

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Originating Department

Council Meeting Of: Jan. 7, 2020

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Dec. 27, 2019

Agenda Title: Aquatic Center Season Passes – Fee Update

Recommendation: Approve

The 2020 season pass fees for the Oxford Aquatic Center did not include any type of ‘Family’ Pass. This was due to a large volume of feedback received by the Parks and Recreation Department about how the Family pass structure was not inclusive of many families in the community. In an attempt to be as fair as possible, all passes were listed for 2020 as individual sales only, which eliminated the need to define a Family and would be equally inclusive to all members. This fee structure was supported and approved by City Council.

After direct conversations with multiple members of the community, and through over 100 comments posted on Social Media about this topic, the Parks and Recreation Department felt it best to reconsider the current pass option. The new proposal includes a “Household” Pass option. This new option allows greater flexibility to include more individuals whom live in the same household, as well as creating a more affordable option for larger households. The proposed requirements are listed below:

- Household pass includes up to 4 members of the same household
- Household Pass must include at least 1 adult, age 18+, but not more than 2 adults.
- If more than one adult is included, they must share the same permanent address.
- All minors (under age 18) listed on the Household pass must also have their parent or legal guardian listed on the Household pass.

2020 Season Passes will be available online and in-person beginning March 30, 2020.

Approved By:	Initial Date
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Department Head:	<u>CDW</u>	<u>\ 12/27/2019</u>
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City Manager:	<u>DRE</u>	<u>\ 1-3-20</u>
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ORDINANCE NO.

AN ORDINANCE AMENDING FEES AND CHARGES FOR THE FISCAL YEAR 2020.

WHEREAS, the City Manager and the Parks & Recreation Director recommend City Council amend Ordinance No. 3541, and adopt new fees for 2020, as itemized below.

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

SECTION 1: Council hereby accepts the recommendation of the City Manager and the Parks and Recreation Director and authorizes the amendment of the fees as contained herein. Additionally, the Council authorizes the City Manager to implement changes to existing fees or add new fees as deemed appropriate.

A. RECREATION DEPARTMENT (Residents living or working in the City of Oxford)

	<u>\$ Amount</u> <u>Residents</u>		<u>\$ Amount</u> <u>Non-residents</u>	
<u>7) AQUATIC CENTER</u>				
Season pool passes				
Household (4 or less)	210.00		231.00	
Each Additional	25.00		28.00	
Adult (18-59)	75.00	100.00	83.00	110.00
Senior (60+)	65.00	80.00	72.00	88.00
Youth (2-17)	50.00	80.00	55.00	88.00
Child under 2	FREE		FREE	

SECTION 2: This ordinance amends Ordinance No. 3541 adopted by the City of Oxford, but does not repeal the enabling language of the legislation by which these fees were previously adopted, which language shall otherwise remain in full force and effect.

SECTION 3: This ordinance shall take effect at the earliest time allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY : LAW (STAFF)

CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott

Police

Originating Department

Council Meeting Of: January 7, 2020

John A. Jones

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 11, 2019

Date Prepared

Agenda Title: Authorization to Dispose of Surplus Property

Recommendation: Approve

Discussion: The following vehicle has reached the end of its useful service to the Police Division. Staff requests authorization to declare the following vehicle as surplus so it may be taken out of service. Vehicles shall be auctioned to the highest bidder.

#164 2013 Chevy Camaro marked police vehicle

This Resolution will authorize the City Manager to dispose of the above referenced vehicle by public auction, including Internet electronic auction, at the earliest convenience of the City.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

[Signature] \ 12/11/19

DRE \ 1-3-20

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN PROPERTY IN THE POLICE DIVISION'S POSSESSION AS SURPLUS AND NOT NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS ADVERTISEMENT AND SALE TO THE HIGHEST BIDDER AT PUBLIC AUCTION OR INTERNET AUCTION.

WHEREAS, the City Manager and the Police Chief recommend certain property in the Police Division's possession be sold to the highest bidder at public auction or internet auction.

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

SECTION 1: Pursuant to Oxford Codified Ordinance Section 127.11, the item set forth in Exhibit 'A' attached hereto and incorporated herein, is hereby declared surplus for City purposes and not needed for any municipal purpose, and the same may be sold at auction.

SECTION 2: Council hereby authorizes such sale of said item to the highest bidder at public auction or internet auction with the proceeds thereof deposited into the general fund.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

EXHIBIT “A”

Vehicle #164

2013 Chevrolet Camaro marked police vehicle

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 11, 2019

Date Prepared

Agenda Title: An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.14 Entitled Expanded Polystyrene Ban To Chapter 521 Entitled Health, Safety And Sanitation.

Recommendation: Adoption.

Discussion:

The proposed Ordinance bans the use of expanded (foam) polystyrene by food service operations in Oxford. It was requested by Councilors Raghu and Bracken. It is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the City of Oxford's Codified Ordinances and will add a new Section 521.14 Expanded Polystyrene Ban. It includes both civil and criminal penalties for violations of this Ordinance for both individuals and organizations. It provides for a phasing out period of December 31, 2020 for national food service operations and December 31, 2021 for all other food service operations.

