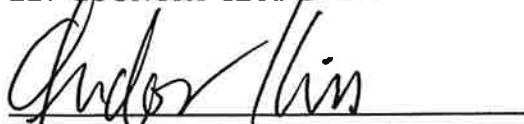
PETITION INITIATORS:


SUE AND EDWARD JONES,
118 COUNTRY DRIVE

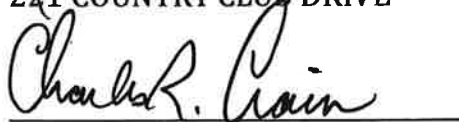



DOUGLAS BROOKS,
227 COUNTRY CLUB DRIVE


GERALD SCHINDLER
121 COUNTRY CLUB DRIVE


ANDOR KISS,
221 COUNTRY CLUB DRIVE


BRIAN REVALEE
113 COUNTRY CLUB DRIVE


CHARLES AND ROBERTA CRAIN
115 COUNTRY CLUB DRIVE



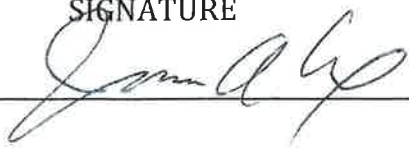
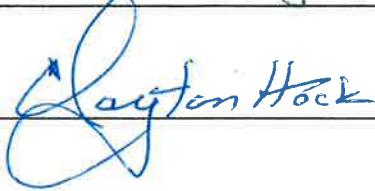
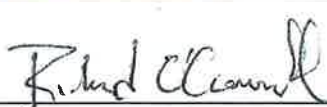
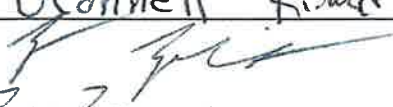
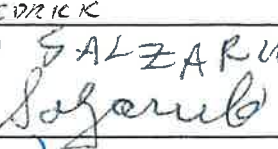
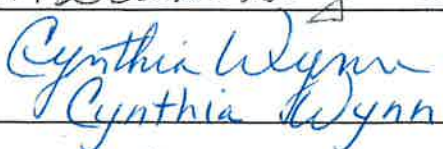
PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HERITAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

DATE	NAME	SIGNATURE	ADDRESS
9-6-14	Claudia Pavloff	Claudia Pavloff	6392 CONTRERAS
9/6/14	MaryAnn Fox	MaryAnn Fox	5 OLDE FARM ROAD
9/5/14	ELAINE D. WEBER	Elaine D. Weber	2 OLDE FARM ROAD
	Kathryn A. Cook	Declined	6424 CONTRERAS
	Patricia Reynaud	no response letter sent	6434 CONTRERAS
9/5/14	David W Smetana	David W Smetana	6444 CONTRERAS
9/5/14	Shelley D. Stearns	Shelley D. Stearns	6454 CONTRERAS
9/5/14	MICHAEL SMITH	Michael L Smith	6458 CONTRERAS
9/5/14	Amy Ansorg	Amy D. Ansorg	6462 CONTRERAS
9/5/14	ERROL GUNDLER	Errol Gundler	6466 CONTRERAS

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HERITAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

DATE	NAME	SIGNATURE	ADDRESS
9-15-14	ROSEMARY KILDAY	MIKE KILDAY	7 OLDE FARM ROAD
9/9/14	Denís Mullally	KIMBERLY R. Caudill Mullally	9 OLDE FARM ROAD
9/9/14	JAMES CLARK	James R. Clark	10 OLDE FARM ROAD
	Terry Dudley	letter sent, no response	11 OLDE FARM ROAD
9/10/14	J. MARCUS JOBE	J. Marcus Jobe	15 OLDE FARM ROAD
	EVALOU MIDDLEAUGH		17 OLDE FARM ROAD
9/9/14	JAMES SCOTT	James R. Scott	18 OLDE FARM ROAD
9/14/14	Valerie L. Schmitt	Valerie L. Schmitt (Karagos)	102 OLDE FARM ROAD
9/9/14	CHAD REYNOLDS	Chad Reynolds	106 OLDE FARM ROAD
	Christopher Seanti	No Response to letter	PARCEL H4000022000006

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HERITAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

DATE	NAME	SIGNATURE	ADDRESS
9/9/14	James Cox		108 OLDE FARM ROAD
	Michael D. Beck	Declined	110 OLDE FARM ROAD
9/6	Daniel J Rimb		111 OLDE FARM ROAD
9/5	Judith Bolenbaugh		114 OLDE FARM ROAD
9/6/14	RICHARD W. MOORE		115 OLDE FARM ROAD
9/5	Lisak. Lorigan		118 OLDE FARM ROAD
9/6	CLAYTON HOCK		119 OLDE FARM ROAD
	Nancy Wedleigh	See attached form	120 OLDE FARM ROAD
9/6	Zevi Miller, Ruth Miller - Declined		121 OLDE FARM ROAD
09/16	Takuto Takagi		122 OLDE FARM ROAD
9/9	Richard O'Connell		123 OLDE FARM ROAD
9/8	ZAC ZEDRICK		124 OLDE FARM ROAD
9/15/14	MIRIAM SALZARULO		125 OLDE FARM ROAD
9-6-14	Cynthia Wynn		126 OLDE FARM ROAD

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HERITAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

DATE	NAME	SIGNATURE	ADDRESS
9/10/14	Judith TRENT	Judith Trent	101 COUNTRY CLUB DR
	Equity Trust	letter sent	
	Denny R. Bourne	No response	102 COUNTRY CLUB DR
9/10/14	William and Jonilea Mottola	Declined	105 COUNTRY CLUB DR
	Amit Shukla	Letter Sent	
		No Response	106 COUNTRY CLUB DR
9/10/14	Martha Brown	Martha Brown	107 COUNTRY CLUB DR
9/10/14	Lorvely Brady		109 COUNTRY CLUB DR
	Zafer Ozdemir	Letter Sent	
		no response	110 COUNTRY CLUB DR
9/9/14	ALLAN PANTLE	Allan J. Pantle	111 COUNTRY CLUB DR
		letter sent	
	Larry Ezsol	declined	112 COUNTRY CLUB DR
9/5/14	Brian Devakee	B. R. L.	113 COUNTRY CLUB DR
	W. Sherman Jackson	Declined	114 COUNTRY CLUB DR
9/9/14	Roberta M. Cain	Charles R. Cain	115 COUNTRY CLUB DR
9/8/14	Alice Phillips	Alice Phillips	116 COUNTRY CLUB DR
	Douglas J. Havelka	(see attached approval)	117 COUNTRY CLUB DR

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HERITAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

DATE	NAME	SIGNATURE	ADDRESS
9/5/14	Sue M. Jones	<i>Sue M. Jones</i>	118 COUNTRY CLUB DR
9/7/14	CHARLES TECKMAN	<i>Charles Teckman</i>	119 COUNTRY CLUB DR
9/8/14	George J. McCabe	<i>George J. McCabe</i>	120 COUNTRY CLUB DR
9/7/14	Gerald J. Schindler	<i>Gerald J. Schindler</i>	121 COUNTRY CLUB DR
9/10/14	Mary K. Allen	<i>Mary K. Allen</i>	122 COUNTRY CLUB DR
9/7/14	Anna Holzworth	<i>Anna Holzworth</i>	123 COUNTRY CLUB DR
9-7-14	TIMOTHY A. WHITE	<i>Timothy A. White</i>	124 COUNTRY CLUB DR
9-8-14	Barbara K. Arlinghaus	<i>Barbara K. Arlinghaus</i>	125 COUNTRY CLUB DR
9/7/14	Lara Freidline	<i>Lara Freidline</i>	126 COUNTRY CLUB DR
9/6/14	Vasant B. Waikar	<i>Vasant B. Waikar</i>	127 COUNTRY CLUB DR
9/8/14	LAURA J. Kelly	<i>Laura J. Kelly</i>	128 COUNTRY CLUB DR
9/6/14	William Rauckhorst	<i>William Rauckhorst</i>	129 COUNTRY CLUB DR
9/7/14	Don Lipps	<i>Don Lipps</i>	130 COUNTRY CLUB DR
9/7/14	Scott Johnston	<i>Scott Johnston</i>	131 COUNTRY CLUB DR

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HERITAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

9/8/14 WILLIAM CONDUCT William Condict 132 COUNTRY CLUB DR

DATE NAME SIGNATURE ADDRESS

Janet Cox Personal Contact No Response 201 COUNTRY CLUB DR

9/6/14 Thomas Garcia 202 COUNTRY CLUB DR

9/12/14 Constance J. Biggs Constance J. Biggs 203 COUNTRY CLUB DR

9/12/14 Rodger Cromer Rodger Cromer 204 COUNTRY CLUB DR

9/4/14 Ernest Cantrell White Ernest Cantrell White 205 COUNTRY CLUB DR

9/6/14 Ivonne J. Ortiz Ivonne J. Ortiz 206 COUNTRY CLUB DR

9/6/14 Michelle Hendricks Michelle Hendricks 207 COUNTRY CLUB DR

Li Yi
letter sent, no response 209 COUNTRY CLUB DR

9/7 Joyce Morison Joyce Morison 211 COUNTRY CLUB DR

Gary Antonius Declined
PAMALA A SITZLER Pamala A. Sitzler 212 COUNTRY CLUB DR

9/5/14 DOUGLAS SITZLER Douglas A. Sitzler 213 COUNTRY CLUB DR

9/6/14 Gary Hetterich Gary Hetterich 215 COUNTRY CLUB DR

9/6/14 Teresa L. Davis Teresa L. Davis 216 COUNTRY CLUB DR

9-6-14 Douglas A. Day Douglas A. Day 217 COUNTRY CLUB DR

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HERITAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

DATE	NAME	SIGNATURE	ADDRESS
9-6-14	Thomson & Thompson	Thomson & Thompson	219
9-6-14	Dev Thompson	Dev Thompson	218 COUNTRY CLUB DR
9-7-14	Timothy E Jones	Timothy E Jones	218
9-7-14	Carol Jones	Carol Jones	219 COUNTRY CLUB DR
9-9-14	Rachael Kiss	Rachael Kiss	
9-10-14	Andor Kiss	Andor Kiss	221 COUNTRY CLUB DR
9-7-14	Robert McCarrick	Robert McCarrick	
9-9-14	Katy McCarrick	Katy McCarrick	222 COUNTRY CLUB DR ✓
9-9-14	Anita Wilson	Anita Wilson	
			223 COUNTRY CLUB DR
9/9/14	Julie Campbell-Puggaard	Julie Campbell-Puggaard	225 COUNTRY CLUB DR ✓
6 SEP 2014	PETER LINDSAY	Peter Lindsay	226 COUNTRY CLUB DR
9/6/14	DOUGLAS A. BROOKS	Douglas A. Brooks	227 COUNTRY CLUB DR
9/6/14	William Henzichs	William Henzichs	
9/6/14	April Henzichs	April Henzichs	229 COUNTRY CLUB DR
	Ella Mae Lawson	Letter Sent No Response	PARCEL A COUNTRY CLUB DR
	Oxford Country Club Square D Company	Letter Sent No Response	PARCEL B COUNTRY CLUB DR