I did not include exemptions from this ban since I do not know what is meant by "reasonably feasible alternative". Including an exemption process would increase the City's compliance cost since the City does not have an Environmental Department. Council can simply extend the deadline by amending the Ordinance if it chooses to do so. Many of our restaurants do not use expanded (foam) polystyrene in their operations. The first step for the City would be to notify all restaurants and other food service operations.

Approved By:

Initial Date

Department Head:

City Manager:

DRE \ 12-13-19

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO BY ADDING NEW SECTION 521.14 ENTITLED EXPANDED POLYSTYRENE BAN TO CHAPTER 521 ENTITLED HEALTH, SAFETY AND SANITATION.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self- government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Oxford have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, a local police power regulation only conflicts with a general law if it prescribes a rule of conduct that permits that which the state law expressly forbids, or vice versa, and does not conflict with general laws if it merely imposes a greater penalty for conduct that is prohibited by the general law, or regulates activity that is not expressly permitted by general law; and

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining a high level of sanitation throughout the city by reducing visual blight and litter; and

WHEREAS, the City of Oxford has a duty to protect its natural environment, its economy, and the health of its citizens and visitors; and

WHEREAS, plastic debris and in particular expanded polystyrene is a distinctive litter concern because it is lightweight, floats, and readily migrates from land to waterways where it breaks down into small pieces to be mistaken for food by birds and other marine wildlife; and

WHEREAS, based on observation from City Council members and findings in other communities, City Council finds that polystyrene materials can and do migrate from public land to waterways, causing visual blight, litter and harming birds and other marine wildlife; and

WHEREAS, it is in the best interest of the citizens of Oxford to reduce the cost of the City's solid waste disposal and protect the environment and natural resources by discouraging the distribution and use of disposable expanded polystyrene containers such as cups, bowls, plates, and food containers, and to encourage the use of other recyclable compostable food containers associated with take-out foods; and

WHEREAS, the City of Oxford, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the State of Ohio's waste management hierarchy to reduce, reuse, recycle, compost, and landfill.

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

SECTION 1. Oxford Codified Ordinance Section 521.14 is hereby added to read as follows:

§ 521.14 Expanded Polystyrene Ban

(A) As used in this section:

“Disposable food service ware” means single-use disposable products used in the restaurant and food service industry for serving prepared food and includes, but is not limited to, plates, trays, cups, bowls, and hinged or lidded containers (clamshells). Disposable food ware does not include straws, utensils, drink lids, or ice chests.

“Food service operation” means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this section, “served” means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and “prepared” means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.

“Food service operation” includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and vending machine location.

“National food service operation” means a food service operation that is a chain of franchise or corporate owned establishments located in more than one state.

“Expanded polystyrene” means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent.

“Prepared Food” means food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared on the premises. It does not include any raw, uncooked meat products or fruits or vegetables unless it can be consumed without further preparation; or prepackaged food that is delivered to the food service operation wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food service operation in the same container packaging.

“Organization” means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust or other commercial or legal entity. “Organization” does not include an entity organized as or by a governmental agency for the execution of a governmental program.

(B) No national food service operation shall sell or otherwise provide prepared food in expanded polystyrene disposable food service ware on or after December 31, 2020. No food service operation shall sell or otherwise provide prepared food in expanded polystyrene foam disposable food service ware on or after December 31, 2021.

(C) Organizational Liability: Pursuant to C.O. § 501.11, it is the intent to impose organizational liability for violation of this section committed by an officer, agent, or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.

(D) Violation of this section shall be a minor misdemeanor punishable by a fine of One-Hundred Fifty Dollars (\$150) per violation.

SECTION 2. The City Manager and the City Law Director are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 3. This Ordinance is enacted pursuant to the home rule powers of the City of Oxford as set forth at Article XVIII, Section 3, of the Ohio Constitution.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: CHANTEL RAGHU

PREPARED BY: LAW (STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 7, 2020

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount: N/A

January 2, 2020
Date Prepared

Agenda Title: Planning Commission Meeting Report- December 10, 2019
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Various updates from Boards, Committees, and Staff were provided.

PC-2019-24, FINAL PLANNED DEVELOPMENT AMENDMENT, 5990 Contreras Road, Scott Webb, Applicant

Architect Scott Webb requested an amendment to the previously approved Final Planned Development. The request was to amend the 2018 Final Planned Development approval from a three-family dwelling or two-family with office to a revised plan for a five-suite Short Term Rental. Two dwelling units will remain. Short Term Rental usage was not previously approved. The potential for office use is eliminated with this revision.

In addition to the new Short Term Rental use, the second request was also to allow the subdivision of land within the 1-Acre Planned Development boundary for a future potential separate home lot. The Commission held a hearing, heard from the public, heard from staff and reviewed decision standards. Commission members asked questions about the future of this approval if new short-term rental legislation is approved by Council. The Commission voted to recommend approval with conditions.

Concept Review, 4210 Millville Oxford Road, Purpose Built Airbnb, Scott Webb, Architect
On behalf of a client Amy Middleton, Mr. Webb presented a concept of a 4-unit stand-alone short term rental to potentially be built on a R1A lot that is currently vacant and fronting on U.S. 27 South. The target market would be Miami parents. The building would look like a home but have transient guests only. Feedback was provided by Commission members but no vote was taken.

Approved By:	Department Head:	 / 1-3-20
	City Manager:	 / 1-3-20

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: December 17, 2019

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

December 5, 2019

Date Prepared

Agenda Title: An Ordinance Amending The Codified Ordinances Of The City Of Oxford, Ohio, By Adding New Section 521.13 Entitled Unsolicited Materials To Chapter 521 Health, Safety And Sanitation.

Recommendation: Adoption.

Discussion:

Proposed Ordinance Regulating Unsolicited Written Materials.

I have worked with staff (Police Chief and Law Director) on an Ordinance regulating the delivery location of unsolicited written materials such as advertising circulars. The proposed Ordinance is modeled after legislation enacted by the City of Upper Arlington. The legislation would require the placement of unsolicited written materials on a porch nearest the front door, securely attached to the front door, through a mail slot on the front door, between the exterior front door and interior front door (if unlocked), or a distribution box located on the premises.

It is proposed to be located in Chapter 521 Health, Safety, and Sanitation of the City of Oxford's Codified Ordinances and will add new Section 521.13 Unsolicited Written Materials. It will include both civil and criminal penalties for violation of this Ordinance for both individuals and organizations.

The focus of this legislation is to prevent the littering caused by the tossing of the advertising circulars on to the streets, driveways, lawns, and sidewalks in the City of Oxford. It will not prevent the distribution only the placement.

This legislation is important for the City of Oxford since 68% of our occupied housing units are rental with a transient student population occupying most of the units. Many of the circulars remain where they have been tossed for weeks or end up in the streets especially when students are gone.

It is my hope that upon notification of the enactment of this legislation the distributor of the advertising circulars will comply with the regulations without the City needing to take any enforcement action.

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Approved By:	Department Head:	Initial Date
	City Manager:	<u>DRE</u> <u>12-13-19</u>

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO, BY ADDING NEW SECTION 521.13 ENTITLED UNSOLICITED MATERIALS TO CHAPTER 521 ENTITLED HEALTH, SAFETY AND SANITATION.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self- government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Oxford have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, a local police power regulation only conflicts with a general law if it prescribes a rule of conduct that permits that which the state law expressly forbids, or vice versa, and does not conflict with general laws if it merely imposes a greater penalty for conduct that is prohibited by the general law, or regulates activity that is not expressly permitted by general law; and

WHEREAS, the City has substantial, legitimate interests in preserving and maintaining a high level of sanitation throughout the city by reducing visual blight and litter; and

WHEREAS, the City has experienced ongoing problems with the delivery of unsolicited written materials to areas of private property such a yards and driveways, commonly resulting in materials remaining in such locations for extended periods of time, causing visual blight and materials being blown and scattered onto neighboring property and public roads; and

WHEREAS, over a period of years the City has received many resident complaints related to unsolicited written materials being delivered to locations on the residents' property which, in addition to causing visual blight and the spread of litter, cause hardship on residents forced to collect these materials from various portions of their or neighboring property; and residents have requested cessation of delivery often without success; and

WHEREAS, the City wishes to reduce visual blight, littering, and the interference with private property associated with the delivery of unsolicited written materials while at the same time protecting the First Amendment rights of the persons and organizations delivering those materials; and

WHEREAS, the issue of unsolicited materials has been discussed by Council and attempts to deal with the adverse effects of delivery of unsolicited materials under existing ordinances and through voluntary action by those responsible for delivering such material has been unsuccessful; and

WHEREAS, based on observation from City Council members and findings in other communities, City Council finds that some of the unsolicited materials can and do migrate to public property, where upon they become litter; and

WHEREAS, in light of the thousands of unsolicited materials delivered in the City each year, the City has a reasonable basis to believe that restricting such deliveries to certain specified locations will bring about a more consistent esthetic and reduce litter; and

WHEREAS, requiring all unsolicited materials to be delivered to consistent, predictable locations will further reduce the visual impact of such materials by increasing the chances that recipients will find and collect materials and discard them in an appropriate manner; and

WHEREAS, City Council finds that this ordinance leaves open ample alternative channels of communication and does not prohibit the right for individuals to travel door-to-door to proselytize, and leave literature with residents.

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

SECTION 1. Codified Ordinance Section 521.13 is hereby added to read as follows:

§ 521.13 UNSOLICITED WRITTEN MATERIALS

(A) As used in this section:

Front door: means the street-facing entrance(s) to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this section.

Person: means any person, firm, corporation, association, club, society or other organization.

Organization: means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program.

Porch: means an exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

Premises: means a lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.

Principal structure: means a structure, or combination of structures of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.

Unsolicited written materials: means any written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

(B) No Person shall deliver, place, or distribute unsolicited written materials to any premises other than in the following locations and manners:

- (1) On a porch, if one exists, nearest the front door; or
- (2) So that such materials are securely attached to the front door; or
- (3) Through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 508 Recipient Services, Subsection 3.1.2; or
- (4) Between the exterior front door, if one exists and is unlocked, and the interior front door; or
- (5) Where permitted, in a distribution box located on or adjacent to the premises; or
- (6) Securely attached to a hook or within some other receptacle used for the delivery of non-U.S. Mail packages or materials, attached to the mailbox post for the premises, if it exists; or
- (7) Personally to the owner, occupant, and/or lessee of the premises.

(C) Notwithstanding subsection (B), an owner, lessee, or occupant maintains the right to restrict entry to his or her premises.