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY
DISTRICT FOR HERITAGE I, II, III, AND IV AND 6392 CONTRERAS ROAD, OXFORD
OHIO

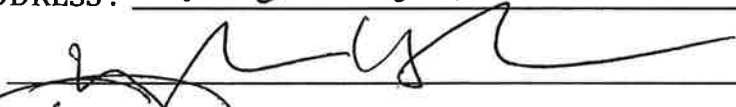
I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PROPERTY OWNED: 117 COUNTRY CLUB DRIVE

NAME DOUGLAS HAVELKA

MAILING ADDRESS: 881 EAGLEKNOLL COURT, FORESTVILLE,
OH 45255

SIGNATURE 

☒ APPROVE ☐ DISAPPROVE

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY
DISTRICT FOR HERITAGE I, II, III, AND IV AND 6392 CONTRERAS ROAD, OXFORD
OHIO

I, the undersigned, do hereby state that I am an owner of a property within the
boundaries designated by the petition.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A
ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT
TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS
PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PROPERTY OWNED : 120 Olde Farm

NAME Nancy Wadleigh
MAILING ADDRESS PO Box 101, OXFORD, OH 45056

SIGNATURE Nancy Wadleigh
☒ APPROVED ☐ DISAPPROVED

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY
DISTRICT FOR HERITAGE I, II, III, AND IV AND 6392 CONTRERAS ROAD, OXFORD
OHIO

I, the undersigned, do hereby state that I am an owner of a property within the
boundaries designated by the petition.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A
ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT
TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS
PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PROPERTY OWNED : 17 OLDE FARM ROAD

NAME: EVALOU MIDDAUGH
MAILING ADDRESS 6470 POST ROAD, DUBLIN, OH 43016

SIGNATURE Evalou Middaugh Date September 14, 2017

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HERITAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

DATE NAME

SIGNATURE

ADDRESS

9/28 Christy Whalen *Personal Contact Declined to Sign* 105 OLDE FARM ROAD

PETITION FOR RESIDENTIAL CONSERVATION OVERLAY FOR HEK1 PAGE I, II, III, AND IV
SUBDIVISION, AND 6392 CONTRERAS ROAD, OXFORD, OH.

DATE

NAME

SIGNATURE

ADDRESS

Gerald Sanders

declined

200 COUNTRY CLUB DR

Michael Matix

declined

210 COUNTRY CLUB DR

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 6, 2015

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

December 14, 2014
Date Prepared:

PC-2014-18 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R1B (Single Family Medium Density Residential) District. A total of 57 parcels were included in the petition and a total of 44 property owners' signatures were obtained, for a total of 47 parcels. The legislation allows a neighborhood to generate a petition to create an overlay district subject to meeting certain standards and public hearing process.

The petition to establish a neighborhood conservation overlay district was filed on September 15, 2014 with the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 21, 2014. The Planning Commission reviewed the request on December 9, 2014 with many property owners in attendance at the hearing. The Planning Commission recommended approval of this amendment and forwarding this request to City Council for legislative action.

The intent is to be a grass-roots effort which only alters one aspect of the permitted land uses (residential occupancy). Therefore the base zoning district regulations are retained. Without the overlay, a single dwelling unit can have up to four unrelated persons. With the overlay, a single dwelling unit may still be rental property, but is limited to no more than two unrelated persons. Existing dwellings with more than two unrelated persons would be allowed to continue as legal conforming.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 12/12/14
DRE 1/2/15

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1B (SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL) DISTRICT FOR 57 PARCELS LOCATED ON EMERALD WOODS DRIVE, GLOS DRIVE, BRIGID CIRCLE, STONE HEDGE CIRCLE AND FRENCH DRIVE, IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on December 9, 2014 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1B (Single Family Medium Density Residential) District for 57 parcels located on Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1B (Single Family Medium Density Residential) District for 57 parcels located on Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

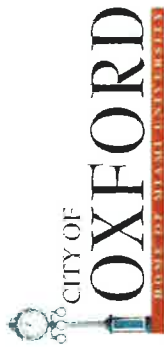
SECTION 4: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KEVIN MCKEEHAN
PREPARED BY: LAW (STAFF)

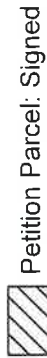


**Emerald Woods
French Glos
Brigid Stone Hedge
Neighborhood
Conservation
Overlay District
Petition Boundaries**

Legend



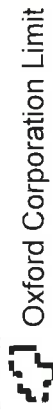
Petition Area



Petition Parcel: Signed



Petition Parcel: Not Signed



Oxford Corporation Limit

Address Point

Parcel

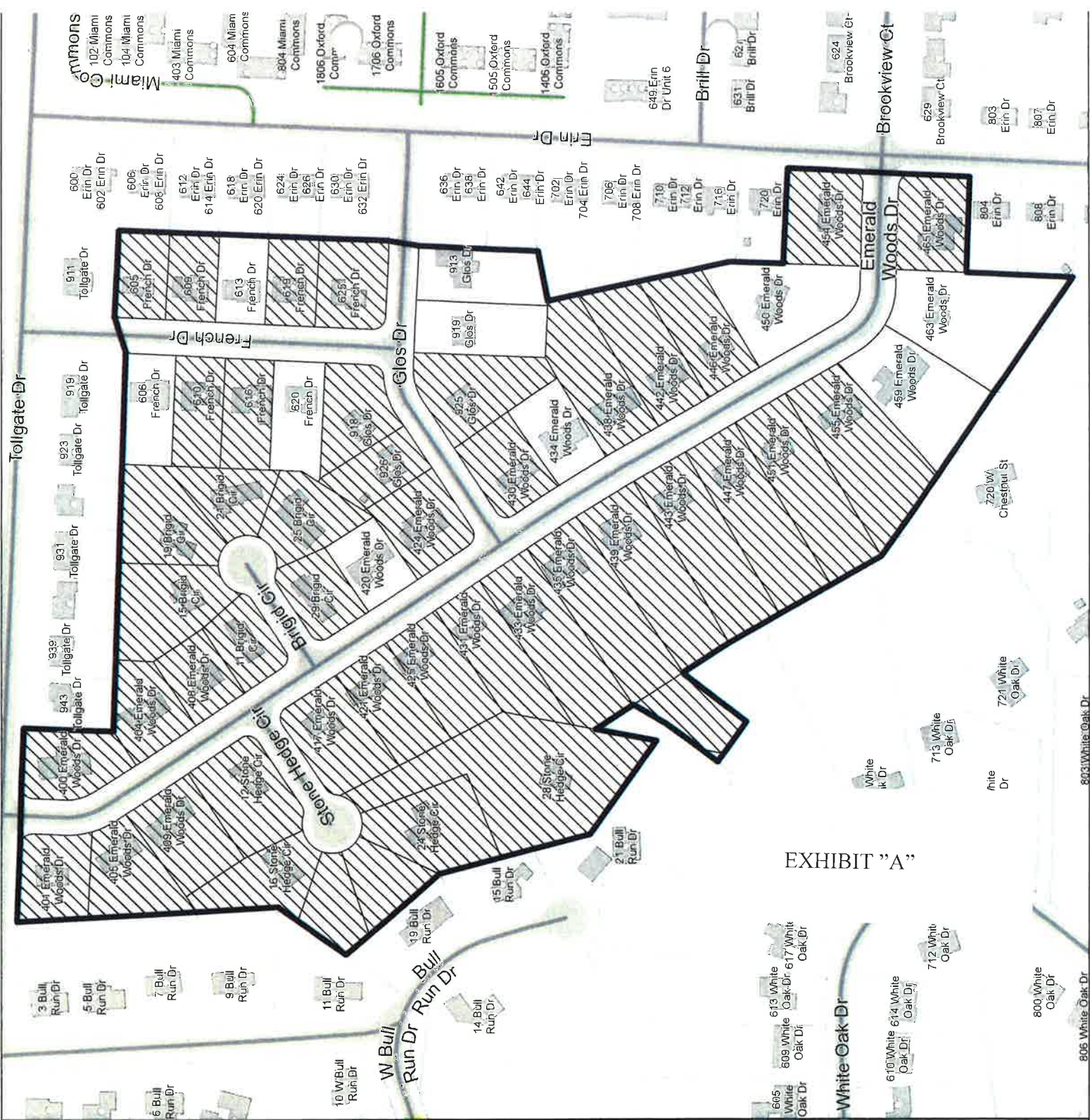
Building Footprint

Paved Roadway



1 inch = 230 feet

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



**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	January 6, 2014
<u>Case Number</u>	PC-2014-18
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	PC-2014-18 ZONING MAP AMENDMENT , to establish a Neighborhood Conservation Overlay District in the area of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels contained in the proposed overlay district boundary, City of Oxford, Applicant
<u>Public Hearing Information</u>	On December 9, 2014 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 9, 2014. Public Hearing notices were mailed out to surrounding properties on November 18, 2014.
<u>Commission Action</u>	The Planning Commission voted 4-1-1 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met the Decision Standards of Chapter 1146, and at least one Decision Standard of Chapter 1135
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated November 24, 2014 2. Proposed Boundary Map 3. Interoffice Reviews 4. Surrounding Property Notifications 5. Review and Comment Form Responses 6. Zoning Map Amendment Application Dated October 24, 2014 7. Resolution 4869 City Council Acceptance of Petition 8. Staff Summary to City Council Dated October 7, 2014 9. Petition for Residential Conservation Overlay District

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2014-18

Date – December 9, 2014

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1B Single Family Medium Density Residential District, in the neighborhood of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive. City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R1B (Single Family Medium Density Residential) District in the neighborhood of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive.

A petition to establish a neighborhood conservation overlay district was filed on September 15, 2014 to the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 21, 2014.

ZONING CODE

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

COMPREHENSIVE PLAN

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

Objective Expand Housing options

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

Objective: Expand homeownership opportunities

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

AGENCY REVIEWS

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

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

PUBLIC REVIEW AND COMMENTS

Two reviews were received. Zero opposed the amendment, two were in favor.

DECISION CRITERIA

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

ANALYSIS

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

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

The conversion of a single family residential dwelling from owner-occupied to rental property in a neighborhood creates a negative impact to the neighborhood in a variety of forms, including property deterioration, congestion, noise and traffic. It also set the pace for more properties in the neighborhood to be more susceptible to turning into rental properties.

A petition was filed by a group of neighbors in Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels of tracts of land, to be considered a Neighborhood Conservation Overlay District on September 15, 2014 with the Clerk of the Oxford City Council. The petition also showed that there were 44 signatures obtained that represent 47 parcels. A map of the proposed district was attached illustrating the area for consideration.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on October 21, 2014 and forwarded this petition to the Planning Commission for Zoning Map Amendment consideration.

Please note that it is quite common in Oxford that one property owner owns multiple parcels around his/her residences. Therefore, often times there are fewer signatures than the number of parcels petitioned for overlay district.