(D) Organizational Liability: Pursuant to C.O. § 501.11, it is the intent to impose organizational liability for violation of this section committed by an officer, agent, or employee of a business or organization while acting on behalf of the business or organization and within the scope of the officer's, employee's or agent's office or employment.

(E) Unsolicited written materials placed at a premises creates a rebuttable presumption that the materials were placed at the premises by the owner, officer, agent, or employee of the business, product, good, service, or message which is being advertised, promoted, endorsed, or conveyed in such materials. Where the materials are delivered as a package and relate to multiple businesses, products, goods, services, or messages, the presumption shall apply to the identified distributor of the package of materials, if any.

(F) The provisions of this section do not apply to the United States Postal Service.

(G) Violation of this section shall be a minor misdemeanor punishable by a fine of One-Hundred Fifty Dollars (\$150) per violation.

SECTION 2. The City Manager and the City Law Director are hereby authorized to take all actions necessary to implement and administer this Ordinance.

SECTION 3. This Ordinance is enacted pursuant to the home rule powers of the City of Oxford as set forth at Article XVIII, Section 3, of the Ohio Constitution.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: DAVID PRYTHERCH

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: January 7, 2020

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

December 19, 2019
Date Prepared

Agenda Title: A Resolution appointing Edna Southard as Council Representative to the Self Board.

Recommendation: Approve

Discussion:

As requested by the Executive Director of SELF. Councilor Southard will fill Steve Dana's unexpired term on the SELF Board until her term on Council ends on November 22, 2021.

Approved By:

Initial Date

Department Head:

City Manager:

DIR 1/23-20

RESOLUTION NO.

A RESOLUTION APPOINTING EDNA SOUTHARD AS COUNCIL REPRESENTATIVE TO THE SUPPORTS TO ENCOURAGE LOW-INCOME FAMILIES (SELF) BOARD.

WHEREAS, Oxford City Council supports the efforts of the Supports to Encourage Low-Income Families (SELF) Board in helping low-income residents of Butler County to achieve self sufficiency.

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

SECTION 1: Edna Southard shall be appointed as Council representative to the SELF Board to fill Steve Dana's unexpired term until her term on City Council ends on November 22, 2021.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

Mary Ann Eaton

From: Jeffrey A. Diver <jdiver@selfhelps.org>
Sent: Tuesday, December 17, 2019 1:39 PM
To: Douglas Elliott
Cc: Mary Ann Eaton; Bill Woeste; Edna Southard
Subject: Appointment of Edna Southard to the SELF Board of Directors

Dear Doug,

On behalf of SELF's Board of Directors, I would appreciate it if Oxford City Council would appoint Edna Southard this evening to SELF's Board of Directors to replace Steve Dana. This would be for Steve's unexpired term, which ends January 2022.

We are excited to have Dr. Southard on our board with her experience serving on a local nonprofit board and her desire to see that Oxford residents are connected with needed services to get ahead.

With Oxford City Council's appointment, SELF's Board of Directors are expected to elect Dr. Southard on January 9 at its annual meeting.

If you have any questions, please contact me.

Thank you!

Jeff

Jeffrey Diver
Executive Director
Supports to Encourage Low-income Families (SELF)
P.O. Box 1322
Hamilton, OH 45012

(513) 820-5000 (direct)

www.selfhelps.org

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 7, 2020

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

December 30, 2019
Date Prepared:

PC-2019-24, FINAL PLANNED DEVELOPMENT AMENDMENT, 5990 Contreras Road, Scott Webb, Agent
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Recommendation: Approval

Discussion: On behalf of the McCarthy family, Architect Scott Webb is seeking an amendment to the previously approved Final Planned Development. The request is to amend the 2018 Final Planned Development approval from a three-family dwelling or two-family with office to a revised plan for a five-suite Short Term Rental. Two dwelling units will remain. Short Term Rental usage was not previously approved. The potential for office use is eliminated with this revision.

In addition to the new Short Term Rental use, the second request is also to allow the subdivision of land within the 1-Acre Planned Development boundary for a future potential separate home lot. Neither of those two changes could have been approved as minor amendments. Therefore, Planning Commission was required to review the request and forward a recommendation to City Council. The Law Director reviewed the procedural steps ahead of time to ensure consistency with other cases. The Commission held a hearing on December 10, heard from the public, heard from staff and reviewed decision standards. The Commission voted 5-1-0 to recommend approval to City Council, as requested, with the following conditions as recommended by staff:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The separate lot shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and copy provided to the City Engineer.

Note: This property is registered as a Short Term Rental per Oxford Code 743. The passage of this ordinance does not prevent new city-wide zoning legislation pertaining to Short Term Rentals.

Approved By:	Department Head: _____/_____
	City Manager: <u>DRF</u> / <u>1-3-20</u>

ORDINANCE NO.

ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION FOR FINAL PLAN APPROVAL OF A MAJOR CHANGE TO AN EXISTING PLANNED DEVELOPMENT AT 5990 CONTRERAS ROAD WITH CONDITIONS.