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

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

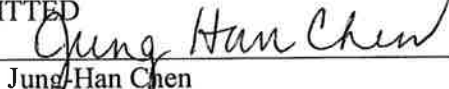
Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far more lengthy than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

RECOMMENDATION

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

SUBMITTED

BY:



Jung-Han Chen

Community Development Director

DATE: November 24, 2014

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

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

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 2, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development Department

PC-2014-16 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-17 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive, Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-18 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-19 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other



Comments or status update requested by: Lynn Taylor

Please return no later than: **12/05/2014** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

PC-2014-16

X

PC-2014-17

X

PC-2014-18

X

PC-2014-19

X

Drawings reviewed by:



Date: 12.2-14

VICTOR POPESCU

PRINTED NAME



PC-2014-18

Surrounding Property Owners Map

Notifications

Legend



Address Point

Parcel

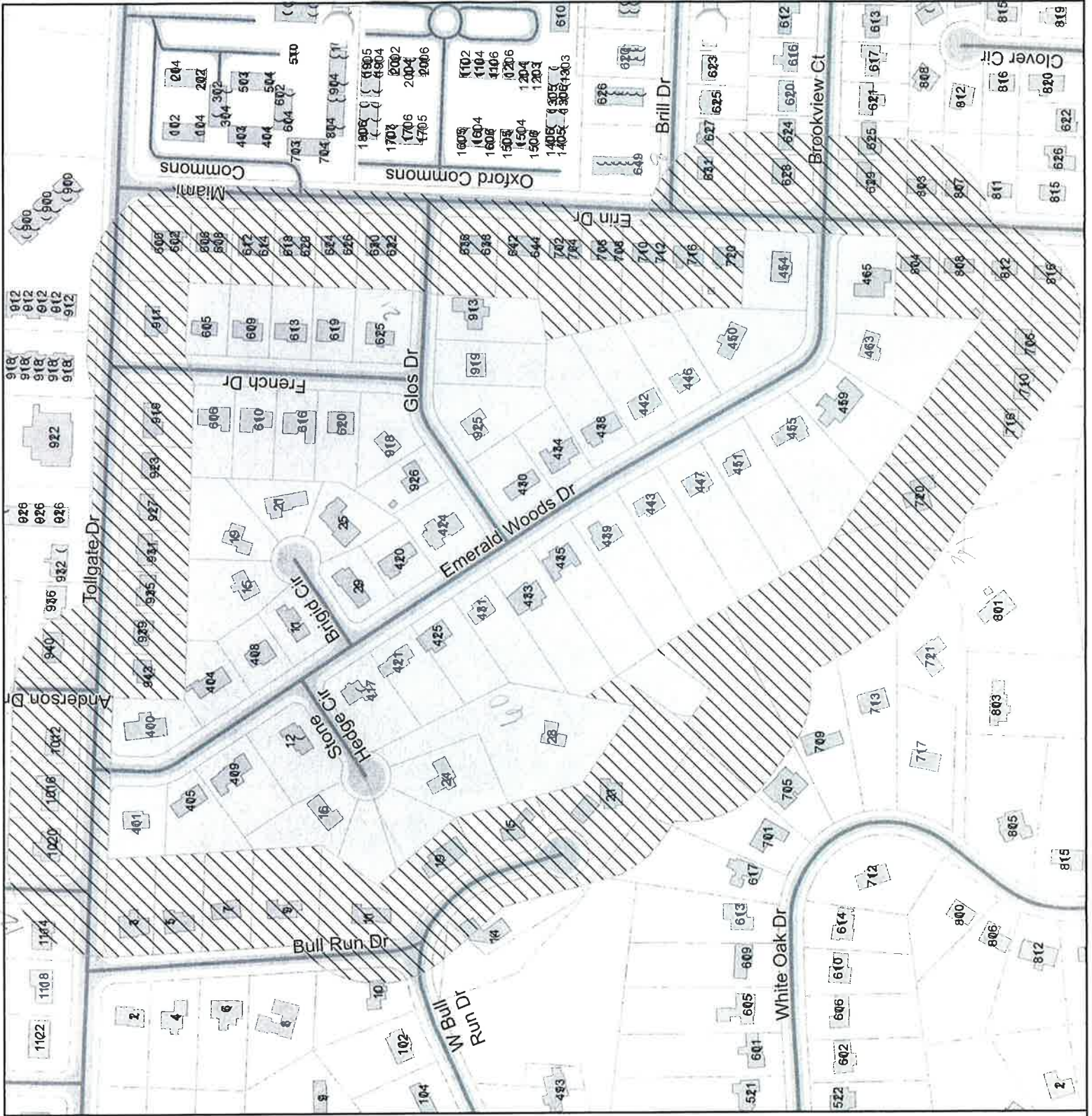
Building Footprint

Paved Roadway

K

1 inch = 275 feet

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





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

CASE NO.: PC-2014-18

DATE OF HEARING:

December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name: Tim Crawford + Cheryl Young

Address: 926 Glos Drive

Telephone: Home: (513) 461-2264 Work: (513) 529-8607

COMMENTS: We support this initiative to preserve and enhance the neighborhood where we have resided since 2004, and plan to reside for many years.

Signature Cheryl Young

+ Tim Crawford

Date 11/21/14



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

CASE NO.: PC-2014-18

DATE OF HEARING: December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name: _____

Address: _____

Dr. Randall W. Listerman
25 Brigid Circle
Oxford, OH 45056

Telephone: Home: _____ Work: _____

COMMENTS:

We support all of the zoning map amendments. We also vote for the Zoning Code Text Amendment.

Dr. Randall W. Listerman
Signature

11/27/14
Date



Internal Use Only:	PC-2014-18
Case No.	
Date Filed	10/24/14

Zoning Map Amendment Application

Applicant Information

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

Name * Jung-Nan Chen
 Mailing Address * 101 E High St.
 City, State & Zip Code * Oxford OH 43056
 Telephone Number(s) * 513-524-5204
 Email Address jhchen@cityofoxford.org

Location and Lot Information

Location *
 General Description of Proposed Amendment * Zoning Map Amendment - establish a neighborhood conservation overlay district
 Current Zoning *
 Proposed Zone(s) * Overlay District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.
 An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.
- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
 - A. Application Fee.
 - B. The name, mailing address, and telephone number of the applicant.
 - C. A general description of the proposed amendment.
 - D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - E. A statement that identifies potential negative consequences of the proposed amendment.
 - F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - G. A legal description of the area to be rezoned.
 - H. The proposed zoning of the area.
 - I. The current zoning of the area.
 - J. A description of existing uses in the area.

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

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *

Jung Han Chen
10/24/14

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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

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

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

PC-2014-18

RESOLUTION NO. 4869

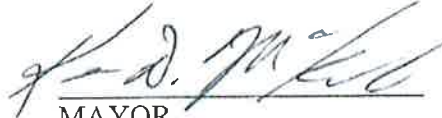
RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR THAT AREA OF EMERALD WOODS DRIVE, GLOS DRIVE, BRIGID CIRCLE, STONE HEDGE CIRCLE AND FRENCH DRIVE AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

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

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

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


MAYOR

ADOPTED: October 21, 2014

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 21, 2014

Account Code No. #:

Jung-Han CHen
Prepared By

Budgeted Amount:

October 7, 2014
Date Prepared

Agenda Title:	Resolution Accepting a Petition to Establish a Neighborhood Conservation Overlay District and Referring the Petition to the Planning Commission for Recommendation
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Recommendation: Approval
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Discussion:

The Residential Conservation Overlay District legislation was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of property owners within the proposed district. This petition goes before City Council for acceptance and the petition is then referred to the Planning Commission for review. There have been two petitions to come before the City Council previously.

This petition for acceptance was filed by residents in the neighborhood of Emerald Woods, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive on September 15, 2014. There are a total of 57 parcels contained in the proposed overlay district boundary. The petition shows 47 signatures obtained and the date when the owners signed the petition. A map of the proposed area is attached illustrating the area for consideration.

The signatures in this petition exceed the two-thirds requirement of the parcel owners of this petitioned area. The signatures represent 57 parcels within the boundary, which is 82%. Additionally, the boundary of the proposed overlay district also satisfies the general boundary requirements of Section 1146 of the Codified Ordinances.

This is the first step in creating a neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review. Staff recommends approval of this resolution

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>10/14/14</u>
City Attorney:	<u> </u>	<u> </u>
City Manager:	<u> </u>	<u> </u>

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT FOR
EMERALD WOODS DRIVE, STONE HEDGE CIRCLE, BRIGID CIRCLE, GLOS
DRIVE AND FRENCH DRIVE, OXFORD, OHIO**

Petitioners:

Mary Daniels 451 Emerald Woods Drive
Beth Swailes 443 Emerald Woods Drive
Bonnie Mason 421 Emerald Woods Drive

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

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONERS TO INITIATE A ZONING MAP AMENDMENT PURSUANT TO CHAPTER 1146 OF THE CITY'S ZONING CODE TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

East Boundary: The east property lines of the properties on the east side of French Dr. and Emerald Woods Dr.; the east property lines of 913 Glos Dr. and 465 Emerald Woods Dr.

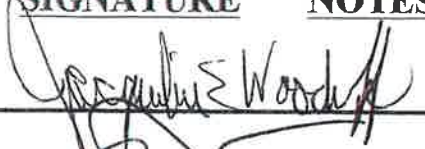
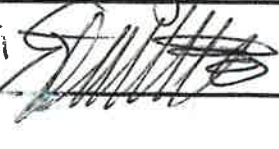
North Boundary: The north property lines of the properties on 605 and 606 French Dr., 15 and 19 Brigid Cir. and 400, 401 and 404 Emerald Woods Dr.

West/South Boundaries: The west and south property lines of the properties on the west side of Emerald Woods Dr. and the properties and vacant lots on 16, 24 and 28 Stone Hedge Cir.

<u>DATE</u>	<u>PROPERTY ADDRESS</u>	<u>NAME</u>	<u>SIGNATURE</u>	<u>NOTES</u>
8/26/14	451 Emerald Wds.	Mary Daniels	Mary Daniels	
8/26/14	446 EMERALD WOODS	SAKE BOWERS	[Signature]	
8/26/14	442 Emerald Woods	Karen deSaintRat	Karen deSaintRat	
8/26/14	439 Emerald Woods	Robin Thomas	[Signature]	



**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT FOR
EMERALD WOODS DRIVE, STONE HEDGE CIRCLE, BRIGID CIRCLE, GLOS
DRIVE AND FRENCH DRIVE, OXFORD, OHIO**

<u>DATE</u>	<u>PROPERTY ADDRESS</u>	<u>NAME</u>	<u>SIGNATURE</u>	<u>NOTES</u>
8/26/14	431 Emerald Woods Dr	Jackie Wooduff		
08/26/14	425 EMERALD WOODS DR	Corey Watt		
08/26/14	421 Emerald Woods Dr	Bonnie Mason	BONNIE MASON	
8/26/14	417 Emerald Woods Dr	Warren Mandrell	Warren Mandrell	
8/26/14	447 Emerald Woods Dr	Keli Puzo	Keli Puzo	
8/26/14	465 EMERALD WOODS DR	MARILYN THORNE	Marilyn Thorne	
8/26/14	454 Emerald Woods Dr	ROXANN SOMMER	Roxann Sommer	
8/26/14	455 Emerald Woods Dr	Amelia Robinson	Amelia Robinson	
8/26/14	443 Emerald Woods Dr	Elizabeth Swailes	Elizabeth Swailes	
8/26/14	435 Emerald Woods Dr	Robin Parker	Robin Parker	
8/26/14	408 EMERALD WOODS DR	GRET ROBERTS	G. Roberts	
8/26/14	401 Emerald Woods Dr	Bill & Julie Froude	Julie Froude	
8/26/14	400 Emerald Woods Dr	Mike's Eileen		

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT FOR
EMERALD WOODS DRIVE, STONE HEDGE CIRCLE, BRIGID CIRCLE, GLOS
DRIVE AND FRENCH DRIVE, OXFORD, OHIO**

<u>DATE</u>	<u>PROPERTY ADDRESS</u>	<u>NAME</u>	<u>SIGNATURE</u>	<u>NOTES</u>
9/3/14	430 Emerald Woods	Emily Kuhn	<i>Emily Kuhn</i>	
9/7/14	424 Emerald Woods	Richard Vaughn	<i>Richard Vaughn</i>	
9/7/14	438 Emerald Woods	Mindy Stephens	<i>Mindy Stephens</i>	
9/8/14	405 Emerald Woods Dr.	^{Evelyn Mesler} Evelyn Mesler	<i>Evelyn A. Mesler</i>	
9/12/2014	404 EMERALD WOODS	KATHLEEN BRINKMAN	<i>Kathleen Brinkman</i>	

45A EMERALD WDS

OWNER IS TRUST
RESIDENT IN NURSING HOME

463 " "

FAMILY GONE FOR 1 YR

450 " "

OWNER IN CLEVELAND

434 " "

OWNER IN DAYTON

420 " "

NO

9/1/14 433 EMERALD WOODS DR. / BRADLEY D. COTTERMAN / *Bradley D. Cotterman*
OXFORD, OH 45056

<u>DATE</u>	<u>PROPERTY ADDRESS</u>	<u>NOTES</u>
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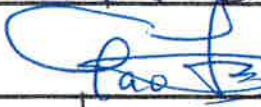
SIGNATURE

5

9-8-2014 489 Emerald Woods Dr. Dianne Hutchinson Deanne C. Hutchinson

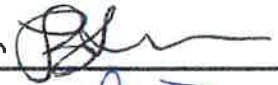
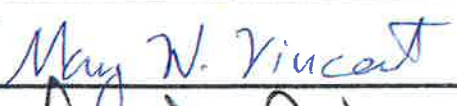
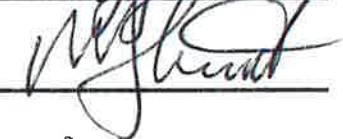
**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT FOR
EMERALD WOODS DRIVE, STONE HEDGE CIRCLE, BRIGID CIRCLE, GLOS
DRIVE AND FRENCH DRIVE, OXFORD, OHIO**

6

<u>DATE</u>	<u>PROPERTY ADDRESS</u>	<u>NAME</u>	<u>SIGNATURE</u>	<u>NOTES</u>
8/21/14	11 Brigid Cir	NORMAN BUTT	NORMAN BUTT	
8/29/14	15 Brigid Cir	Tao Jiang		NO RESPONSE ENG VISA
8/29/14	19 Brigid Cir.	Lisa Raabe	Lisa Raabe	
8/29/14	21 Brigid Cir	Mary H. Johnson	Mary H Johnson	
8/29/14	25 Brigid Cir	Layne A Listerman	Layne A Listerman	
9/4/14	29 Brigid Cir [#]	Kathleen Killian	Kathleen Killian	
9/8/14	12 STONE HEDGE	Carol Shulman	Carol Shulman	
9/6/14	16 STONE HEDGE	(Edie Gintner) Kathleen Webb	KC Webb, POA / daughter	
9/6/14	24 STONE HEDGE	Anne Nielson	Anne Nielson	
9/6/14	(2 ⁴) VACANT LOT	Anne Nielson	Anne Nielson	
9/6/14	28 STONE HEDGE	Tim Poff	Tim Poff	
9/6/14	Vacant LOT Stone Hedge	Mauveen Kelly	Mauveen Kelly	11 Bull Run - owner
10/9/14	11 Brigid Circle	Patti J. Butt	Patti J. Butt	

French
Glos

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT FOR
EMERALD WOODS DRIVE, STONE HEDGE CIRCLE, BRIGID CIRCLE, GLOS
DRIVE AND FRENCH DRIVE, OXFORD, OHIO**

<u>DATE</u>	<u>PROPERTY ADDRESS</u>	<u>NAME</u>	<u>SIGNATURE</u>	<u>NOTES</u>
8/26/14	925 Glos Dr. Oxford	Jennifer Timmerman		
8-26-14	619 FRENCH DR OXFORD	DONNA BAKER		
8/26/14	609 French Drive Oxford	Mary W. Vincent		
8/26/14	610 French Dr Oxford	Larry J. Renkin		
8-26-14	605 French	Janet Clegg		
8/26/14	616 French dr	Robert M. Schneider		
8/26/14	918 Glos Dr	Wan Xia Xia		
8/26/14	926 Glos Dr	Cheryl Young		
8/28/14	625 French	Serena		
	606 FRENCH			NO
	620 FRENCH			NO RESPONSE 5 VISITS
8/28/14	919 GLOS			NO
	913 GLOS			NO RESPONSE 5 VISITS
	613 FRENCH			VACANT - OWNED BY MORTGAGE COMPANY

**PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT FOR
EMERALD WOODS DRIVE, STONE HEDGE CIRCLE, BRIGID CIRCLE, GLOS
DRIVE AND FRENCH DRIVE, OXFORD, OHIO**

<u>DATE</u>	<u>PROPERTY ADDRESS</u>	<u>NAME</u>	<u>SIGNATURE</u>	<u>NOTES</u>
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9/20/14	435 Emerald Woods	Robin Parker	[Signature]	
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- undeveloped parcel

9/20/14	435 Emerald Woods	Robin Parker	[Signature]	
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undeveloped parcel

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 6, 2015

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

December 14, 2014

Date Prepared:

PC-2014-19 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R1B (Single Family Medium Density Residential) District. A total of 56 parcels were included in the petition and a total of 44 property owners' signatures were obtained, for a total of 46 parcels. The legislation allows a neighborhood to generate a petition to create an overlay district subject to meeting certain standards and public hearing process.

The petition to establish a neighborhood conservation overlay district was filed on September 26, 2014 with the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 21, 2014. The Planning Commission reviewed the request on December 9, 2014 with many property owners in attendance at the hearing. The Planning Commission recommended approval of this amendment and forwarding this request to City Council for legislative action.

The intent is to be a grass-roots effort which only alters one aspect of the permitted land uses (residential occupancy). Therefore the base zoning district regulations are retained. Without the overlay, a single dwelling unit can have up to four unrelated persons. With the overlay, a single dwelling unit may still be rental property, but is limited to no more than two unrelated persons. Existing dwellings with more than two unrelated persons would be allowed to continue as legal conforming.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 12/17/14
DRE 1/2/15

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-1B (SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL) DISTRICT FOR 56 PARCELS LOCATED ON FIELDCREST AVENUE, DEVONSHIRE DRIVE, PATRICK DRIVE, TIMOTHY LANE AND CONTRERAS ROAD, IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1125.01 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on December 9, 2014 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-1B (Single Family Medium Density Residential) District for 56 parcels located on Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-1B (Single Family Medium Density Residential) District for 56 parcels located on Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane And Contreras Road, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

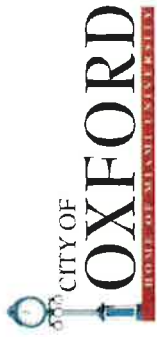
SECTION 4: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

SECTION 5: This Ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KEVIN MCKEEHAN
PREPARED BY: LAW (STAFF)



**Timothy Devonshire
Patrick Fieldcrest
Contreras
Neighborhood
Conservation
Overlay District
Petition Boundaries**

Legend

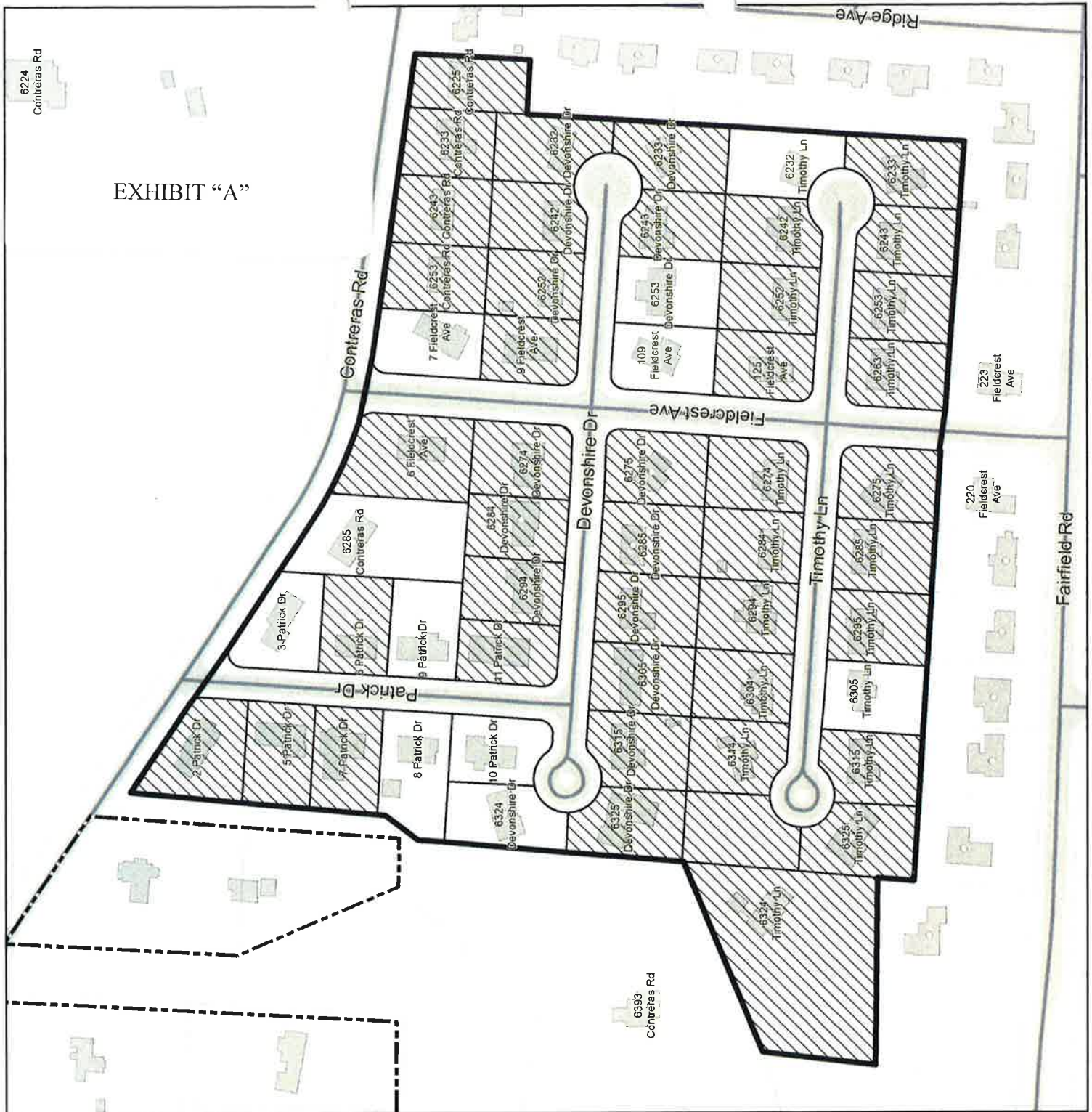
-  Petition Area
-  Petition Parcel: Signed
-  Petition Parcel: Not Signed
-  Oxford Corporation Limit
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 200 feet