WHEREAS, in accordance with Oxford Codified Ordinance Section 1145.10, the Oxford Planning Commission held a public hearing on December 10, 2019 on the application of Scott Webb, Applicant, for approval of a final plan for a major change to an approved, existing planned development at 5990 Contreras Road; and

WHEREAS, the Planning Commission, after due deliberation approved a motion recommending the approval of the final plan for a major change to an approved, existing planned development at 5990 Contreras Road, amending the 2018 Final Planned Development approval from a three-family dwelling or two-family dwelling with office to the revised plan for a five-suite short term rental and lot split with conditions.

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

SECTION 1: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants approval of the final plan for a major change to an approved, existing planned development at 5990 Contreras Road with the following conditions:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The approval for a lot split shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and a copy shall be provided to the City Engineer.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2019-24

Date –December 10, 2019

APPLICATION

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

GENERAL DESCRIPTION

On behalf of the McCarthy family, Architect Scott Webb is seeking an amendment to the previously approved Final Planned Development. The request is to amend the 2018 Final Planned Development approval from a three-family dwelling or two-family with office to the revised plan for a five-suite Short Term Rental. The request is also to allow the subdivision of land within the 1-Acre Planned Development boundary for a future potential separate home lot.

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

RECOMMENDATION

Based upon the 2015 staff findings, the current application, and recent staff meetings with the owner and buyer, a recommendation of approval can be forwarded to City Council with the following conditions:

1. The conditions of Ordinances 3334 and 3506 shall be void with the exception of 3334 condition e. as revised: The footprint of the home shall not be expanded, and the exterior of the home shall be maintained as closely as possible to how it currently exists, with changes only as required to meet current building and fire codes for ingress/egress and any required changes shall be designed and constructed in consideration and observance of the historical features of the structure.
2. The separate lot shall be void if not split and recorded within 2 years.
3. A sanitary sewer easement shall be recorded with the lot split and copy provided to the City Engineer.

PUBLIC COMMENTS

Public notices were mailed to property owners within 200 feet of the boundary. One neighboring property responded to the mailing, requesting clarification from staff about the proposal and Oxford Zoning Code.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)

PC-2010-09-ADM- Lot Split (Referred to BZA for adjudication hearing for not meeting zoning requirements)
PC-2015-16 Zoning Map amendment from R1B to R3 (withdrawn)
PC-2015-23 Preliminary Planned Development – approved with conditions
PC-2015-23 One year extension approved December 12, 2017 – due to expire 12-12-18
PC-2018-27 Final Planned Development – approved with conditions on 12-18-18

BACKGROUND

Per Zoning Code an approval of a final plan that is consistent with the approved preliminary plan, should be recommended for approval. This application is an amendment to a previously approved Final Plan. Some amendments can be approved without full Planning Commission review. This particular one had changes that were not viewed as minor by staff or legal counsel, so it was placed on the agenda for full Commission review. This type of Final Planned Development is uncommon because no new construction is planned at this time. Bishop Square, Gaslight Ave and Stewart Square are all examples of new construction Planned Developments. There is however interior reconfiguration that has been administratively permitted in 2019 because it was not prohibited by the 2018 approval.

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned with comments.
Econ. Dev.:	Returned with comments.

See the 2015 Staff report for findings related to the 2008 Comprehensive Plan and the Planned Development Code. Particularly the reference to the preservation of historic/cultural resources.

ANALYSIS

There is not substantially new analysis provided by staff because of the following:

- Staff views this amendment as lower intensity than the previous 2018 approval.
- There is no prohibition in Oxford Code of multiple owners of a Planned Development. The lot split otherwise complies with R1B zoning requirements and also mimics the pattern of the surrounding neighborhood. However, in order to retain some predictability for the neighborhood, a time limit of 2 years could be applied, if desired by the City.
- There have not been any complaints registered with the Community Development Department specific to the Short Term Rental use of this property. Code drafting is underway specific to STR's, however no new land use regulations are in effect. There are separate codes already in effect for any potential nuisance concerns: noise, trash, parking, lighting.
- The Fire Chief did not request additional safety provisions or raise other concerns.

SUBMITTED

BY:



Sam Perry, AICP
Community Development Director

DATE: November 27, 2019

APPENDIX

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments

. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

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

- (a) **Burden of Proof.** Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

- (b) **General Decision Standards.**

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- (c) Additional Final Plan Decision Standards
 - (1) The final planned development shall substantially conform to the preliminary plan.
 - (2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.
 - (3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

1145.10 – Changes to a planned development.

- (a) Minor Changes to an Approved Final Planned Development.
The developer of an approved final planned development may submit a written request for approval of changes to the plan or development schedule. The Zoning Administrator and the Planning Commission Chair together may administratively approve changes to a planned development if such changes:
 - (1) Do not change the use
 - (2) Are of a magnitude that will not substantially alter the appearance of the development from off of the site
 - (3) Will not substantially or detrimentally affect the provision of public services to the site or general vicinity
 - (4) Will not substantially or detrimentally increase potential demand on public or private utilities
 - (5) Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties and neighborhood
 - (6) Are not contrary to and in no way diminish the intent of the originally approved plan Administrative approvals shall be clearly documented, made part of the original final planned development on file, and the details of any such changes shall be reported to the Planning Commission at its next regularly scheduled meeting.
- (b) Major Changes to an Approved Planned Development.
Any proposed changes to an approved planned development that do not meet the criteria of a minor change are considered a major change. A major change requires an entirely new preliminary planned development application (including the fee), according to the provisions of this chapter.
- (c) Changes to a Planned Development not Procedurally Approved.
An existing planned development that was not approved according to the provisions of this Chapter and was never approved by a legislative, quasi-judicial, or administrative review, and that was legal at the time of its establishment is considered an approved planned development and is subject to the provisions of this chapter.