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

EXHIBIT "A"



**Certification of Action
Oxford Planning Commission
Recommendation to City Council**

<u>Report Date</u>	January 6, 2014
<u>Case Number</u>	PC-2014-19
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	PC-2014-19 ZONING MAP AMENDMENT , to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, City of Oxford, Applicant
<u>Public Hearing Information</u>	On December 9, 2014 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 9, 2014. Public Hearing notices were mailed out to surrounding properties on November 18, 2014.
<u>Commission Action</u>	The Planning Commission voted 5-1-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met the Decision Standards of Chapter 1146, and at least one Decision Standard of Chapter 1135
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated November 24, 2014 2. Proposed Boundary Map 3. Interoffice Reviews 4. Surrounding Property Notifications 5. Review and Comment Form Responses 6. Zoning Map Amendment Application Dated October 24, 2014 7. Resolution 4868 City Council Acceptance of Petition 8. Staff Summary to City Council Dated October 7, 2014 9. Petition for Residential Conservation Overlay District

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2014-19

Date – December 9, 2014

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-1A Single Family Low Density Residential District, in the neighborhood of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road. City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R1A (Single Family Low Density Residential) District in the neighborhood of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road.

A petition to establish a neighborhood conservation overlay district was filed on September 26, 2014 to the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on October 21, 2014.

ZONING CODE

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

COMPREHENSIVE PLAN

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

Objective Expand Housing options

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

Objective: Expand homeownership opportunities

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

AGENCY REVIEWS

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

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

PUBLIC REVIEW AND COMMENTS

Four reviews were received. Zero opposed the amendment, four were in favor. One inquired about their street being included in the Overlay District.

DECISION CRITERIA

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

ANALYSIS

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

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

The conversion of a single family residential dwelling from owner-occupied to rental property in a neighborhood creates a negative impact to the neighborhood in a variety of forms, including property deterioration, congestion, noise and traffic. It also set the pace for more properties in the neighborhood to be more susceptible to turning into rental properties.

A petition was filed by a group of neighbors in Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels of tracts of land, to be considered a Neighborhood Conservation Overlay District on September 26, 2014 with the Clerk of the Oxford City Council. The petition also showed that there were 44 signatures obtained that represent 56 parcels. A map of the proposed district was attached illustrating the area for consideration.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on October 21, 2014 and forwarded this petition to the Planning Commission for Zoning Map Amendment consideration.

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

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

Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

RECOMMENDATION

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

SUBMITTED

BY: Jung-Han Chen
Jung-Han Chen
Community Development Director

DATE: November 24, 2014

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

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

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: December 2, 2014

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development Department

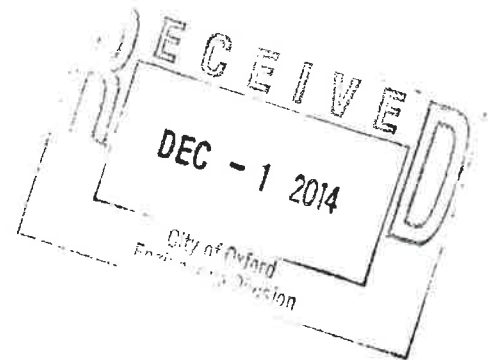
PC-2014-16 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Hilltop Road, part of Contreras Road, Panda Lane and Pin Oak Drive, for a total of 72 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-17 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Country Club Drive, Olde Farm Road, and part of Contreras Road for a total of 91 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-18 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Emerald Woods Drive, Glos Drive, Brigid Circle, Stone Hedge Circle and French Drive for a total of 57 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

PC-2014-19 ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other



Comments or status update requested by: Lynn Taylor

Please return no later than: **12/05/2014** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

PC-2014-16

X

PC-2014-17

X

PC-2014-18

X

PC-2014-19

X

Drawings reviewed by:



Date: 12-2-14

VICTOR POPESCU
PRINTED NAME



PC-2014-19

Surrounding Property Owners Map

Notifications

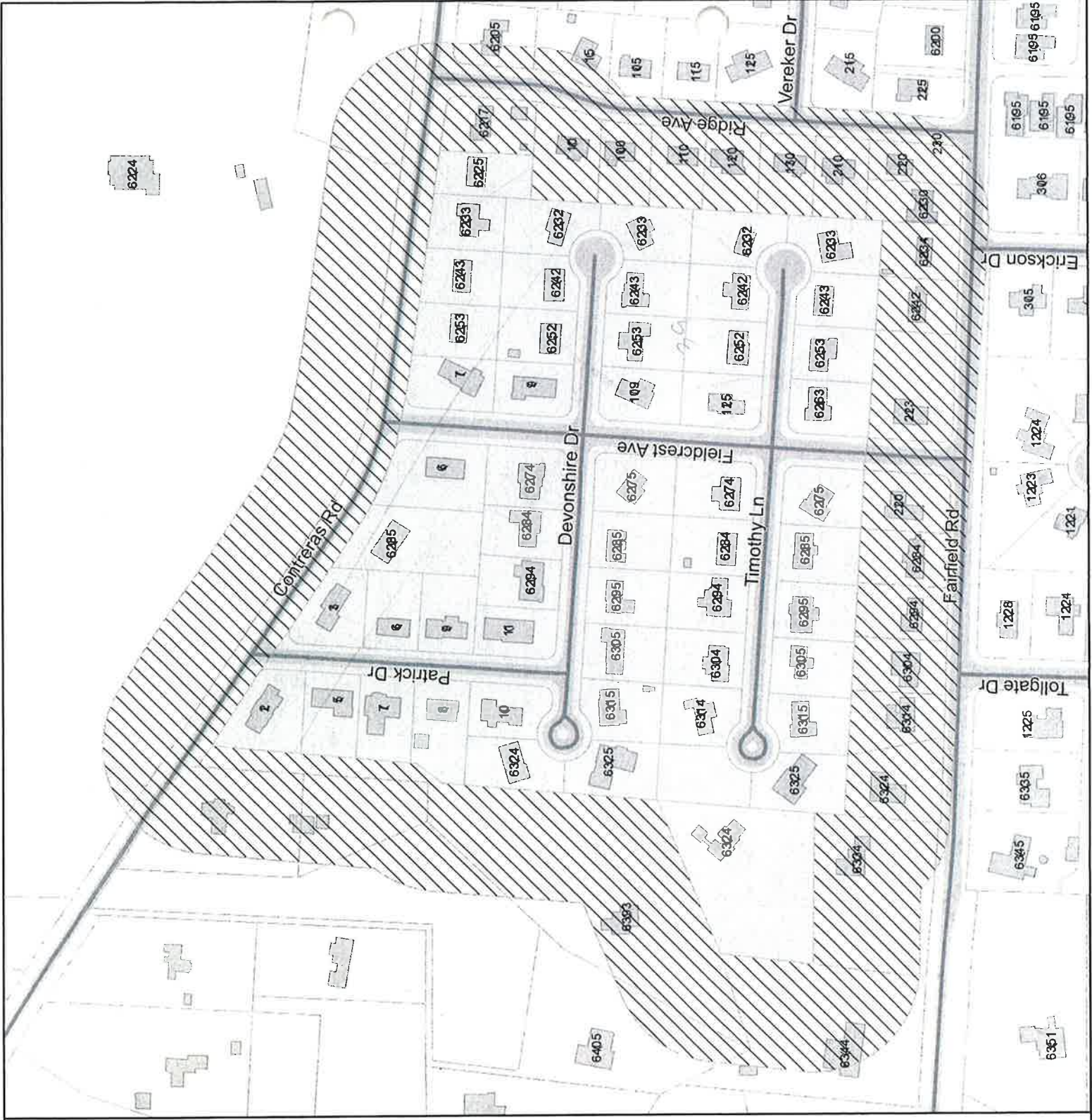
Legend

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

K

1 inch = 250 feet

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





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

CASE NO.: PC-2014-19

DATE OF HEARING:

December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name: Joe + Allison Kleibschneider

Address: 6285 Timothy Lane
Oxford, OH 45056

Telephone: Home: 419-656-7941 Work: _____

COMMENTS:

We just had a baby + cannot attend. Thank you for sending this! We are in favor of the redistricting/overlay district.

A.K.
Signature

11/29/14
Date



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

CASE NO.: PC-2014-19

DATE OF HEARING:

December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name: WILLIAM & DIXIE UTTER

Address: 6314 TIMOTHY LANE
OXFORD, OH 45056

Telephone: Home: 803 550 9356 Work: —

COMMENTS:

ALTHOUGH WE HAVE MOVED, WE STILL OWN THE ABOVE PROPERTY WHICH WE PURCHASED IN 1970. WE CERTAINLY AGREE THAT THE CHARACTER OF OUR NEIGHBORHOOD WILL BENEFIT FROM THE PROPOSED ACTION. WE URGE PASSAGE OF THIS ZONING AMENDMENT

Signature William & Dixie Utter
Dixie C. Utter

Date November 24, 2014
11/24/14



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

CASE NO.: PC-2014-19

DATE OF HEARING:

December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name: MARY and Bob Vogel

Address: 6324 Fairfield Rd.
Oxford, OH.

Telephone: Home: (513) 523-8340 # (Q) Work: 513-593-0093

COMMENTS: We were curious about why Fairfield Rd. was not included since we border on Fieldcrest and Timothy. Fairfield and Contreras are the outside boundaries of all these other streets; Contreras was included, but Fairfield was NOT. We aren't certain whom we should contact to get more information. It might only include a portion of Fairfield, but it appears that a lot of areas around us are moving in this direction. (Thank you)

Mary Vogel
Signature
Robert H Vogel

11-24-14
Date



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

CASE NO.: PC-2014-19

DATE OF HEARING: December 9, 2014

ZONING MAP AMENDMENT, to establish a Neighborhood Conservation Overlay District in the area of Fieldcrest Avenue, Devonshire Drive, Patrick Drive, Timothy Lane and Contreras Road for a total of 56 parcels contained in the proposed overlay district boundary, **City of Oxford, Applicant**

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

Name: Prue & Steve Dana

Address: 6314 Fairfield Rd

Oxford, Ohio 45056

Telephone: Home: 513-~~523~~-6579 Cell: 513-461-3404

COMMENTS:

I am all for this !!

Prudence Dana
Signature

11-21-2014
Date



Internal Use Only:	PC-2014-19
Case No.	
Date Filed	10/24/14

Zoning Map Amendment Application

Applicant Information

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

Name * Jung-Nan Chen

Mailing Address * 101 E High St.

City, State & Zip Code * Oxford OH 45056

Telephone Number(s) * 513-524-5204

Email Address jhchen@cityofoxford.org

Location and Lot Information

Location * _____

General Description of Proposed Amendment * Zoning Map Amendment - establish a neighborhood conservation overlay district

Current Zoning * _____

Proposed Zone(s) * Overlay District

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

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

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

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.

- A. Application Fee.
- B. The name, mailing address, and telephone number of the applicant.
- C. A general description of the proposed amendment.
- D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- E. A statement that identifies potential negative consequences of the proposed amendment.
- F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
- G. A legal description of the area to be rezoned.
- H. The proposed zoning of the area.
- I. The current zoning of the area.
- J. A description of existing uses in the area.

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

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

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

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

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *

Jung Han Chen
10/24/14

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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

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

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

RESOLUTION NO. 4868

PC - 2014-19

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR THAT AREA OF FIELDCREST AVENUE, DEVONSHIRE DRIVE, PATRICK DRIVE, TIMOTHY LANE, AND CONTRERAS ROAD AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

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

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

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


MAYOR

ADOPTED: October 21, 2014

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: October 21, 2014

Account Code No. #:

Jung-Han CHen
Prepared By

Budgeted Amount:

October 7, 2014
Date Prepared

Agenda Title:	Resolution Accepting a Petition to Establish a Neighborhood Conservation Overlay District and Referring the Petition to the Planning Commission for Recommendation
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Recommendation: <u>Approval</u>
--

Discussion:

The Residential Conservation Overlay District legislation was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of property owners within the proposed district. This petition goes before City Council for acceptance and the petition is then referred to the Planning Commission for review. There have been two petitions to come before the City Council previously.

This petition for acceptance was filed by residents in the neighborhood of Fieldcrest, Devonshire, Patrick, Timothy and Contreras Roads on September 26, 2014. There are a total of 56 parcels contained in the proposed overlay district boundary. The petition shows 44 signatures obtained and the date when the owners signed the petition. A map of the proposed area is attached illustrating the area for consideration.

The signatures in this petition exceed the two-thirds requirement of the parcel owners of this petitioned area. The signatures represent 45 parcels within the boundary, which is 80%. Additionally, the boundary of the proposed overlay district also satisfies the general boundary requirements of Section 1146 of the Codified Ordinances.

This is the first step in creating a neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review. Staff recommends approval of this resolution

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>10/2/14</u>
City Attorney:	<u> </u>	<u> </u>
City Manager:	<u> </u>	<u> </u>

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

EAST BOUNDARY:

West side of Ridge Properties

NORTH BOUNDARY:

Contreras Rd.

WEST BOUNDARY:

West side of Properties on Patrick & Cul-de-sacs on Timothy & Devenshire

SOUTH BOUNDARY:

South side of Properties on Timothy

CIRCULATOR'S FULL NAME:

Matthew A. Troy

CIRCULATOR'S ADDRESS:

6 Patrick Drive Oxford, CT 06456

CIRCULATOR'S SIGNATURE:

Matthew A. Troy

DATE SUBMITTED:

9/15/14

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)

Properties on Timothy, Devenshire, Patrick, Fieldcrest (Timothy to Contreras)
and Contreras (Patrick to (and including) 6225 Contreras)

CITY OF OXFORD

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

EAST BOUNDARY:

West side of Ridge Properties

NORTH BOUNDARY:

Contreras Rd

WEST BOUNDARY:

West side of Properties on Patrick + c/w-de-sacs on Timothy + Devonshire

SOUTH BOUNDARY:

South side of Properties on Timothy

CIRCULATOR'S FULL NAME:

Anne Searle Koehler

CIRCULATOR'S ADDRESS:

9 Fieldcrest Ave, Oxford, OH

CIRCULATOR'S SIGNATURE:

Anne B. Koehler

DATE SUBMITTED: 9/22/14

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)

Properties on Timothy, Devonshire, Patrick, Fieldcrest (Timothy to Contreras) and Contreras (Patrick to, and including, 6225 Contreras).

voicing
One owner

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

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EAST BOUNDARY:

West side of Ridge Properties

NORTH BOUNDARY:

Contreras Rd.

WEST BOUNDARY:

West side of Properties on Patrick & Cul-de-sac on Timothy + Devonshire

SOUTH BOUNDARY:

South side of Properties on Timothy

CIRCULATOR'S FULL NAME:

Shirley A. Younts

CIRCULATOR'S ADDRESS:

6294 Devonshire Dr.

CIRCULATOR'S SIGNATURE:

Shirley Younts

DATE SUBMITTED:

9/16/14

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)

Properties on Timothy, Devonshire, Patrick, Fieldcrest (Timothy to Contreras and Contreras (Patrick to, and including, 6225 Contreras)

Signature for Voting
Circulator

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

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PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

EAST BOUNDARY:

West side of Ridge Properties

NORTH BOUNDARY:

Contreras Rd.

WEST BOUNDARY:

West side of Properties on Patrick & cul-de-sacs on Timothy + Devonshire

SOUTH BOUNDARY:

South side of Properties on Timothy

CIRCULATOR'S FULL NAME:

Jennifer A. Wade

CIRCULATOR'S ADDRESS:

6274 Timothy Lane

CIRCULATOR'S SIGNATURE:

[Signature]

DATE SUBMITTED: 9/13/14

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)

Properties on Timothy, Devonshire, Patrick, Fieldcrest (~~the~~ Timothy to Contreras)
and Contreras (Patrick to (and including) 6225 Contreras)

SEP 26 2014
CITY OF OXFORD

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

PROPERTY ADDRESS	PROPERTY OWNER	SIGNATURE	DATES	NOTES
9 Fieldcrest Ave.	Anne Searle Koehler	Anne B. Koehler Anne Bramble Koehler	9/5/14	
6 Fieldcrest Ave.	Jennifer B. Morrison	Jennifer B. Morrison	9/5/14	
7 Fieldcrest Ave.	David Miller and Janet	David Miller and Janet		9/8/14 gave info in morning (divided) Jehoruk's with needed
125 Fieldcrest Ave.	George Leinke Jr.	George Leinke Jr.	9/7/14	
6252 Devonshire Dr	Kelly L. Osborn	Kelly Osborn	9/7/14	
6243 Devonshire Dr	Laura M. Livingston	Laura Livingston	9/6/14	
6242 Devonshire Dr.	Roy H & Angela F Poston	Roy Poston Jr	9/6/14	
6233 Devonshire Dr.	Michael M. Cameron	Michael M. Cameron	9/6/14	
6232 Devonshire Dr.	Matt S. Smith & Sarah L. Smith	Matt S. Smith & Sarah L. Smith	9/6/14	
82 Fatrick	Koontz, Frank & Jan	Koontz, Frank & Jan		Jan said she would sign but failed to see her. 9/16/14 sent letter info + petition

RECEIVED
SEP 26 2014

CITY OF OXFORD

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

PROPERTY ADDRESS	PROPERTY OWNER	SIGNATURE	DATES	NOTES
109 Fieldcrest Ave Jonathan and Kathleen S.	Jonathan and Kathleen Slager			9/15/14 Sent letter info & petition to owners.
6253 Devonshire Dr	Nathaniel S & Emily R Lie			9/18/14 Sent letter info & petition to owners
2 Patrick Dr.	Foley, Charles T. TR et al.	Mary E. Foley	9/16/14	9/18/14 Sent letter info & petition to Liz Foley
5 Patrick Dr.	Reardon, John O TR of The Georgetown Second	Sed attached page		9/18/14 Sent letter info & petition to Jack & George Reardon
7 Patrick Dr.	Smith, Franklin L. II & Jill C.			9/18/14 Sent letter info & petition to Frank & Jill Smith
9 Patrick Dr.	Walenga, Gail A. & Schuhle, Steven K.			9/15/14 Sent letter info & petition to owners.
6285 6285 Devonshire Dr.	Velazco, David H. & Robelyn D.			9/18/14 Sent letter info & petition to David Velazco.
6325 Timothy Ln.	Miller, Sibyl A. TR w/A DTD 11-30-09			9/13/14 Sent letter info & petition to Sibyl Miller
6232 Timothy Ln.	Wax, Morrel J			9/15/14 Sent letter info & petition to owner.
6305 Timothy Ln.	Carrano, Ellen			9/15/14 Sent letter info & petition to owner

RECEIVED
SEP 20 2014

CITY OF OXFORD

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

PROPERTY ADDRESS	PROPERTY OWNER	SIGNATURE	DATES	NOTES
6 Patrick Dr.	Troy, Matthew A & Elizabeth M	<i>Matthew A. Troy</i>	9/5/2014 9/5/14	
3 Patrick Dr.	Gung, Benjamin	See other form. Directing ASK		9/14/14 Given information in person
8 Patrick Dr.	Koontz, Frank & Jan	See other form.		
10 Patrick Dr.	Perkins, John A. & Kimberly W.			Spoke to John on 9/15. Declined to sign.
11 Patrick Dr.	Smith, Donald C. & Marcia B.	<i>Donald C. Smith</i>	9/13/14	

RECEIVED
SEP 26 2014

CITY OF OXFORD

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

PROPERTY ADDRESS	PROPERTY OWNER	SIGNATURE	DATES	NOTES
6225 Contreras Rd.	Schindler, Gerald J.	<i>Gerald Schindler</i>	9/8/2014	
6233 Contreras Rd.	Cole, Richard D. & Linda J.	<i>Richard Cole</i>	Sept 14	
6243 Contreras Rd.	Riegel, Carolyn K. et. al.	See attached page		9/9/14 Sent letters, info + petition to John Riegel
6253 Contreras Rd.	Stearns, Dale K. & Hong Le	<i>Dale K. Stearns</i>	9/7/2014	
6285 Contreras Rd.	Mitchell, Maureen			9/9/14 Sent letters, info + petition to Maureen Mitchell
3 Patrick Dr.	Gung, Benjamin			9/15/14 Declined to sign.