1143.02 – R-1B Single-Family Medium Density Residential District.

- (a) Purpose.
This district is designed to provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development.
- (b) Uses.
 - (1) Permitted uses.
 - A. Single-family dwellings.
 - B. Accessory buildings and uses incidental to the principal use that do not include any activity conducted as business.
 - C. Day Care Home Type B family.
 - (2) Conditional uses.
The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
 - A. Community-Oriented Residential Social Service Facilities (CORSSF's).

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

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

(1) Lot requirements.

- A. Minimum lot area 7,500 sq. feet
- B. Minimum lot width 65 feet

(2) Yard requirements.

- A. Minimum front yard depth 30 feet
- B. Minimum rear yard depth 35 feet
- C. Minimum side yard width 8 feet on each side

(3) Structural requirements.

- A. Maximum building height 35 feet

(4) Lot coverage.

- A. Lots with vehicular access from a public street
 - 1. Lot total – 35 percent
 - 2. All enclosed buildings – 25 percent of lot
 - 3. Front yard – 25 percent of front yard
- B. Lots with vehicular access from a rear or side alley, and no access from a public street
 - 1. Lot total – 40 percent
 - 2. All enclosed buildings – 25 percent of lot
 - 3. Front yard – 5 percent of front yard

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-23

Date –October 13, 2015

APPLICATION

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

GENERAL DESCRIPTION

The applicant is seeking a Preliminary Planned Development approval for the property. Based on the narrative, the applicant is seeking for approval to reconfigure the existing residence into a maximum of three (3) dwelling units, and potentially a professional office.

The property is bordered by a multi-dwelling rental property to the east, single family to the south, north and west. This area is in proximity to Lynn Avenue where commercial activities are prominent.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners. No responses were received.

PROPERTY HISTORY

PC-2010-04	Rezoning from R1B to RO- Recommended by PC and subsequently denied by Council
PC-2010-08-ADM-	Lot Split (withdrawn)
PC-2010—09-ADM-	Lot Split (Referred to BZA for adjudication hearing for not meeting certain underlying zoning requirement)
PC-2015-16	Zoning Map amendment from R1B to R3 (withdrawn)

AGENCY REVIEWS

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

Police:	Returned without comments.
Fire:	Returned without comments.
Engineering:	Returned without comments.
Econ. Dev.:	Returned with comments.

COMPREHENSIVE PLAN REVIEW

A Comprehensive Plan is a broad policy document intended to guide decision-making on long-term physical development. The Ohio Planning and Zoning Law Handbook even provides a more rigorous legal definition of a Comprehensive Plan, which is a chief policy instrument for: (1) the administration of zoning and subdivision regulations; (2) the location and classification of streets and thoroughfares; (3) the location and construction of public and semi-public buildings and related community facilities and infrastructure.....etc.

It provides the frame work to be used on a daily basis as public and private decisions are made concerning development. Administrative and legislative approvals of development proposal, including rezoning and subdivision plats, should be a central means of implementing the Comprehensive Plan. Decision by the Planning Commission should reference relevant Comprehensive Plan recommendation and policies.

There are many goals and objectives as outlined in the Comp Plan as what the community at large vision what this community would like. Various goals and objectives may seem contradictory and inconsistent; it is the purview for the City Council, Planning Commission, with the assistance from staff, to find the balance between these goals and objectives when reviewing development projects.

Relevant information from the 2008 Comprehensive Plan is provided as follows for discussion:

Land Use Chapter:

The map titled "Conservation and Development Map" on page 3.19 showed the aspiration and choices that are expressed by the community in 2008.

The area considered for redevelopment is mainly defined between Lynn Avenue and Locust Street between College Avenue and McGuffey Avenue. The subject property is adjacent to this redevelopment area. The intent of this redevelopment is to create a mixture of small and medium sized commercial uses with a well-defined landscape and public space; where residential uses shall also be integrated within the area to create a 24 hour district to create shopping and dining options within walking distance of surrounding neighborhoods.

The subject area is also considered Neighborhood General 3 under the Character Map Matrix on page 3.20, since the development of this area tends to be after WWII and does not share the same geographic configuration as the Mile Square. This character of the neighborhood is considered to be residential areas on the outskirts of the Mile Square with the lowest residential density.

Cultural Resources:

Enhance and improve the promotion and preservation of the City's historic and cultural resources. There is a large historic building located on the subject property that should be preserved.

The Comp Plan also supports and encourages the preservation, restoration, rehabilitation and reuse of historic structures and sites. Additionally, it is also recommended in the Comp Plan to consider historic and cultural resources in all land use decisions.