RECEIVED
SEP 26 2014

CITY OF OXFORD

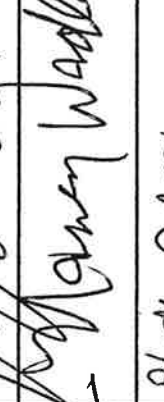
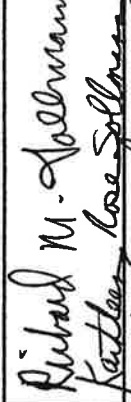
OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

PROPERTY ADDRESS	PROPERTY OWNER	SIGNATURE	DATES	NOTES
6294 Devonshire Dr.	Younts, Shirley A. TR	Shirley A Younts	9/7/14	
6274 Devonshire Dr	Schrimer, Marilyn M.	Marilyn Schrimer	9/7/14	
6284 Devonshire Dr.	Kobb, Richard F. TR et. al.	Richard Kobb	9/7/14	
6275 Devonshire Dr	Welborn, Max Jr.	Max Welborn Jr.	9/14/14	
6295 Devonshire Dr	Taylor, Christopher & Elizabeth	Christopher Taylor	9-14-14	
6305 Devonshire Dr.	Osborne, Kenneth J. & Alice A.	Alice A. Osborne	9-11-14	
6315 Devonshire Dr	Berg, William P. & Tai Heeyoung	William P. Berg	9/7/14	9/8/14 gave materials 9/10/14 called Did not sign
6324 Devonshire Dr	Perkins, Marilyn T.			
6325 Devonshire Dr	Dewitt, David S & Carolyn K.	Carolyn K. Dewitt	9/8/14	
6295 Devonshire Dr				

SEP 23 2014

CITY OF OXFORD

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

PROPERTY ADDRESS	PROPERTY OWNER	SIGNATURE	DATES	NOTES
6274 Timothy Ln.	Jennifer A. Wade		9-6-14	
6275 Timothy Ln.	Nancy Wadley		9/9/14	
6284 Timothy Ln.	Nelson, Ian M & Heather M.		9-7-14	
6285 Timothy Ln.	Kleibschneider, Joseph P & Alison		9-7-14 9/7/14	
6294 Timothy Ln.	Stad Schwegman, Emanuel R.		9/7/14	
6295 Timothy Ln.	Sellmann, Richard M & Kathleen		9/7/14 9-7-14	
6304 Timothy Ln.	Mueller, Jens & Bechtel Gabriele		9/7/14	
6305 Timothy Ln.	Currang Ellen			Name moved to "Center" list
6314 Timothy Ln.	Utter, William L. & Dixie C.		9/7/2014	
6315 Timothy Ln.	Martin, Ralph Ed		9/7/14	

RECEIVED
SEP 26 2014

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

PROPERTY ADDRESS	PROPERTY OWNER	SIGNATURE	DATES	NOTES
6325 Timothy Ln.	Miller, Sibyl A. TR WA DTD 11-30-09			Name moved to Hard to Contact list
6324 Timothy Ln.	King, William L. TR & Susan H TR	<i>William L. King</i> <i>Susan H. King</i>	9/7/14 9-7-14	
Timothy Ln.	King, William L. TR & Susan H. TR	<i>William L. King</i> <i>Susan H. King</i>	9/9/14 9-7-14	



 SEP 26 2014

 CITY OF OXFORD

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[illegible]

Name moved to "Hard to contact" 151

13

RECEIVED
SEP 26 2004



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OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

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2017-2018

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OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

PROPERTY ADDRESS	PROPERTY OWNER	SIGNATURE	DATES	NOTES
6243 Cortinas Rd	Riegel, Carolyn K et al.	Edna C Riegel	9/12/2014	

RECEIVED
SEP 23 2014
CITY OF OXFORD

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: Dec. 16, 2014 & Jan 6, 2015

Account Code #: Not Applicable

Budgeted Amount: \$ Not Applicable

Service Department

Originating Department

Michael Dreisbach, Service Director

Prepared By

December 9, 2014

Date Prepared

Agenda Title: An Ordinance Amending Allowable Rates and Charges by Glenwood Energy of Oxford, Inc. in Providing Natural Gas Utility Services in the City of Oxford.

Recommendation: Approval

Discussion:

On April 19, 2011, the Oxford City Council adopted Ordinance No. 3147 granting Glenwood Energy of Oxford, Inc. (Glenwood) a franchise to provide natural gas service and regulating rates and charges for the utility. This Ordinance was amended twice during the three year effective period to allow collection of fees for pressure testing of gas lines and for gas main relocation costs associated with the reconstruction of US27 south of Chestnut St. Per the Ordinance requirements, Glenwood has submitted documentation to the City requesting an increase in allowable charges necessary to operate the utility. The City continues to retain the services of utility attorney Barth Royer (Bell & Royer Co., LPA) who has reviewed Glenwood's documentation for compliance with Public Utilities Commission of Ohio (PUCO) standards and procedures.

Glenwood earns its revenue from two main sources with minor contributions from fees for specific services. The first source is the Gas Cost Recovery (GCR) rate. Approximately 60-70% of a customer's monthly bill is directly attributable to the cost of natural gas. The GCR rate is regulated by PUCO and is not changed by this proposed Ordinance. Glenwood should only recover its fuel costs with this rate; the rate is not intended to return profit to the company.

The second main source of revenue and allowable profit for Glenwood comes from a "monthly customer charge" and from the General Service Rate (GSR). Under the proposed Ordinance, the monthly customer charge of \$8.00 will not change for the next three year period. Glenwood did however propose an increase in the GSR of \$0.91 per Mcf (thousand cubic feet of gas), an increase of over 32%. This proposed increase would have raised the GSR to a rate of \$3.72 per Mcf from the existing rate of \$2.81 per Mcf. Mr. Royer and his technical experts thoroughly evaluated the allowable revenue attributable to a GSR rate and found the defensible rate should be an increase in the GSR from the current \$2.81 per Mcf to a new rate of \$3.03 per Mcf, an increase of 7.8%. As the GSR rate impacts only a portion of a customer's monthly bill, the impact on a typical monthly bill will be approximately + 2%. This is a reasonable increase in that the rate has not changed in over three years and the proposed rate is still lower than what customers were paying prior to 2006 – over eight years ago (\$3.05 Mcf).

Continued

Approved By:

Department Head:

Initial Date
MBD 12/9/14

City Manager:

JRH 12/12/14

Mr. Royer and staff also examined other miscellaneous fees and charges and are recommending the following for the next three year period:

Late Payment fee:	1.5%	No changes to this fee
Returned check fee:	\$25	No changes to this fee
Stop Payment charge:	\$32.50	No changes to this fee
Credit check processing fee:	\$15.00	No changes to this fee
Meter test charge:	\$75	No changes to this fee or stipulations
Field collection fee:	\$20	No changes to this fee
Reconnection charge:	\$50	No changes to this fee
Service Tap charge (res):	\$700	Actual cost up to a max. of \$850
Service Tap charge (comm.):	\$1,200	No changes to this fee
Pressure Test fee:	\$80	No changes to this fee

It is the City's understanding that Glenwood accepts the recommendations of our experts and endorses the adoption of the proposed Ordinance. It is Staff's recommendation that the Oxford City Council approve the Ordinance.

While not directly related to the rates charged by Glenwood, it is noteworthy that the City has not increased residential rates for water, sanitary sewer, or solid waste / recycling services for 2015.

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE THE RATES AND CHARGES TO BE CHARGED AND COLLECTED AND THE SERVICES TO BE RENDERED BY GLENWOOD ENERGY OF OXFORD, INC., ITS SUCCESSORS AND ASSIGNS, FOR GAS AND GAS SERVICE FURNISHED TO ALL OF ITS CUSTOMERS WITHIN THE CORPORATE LIMITS OF THE CITY OF OXFORD DURING THE PERIOD ENDING FEBRUARY 28, 2018, AND REPEALING AND SUPERSEDING ORDINANCE NOS. 3147, 3157, AND 3267, WHICH, TOGETHER, PREVIOUSLY REGULATED SUCH RATES, CHARGES, AND SERVICES.

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

SECTION 1: Rates, Charges, Rules, and Regulations. The rates and charges to be charged and collected and the rules and regulations governing services to be rendered by Glenwood Energy of Oxford, Inc., its successors and assigns, for gas and gas service furnished to all of its customers within the limits of the City of Oxford during the period ending February 28, 2018 shall be as set forth in this ordinance, which is hereby adopted pursuant to Article XVIII, Section 4 of the Ohio Constitution and Section 4909.34 of the Ohio Revised Code.

1. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance unless the context clearly shows a different meaning is intended.

“City” means City of Oxford, Ohio.

“City Manager” means the city manager of the City of Oxford, Ohio.

“Company” means Glenwood Energy of Oxford, Inc., its successors and assigns.

“Council” means City Council of the City of Oxford, Ohio.

“Gas,” “gas costs,” and “cost of gas” have the same meanings as defined in Chapter 4901:1-14, OAC.

“GCR” means “gas cost recovery rate” as defined in Chapter 4901:1-14, OAC.

“Mcf” means one thousand cubic feet.

“OAC” means the Ohio Administrative Code.

“ORC” means the Ohio Revised Code.

“PIPP” means the “percent of income payment plan” as set forth in Chapter 4901:1-18, OAC.

“PUCO” means the Public Utilities Commission of Ohio.

“Self-Help Arrangement” has the same meaning as defined in Chapter 4901:1-14, OAC.

2. Authorized Gas Distribution Rates and Charges. Effective with bills rendered on or after March 1, 2015 through the bills for the monthly service period ending February 28, 2018, the Company shall charge the following rates and charges for delivering gas to its customers within the City limits:
 - a. Monthly Customer Charge. The Company shall charge a fixed monthly customer charge of \$8.00 per meter per month to each customer regardless of the amount of gas if, any, consumed during the month; provided, however, that the customer charge shall not be imposed in any month in which there is no consumption as a result of a voluntary request by the customer for the shutoff of the meter.
 - b. General Service Rate. The Company shall charge a base distribution rate of \$3.03 per Mcf of gas delivered to all general service customers.
 - c. Self-Help Arrangements. Nothing contained in this ordinance shall prevent the Company from entering into self-help arrangements with customers to provide for the transportation of gas owned by the customer to the customer’s premises; provided, however, that all such special contracts must be filed with and approved by the PUCO pursuant to Section 4905.31, ORC.
3. Gas Cost Recovery Rate. In addition to the rates and charges for gas distribution service set forth in Section 1.2 above, the Company shall be entitled to recover the cost of obtaining the gas it sells to its customers through a GCR rate, which shall be subject to the jurisdiction of, and regulated by, the PUCO. As provided in Ordinance No. 3147, and in accordance with the PUCO’s September 19, 2007 Opinion and Order in its Case Nos. 06-350-GA-CMR and 06-521-GA-GCR, the Company shall be authorized to include as an expected gas cost eligible for recovery though the GCR rate under Rule 4901:1-14-05, OAC, the amount of the actual, invoiced fixed charges imposed by Duke Energy Ohio in connection with the Company’s use of the Duke Energy Ohio’s transportation pipeline to transport gas from the Millville Station to the Company’s Oxford city gate, up to a maximum of \$200,000 per year. Any such Duke Energy Ohio charges in excess of \$200,000 annually shall not be included by the Company as a cost of gas and shall not be proposed for recovery through the GCR rate. If the arrangement under which the Company transports gas from the Millville Station to the Company’s city gate changes during the term of this ordinance, the Company may

continue to include the amount of any actual, invoiced fixed charges or, if applicable, capital costs associated with this pipeline as an expected gas cost eligible for recovery through the GCR rate; provided, however that the amount proposed for recovery through the GCR rate shall be limited as necessary to fairly allocate the total charges or costs between the Company's GCR customers and other customers served through the pipeline on a relative throughput basis. The Company shall provide the City Manager with documentation supporting such charges or costs and the allocation methodology prior to including the cost as an expected gas cost in its GCR filings with the PUCO. The Company shall be subject to PUCO financial and management/ performance audits relating to its GCR calculations and its gas procurement practices as provided in Rule 4901:1-14-07, OAC.