PLANNED DEVELOPMENT

Chapter 1145 Planned Development purpose statement provides the rationale and framework for consideration. Furthermore, the goals of any proposed planned development shall at minimum address the proposal in relation to the common goals of the Planned Development under Chapter 1145.01 and they are:

- A. Protect the neighbors of a planned development and the City in general to at least the same degree normally inherent in the Zoning Code.
 - B. Produce a development equal to or better than that resulting from single-use or traditional subdivision
 - C. Have a site and situation that permits comprehensive planning both on the site and relative to its immediate surroundings
 - D. Result in a design in which the placement, height, and uses of buildings, vehicle management areas, and open spaces efficiently utilize potentials of the site
 - E. Include covenants, easements, and other private measures that will help ensure the long-term administrative viability of a development
 - F. Be functional within a time period that helps ensure a viable development.
- (2) Infill development also satisfies the following goals:

- A. Fully utilize sites that could not be fully utilized because of their shape or because of their location relative to available public access.
- B. Increase geographic efficiencies of existing utilities such as public streets, water, sewer, electric, telephone, and cable by using them where they are already available.
- C. Help keep development from sprawling to and beyond the municipal boundaries of Oxford.

ANALYSIS:

In reviewing the planned development application, the Commission should consider both the Purpose Statement and the Decision Standards of the Zoning Code Planned Development to determine the pros and cons of the request during its deliberation.

The Planned Development Chapter also pointed out that the Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. The Zoning Code assumes that a planned development is appropriate **ONLY** if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City of the neighborhood in which it is proposed.

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

The focus of this report will be analyzing the proposal based upon the Decision Standards.

(1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.

Staff analysis:

The Planned Development provision allows any land use permitted in any residential zoning district in this code, except mobile homes, when a planned development proposal that overlays an existing zoning district.

The existing land use classification of the property is R1-B, and all permitted land uses includes multi-family dwelling and professional offices (permitted land uses under R-3 multi-family dwelling district)

(2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.

Staff analysis:

There was no previously considered Planned Development for this site within one year. This decision standard is not applicable.

(3) The uses and site plan will satisfy the general intend of this Zoning Code.

Staff analysis:

The purpose and intent of the Zoning Code is to promote and protect the public health, safety and general welfare of the people and to support the comfort and convenience of the Citizens of Oxford. Additional analysis, in relation to these decision standards concerning health, safety and general welfare of the people, is combined with the potential impact of the proposal.

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

Staff analysis:

As written in a staff report, dated July 14 and August 11, 2015 concerning the Zoning Map Amendment, there was no direct evidence from the Comp Plan to support the site to be a multi-family dwelling. It might be arguably plausible for two-family, given the uniqueness of the size of the dwelling and the site. It certainly is an anomaly in this general vicinity. However, this site, as indicated in that particular report, was not identified as a future expansion area for commercial development.

- (5) The size and shape of the site are sufficient for the proposed planned development.***

Staff analysis:

The size and shape of the site would seem to be sufficient for the proposed development, without any consideration of potential impact.

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

Staff analysis:

The proposed would have a certain degree of negative impact to existing or potential future neighboring uses, which will be further analyzed in other section of the decision standards.

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

Staff Analysis:

The narrative indicates the proposed use would be (1) three-family dwelling; and (2) professional office. The uses probably would not generate any excessive noise, smoke, fumes, as the applicant indicated in his narrative. One concern is potential number of off-street parking and the amount of traffic that might generate from the proposal.

The proposal, depending on how the configuration takes place between residential and office space, could be required to provide between 11 and 14 off-street parking spaces, which is much more than typically noted in a neighborhood such as this one. The site plan also shows those future office and residential parking spaces, to be totaled around 11 spaces, without considering garage spaces. Additionally, the traffic generated from this proposal would be much different than what a typical neighborhood would be, from a residential dwelling to a mixed use structure. Even though the site is about twice the size in footage than the properties directly west to this property, being single family dwelling unit and the difference between these properties would be noticeable as far as traffic generation is considered.

- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.***

Staff Analysis:

The proposal does not seem to indicate any changes to the existing accessory structures to be utilized differently.

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

Staff analysis:

The site and use could be served by public utilities with adequate capacity.

(10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services

Staff analysis:

No anticipated expenditure is expected to serve the proposed development.

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

Staff analysis:

The character and appearance of the building would not be altered, as indicated by the applicant, since no exterior modifications is expected. Interior modifications would not be visible from the street. However, the appearance and the character of the neighborhood may be altered to be different than the rest of the neighborhood, especially the property is considered the entrance to the neighborhood to the north and neighborhood to the west, given that potential traffic is being generated from this pending proposal, and the potential number of vehicles parked on site.

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

Staff analysis:

No engineering input has been provided from the City Engineer Office related to the on-site traffic and traffic accessing the site related to its impact to the safety of all modes of traffic. It would be something to review the potential impact to a major collector road from a single development site that is adjacent to a minor collector street.

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

Staff analysis:

It does not appear the applicant is proposing any removal of natural vegetation and no alteration or demolition to the existing building.

The proposal is seeking for an approval for a preliminary planned development to a maximum 3-dwelling unit with a professional office. One thing to bear in mind is that there are different types of professional offices, ranging from architects, lawyers, to medical, dentist and chiropractor's offices. The extent of client visit varies greatly from one type of professional office to another. It also depends how the office is configured to receive patients. Therefore, it is very unclear how the "professional office" would turn out to be. Potentially, a significant concern would be the traffic coming and going on a regular basis in and out of the site onto a major collector street. More information will be needed to ascertain the true impact from the traffic consideration. Since this is a preliminary Planned Development, many details have yet to be determined. And it is also conceivable that the details would not be available until there are specific buyers submitting proposals. Therefore, there is a sunset provision of 2 years after the approval of the preliminary planned development, with the possibility of two one-year extension from the Commission. It is not common for the Commission to review a proposal such as this one that does not have any specific end products and is subject to market demands, dealing with the adaptive re-use of an existing building.