4. Mcf Tax Rider. In addition to all other rates and charges set forth in this section, all gas consumed shall be subject to an Mcf tax rider to provide for the recovery of the Company's excise tax liability under Section 5727.811, ORC.
5. Gross Receipts Tax Rider. In addition to all other rates and charges set forth in this section, amounts billed by the Company shall be subject to a rider at the Company's effective gross receipts tax rate to provide for the recovery of the Company's gross receipts tax liability under Section 5727.25, ORC.
6. Pipeline Relocation Rider. In addition to all other rates and charges set forth in this section, all gas consumed shall be subject to the Pipeline Relocation Rider of \$0.2406 per Mcf of gas delivered to recover the actual costs incurred by the Company, including the actual carrying costs, associated with moving its natural gas pipeline to accommodate the relocation of US Rt. 27. Pursuant to Ordinance No. 3267, the Pipeline Relocation Rider was implemented effective with bills rendered on or after May 1, 2014 and said rider shall remain in effect through the bills for the monthly service period ending April 30, 2019 or until the costs are fully recovered, whichever first occurs. This Pipeline Relocation Rider shall be the exclusive mechanism for recovery of the costs associated with moving the natural gas pipeline, and the Company shall not be entitled to include said costs in the revenue requirement used to determine rates and charges in any subsequent City rate ordinance or in any proceeding before the PUCO. Commencing in 2014, the reduction in annual pro forma tax expense resulting from the investment associated with moving the pipeline that would otherwise be recognized in determining the General Service Rate revenue requirement shall be quantified by the Company and shall be credited to customers through an adjustment to the Pipeline Relocation Rider rate, such adjustment to be effective with the bills for the monthly service period ending May 31 of the year following the tax year. The Company shall provide documentation to the City Manager showing the calculation of the credit no later than fifteen (15) days prior to the date of the annual adjustment.

7. PIPP Cost-Recovery Rider. In addition to all other rates and charges set forth in this section, the Company shall be entitled to recover the costs associated with the PIPP program through a PIPP cost-recovery rider, which shall be subject to the jurisdiction of, and regulated by, the PUCO.
8. Uncollectible Expense Rider: In addition to all other rates and charges set forth in this section, the Company shall be entitled to recover its uncollectible expense through an uncollectible expense rider, which shall be subject to the jurisdiction of, and regulated by, the PUCO.
9. Tax Change Adjustments. If, during the term of this ordinance, a governmental authority imposes a new tax, removes an existing tax, or increases or reduces the rate of an existing tax, the effect of which is to increase or reduce the annual tax liability of the Company, the Company shall be entitled to adjust the rates authorized in this section by implementing a new rider or, if applicable, eliminating or adjusting an existing rider, calculated so as to produce the pro forma annual revenues that will reflect the increase or decrease in the Company's annual tax liability. This provision does not apply to changes in the property tax rates or liability. A rider implemented or adjusted pursuant to this provision may be rounded to nearest one-quarter (\$0.0025) cent per Mcf. The Company shall provide written notice to the City Manager of its intent to implement any such new rider or adjust or eliminate an existing rider, and of the proposed effective date of such rate change, said notice to be provided no later than thirty (30) days prior to the proposed effective date of the rate change. The written notice shall include all documentation, information, and calculations relied on by the Company to support the proposed rate change. The City shall, upon notice to the Company, be entitled to inspect any Company books or records as may be necessary to verify the accuracy of the proposed change. No rate change as described herein shall become effective until the City Manager advises the Company that the City finds the proposed rate change to be a tax-related change of the type contemplated by this provision and that the proposed rate has been properly calculated; provided, however, if the City Manager does not so inform the Company within fourteen (14) days of receipt of the written notice, the rate change shall take effect automatically as of the proposed effective date.
10. Miscellaneous Charges. In addition to all other rates and charges set forth in this section, the Company shall be entitled to impose the following charges:
 - a. Late Payment Charge. If a bill payment is not received in the Company's offices or by the Company's authorized agent within twenty-five (25) days of date of the invoice, an additional amount of one and one-half percent (1.5%) of the unpaid balance will be assessed on the customer's subsequent bill. This charge is not applicable to the unpaid account balances of a customer enrolled in PIPP or a payment plan pursuant to Rule 4901:1-18-04, OAC.

- b. Returned Check Charge. Where the customer's financial institution returns a customer's check for insufficient funds, the Company shall assess a returned check charge of \$25.00; provided, however, that this charge will not be assessed if the customer establishes that the cause of the dishonored check was bank error.
- c. Credit Check Processing Charge. The Company may impose a charge of \$15.00 for a credit check on an applicant for service..
- d. Field Collection Fee. Where a Company employee is dispatched to a customer's premises to disconnect service for nonpayment, the customer may avoid disconnection by paying the full amount owed; provided, however, that the Company may assess a \$20.00 field collection charge for accepting such payment. This charge may be assessed either at the time the delinquent amount is collected or on a subsequent bill.
- e. Reconnection Charge. Where service to a premises has been disconnected by the Company by shutting off the meter, the Company may charge and collect a reconnection charge of \$50.00 as a condition of restoring service to the premises. The reconnection charge shall apply without regard to the length of time the service was disconnected, whether the disconnection was voluntary or involuntary, or whether the customer requesting reconnection is the same customer as the customer at the time service to the premises was disconnected. Upon a request by a customer for a voluntary disconnection of service to a premises, the Company shall advise the customer that the \$50.00 reconnection charge will apply if service is subsequently restored. If service was disconnected as a result of unauthorized or fraudulent use by the customer, the Company may impose, in addition to the \$50.00 reconnection charge, a charge to recover any actual expense incurred by the Company as a result of such unauthorized or fraudulent use, including an estimate of the cost of gas improperly used prior to reconnecting service.
- f. New Service Tap Charge. Applicants applying for a new tap on the Company's system shall be assessed a new service tap charge of \$850.00 for single-family residences and \$1,200.00 for multi-family and commercial premises, or the actual cost of the installing the new tap, whichever is less. The Company shall provide documentation to an applicant for a new service tap showing the actual cost of installing the new tap in as a part of, on in conjunction with, the bill on which the charge is assessed.
- g. Meter Test Fee. Upon request by a customer, the Company shall test the accuracy of the meter by removing the meter and engaging a independent outside vendor to perform the test. The Company shall assess a fee of \$75.00 for the meter test; provided, however, that this fee will not be

assessed if the meter is not found to be operating within accepted tolerances (plus or minus the 3%), nor shall it be assessed for the first meter test performed in any 36-month period.

- h. Stop Payment Fee – Return of Security Deposit. Upon notification by a customer entitled to the return of all or part of a security deposit held by the Company pursuant to Rules 4901:1-17-04 through 4901:1-17-07, OAC, that the refund check has been lost or has not been received, the Company shall promptly notify its bank to stop payment on the check. If the check was lost by the customer, or was not received by the customer due to the customer's failure to notify the company of a change in the customer's mailing address, the company shall be entitled to assess a fee of \$34.50 for stopping payment on the refund check. The fee shall be deducted from the amount of the security deposit to be returned to the customer through the replacement check. No stop payment fee shall be assessed if the check was not received by the customer due to the Company's error.
 - i. Pressure Test Fee. The Company shall offer to perform the pressure test required by Rule 4901:1-13-05(A)(3)(c), OAC, as a condition of reestablishing service in instances where service has been disconnected for thirty (30) days or longer. The Company may charge and collect a fee of \$80.00 for performing such pressure test, such fee to be in addition to the \$50.00 reconnection fee authorized in Paragraph 9.e of this Section. If the piping fails the pressure test, the owner of the premises shall be responsible for all necessary repairs. Upon a request by a customer for a voluntary disconnection of service to a premises, the Company shall advise the customer of the pressure test requirement that must be satisfied prior to reestablishing service and that, if the Company performs the pressure test, the \$80.00 pressure test fee will apply.
- 11. Rules and Regulations. The Company shall be subject to the PUCO's Minimum Gas Service Standards set forth in Chapter 4901:1-13, OAC. The Company's rules and regulations governing the terms and conditions of service to customers within the corporate limits of the City shall be identical to the rules and regulations set forth in the Company's tariff filed with and approved by the PUCO, and any subsequent PUCO-approved amendments thereto; provided, however, that in the event of any conflict between the Company's PUCO-approved tariff and this ordinance (including, but not limited to, conflicts in the specified rates, charges, and fees), the terms of the ordinance shall apply.
- 12. Notice of PUCO Filings: The Company shall serve a copy of all filings made with the PUCO upon the City Manager on the date the filing is made, including, without limitation, applications for approval of special contracts, all GCR-related filings, applications to adjust the PIPP cost-recovery rider, applications to adjust

the uncollectible expense rider, applications to amend its PUCO tariff, and its annual reports to the PUCO. The Company shall provide a copy of any notice it receives from the PUCO initiating a financial and/or management/performance audit pursuant to Rule 4901:1-14-07, OAC, within three (3) business days after the notice is received.

13. Company Office and Information to be Made Available to Customers. The Company shall, by notice to the City Manager, designate a place or places within the City where customers may pay bills, submit complaints, and inspect copies of documents relating to the service provided by the Company. The place or places so designated may be changed at any time by written notice to the City Manager. The Company shall maintain copies of this ordinance, its PUCO-approved tariff, and all ORC statutes and OAC rules cited herein. Such documents shall be made available for inspection upon customer request.
14. City Access to Company Financial Information. The Company shall provide a copy of its annual financial statements to the City Manager within seven (7) days of availability. The financial statements shall include, without limitation, a balance sheet and statements of income, retained earnings, and cash flow.
15. Rates and Charges Upon Expiration of Ordinance. In the event that the City has not enacted a new ordinance to replace and supersede this ordinance upon the expiration of its term, the Company shall continue to render service to customers within the corporate limits of the City pursuant to the terms of this ordinance until a new ordinance takes effect as provided by law or until such time as the PUCO establishes rates, charges, rules and regulations pursuant to Section 4909.18, ORC, or Section 4909.39, ORC. If the Company proposes to increase in its rates and charges following the expiration of this ordinance, the Company shall so advise the City Manager in writing, and shall provide documentation supporting any such proposed increase sufficiently in advance of the expiration of this ordinance to permit the City and the Company to attempt to negotiate a mutually acceptable ordinance prior to the Company filing a 4909.18, ORC, rate increase application with the PUCO.
16. Customer Notice. The Company shall provide written notice to its customers, by bill insert or separate mailing, of the increase in rates and charges authorized by this ordinance. The Company shall submit a copy of this notice to the City Manager or the City Manager's designee for review and approval prior to distributing the notice to its customers.

SECTION 2. Repeal of Prior Ordinances. Ordinance Nos. 3147, 3157, and 3267, adopted, respectively on April 29, 2011, October 4, 2011, and March 18, 2014, are hereby repealed and superseded by this ordinance.

SECTION 3. Company Acceptance of Ordinance. If the Company accepts this ordinance, the Company shall file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage by Council and this ordinance shall constitute a contract between the City and the Company. If the Company does not accept this ordinance, the Company shall file a complaint and appeal from this ordinance with the PUCO pursuant to Section 4909.34, ORC, within (30) days after its passage. If the Company does not file a written acceptance of this ordinance with the Clerk of the City within thirty (30) days after its passage and does not file a complaint and appeal from this ordinance with the PUCO within (30) days after its passage by Council, the Company shall be deemed to have accepted this ordinance and shall be bound by its terms as if it had filed a written acceptance.

SECTION 4: Effective Date. This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY : KEVIN MCKEEHAN

PREPARED BY: LAW