Given that this is a planned development, the Planning Commission can and should require any and all needed information for consideration and to review the proposal to ensure the potential impact can be minimized and mitigated and the proposal poses no detrimental effect to the surrounding neighborhood.

This building was built in 1896 and has many distinctive features and historic significance that the community should cherish. It is known as Welsh-Stewart House by many local residents for its Queen Anne Victorian style. Furthermore, it was also the home of a prominent local member, Josiah Allen Welsh, as well as Dr. William T. Stewart. The original two-story brick house has approximately 3740 square feet, which was significantly larger than any houses of that time. Subsequently, an addition was added on to increase the footage of the house to over 5,000 square feet.

Preservation of cultural and historic resources is specifically highlighted in the Comp Plan and there are specific objectives to consider for land use decisions and to promote preservation of historic structures and sites. Given the size of the structure, it is not an easy task to live in a historic structure, due to the fact it would require constant maintenance, and on-going utility expenses to keep the building in a livable condition. Without a steady income flow, the cost of maintaining the structure would be hard pressed for average family, let alone major renovations that would be necessary for the upkeep of this building.

The size of the lot makes this historic home feels more like a mini-homestead that makes this site/structure even more unique, especially for the size of the structure. This almost one-acre site is part of the reason that a Planned Development approach would seem to be more appropriate with the commitment that the building will be maintained.

The current use of the site is a two-family which would be allowed continuously. It is the transitional step changing from multi-family to the east onto single family to the west of the site, which it would make land use sense for this site. The proposal of maximum 3 families would be departure from the environment of a two-family and single family. Additionally, there is a public street, classified as minor collector road, separating the multi-family residential from single family residential district.

Adding a professional office use for the site would require additional information as to how the office would be in operation. The applicant indicates that the hours of the office portion would be from 7 am to 9 pm. Other than this, there is not much more about the proposed office use for this planned development. The hours of operation would seem to be too long, considering this is a residential neighborhood.

In order to address the potential traffic concerns, the Commission may require the City Engineer to ascertain the traffic impact in and out of the site. It would also be critical to maintain vegetation, and possibly adding some more to protect and preserve the appearance of the neighborhood.

It is important for the Commission to balance the needs of maintaining, preserving, and continuing to improve this historic structure as time goes on and the community characters as a whole in the context of this Planned Development proposal. It may also require the Commission to outline specific conditions for the proposal if the Commission feels that this proposal meets the decision standards and the purpose statement of the Planned Development.

RECOMMENDATION

Reviewing the requested Planned Development Application based on the Comp Plan and the Zoning Code's Decision Standards, the application seems to be somewhat subject to market since it does not provide much detailed information, as many other Planned Development projects normally would have. And based on the analysis, the recommendation would be to consider this Planned Development to be no more than a two-family dwelling and an office. It is unclear what the rationale was when this property was rezoned to a single family in 2003. A two-family residential might be the extent of what could be supported due to the "alleged" error on the Zoning Map. Adding an office use to the structure may provide additional income to support the historic building if the potential issues could be mitigated, such as operating hours, traffic and the protection and preservation of the neighborhood character.

SUBMITTED

BY:

Jung-Han Chen
Community Development Director

DATE: October 6, 2015

ATTACHMENT

1145.06 PLANNING COMMISSION AND COUNCIL REVIEW

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments

. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

The Planning Commission shall base its review of a proposed planned development upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall also consider the Planning Commission recommendation.

The general decision standards for approval of a preliminary and final planned development are substantially similar. The final plan requires greater detail and is subject to additional decision standards.

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

- (a) Burden of Proof. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a planned development. This Zoning Code assumes that a planned development is appropriate only if an applicant proves that the proposed uses and design will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.

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

- (b) General Decision Standards.

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed.
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.
- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall

have the appearance of residential buildings permitted in the zoning district.

(12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.

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

(c) Additional Final Plan Decision Standards

(1) The final planned development shall substantially conform to the preliminary plan.

(2) Any substantial changes from the preliminary plan improve the plan or were requested by Planning Commission or Council as a part of the preliminary plan approval process.

(3) If the final plan seeks approval of only a portion of the approved preliminary plan, the elements of the proposed phase are sufficient to stand alone if the remainder of the planned development is abandoned.

ORDINANCE NO. 3334

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

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

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

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

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

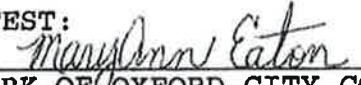
- a. The use shall be limited to a maximum of 3 dwelling units (the current efficiency apartment and 2 additional units) or 2 dwelling units (the current efficiency apartment and 1 additional unit) and 1 professional office (limited to only those professional office uses specifically enumerated in Oxford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

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

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


MAYOR

ADOPTED: November 17, 2015

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

ORDINANCE NO. 3506

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

WHEREAS, Council hereby finds that the Planning Commission held a public hearing on November 13, 2018 in accordance with Section 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Applicant/Agent for approval of a Final Plan for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 to allow the reconfiguration of an existing structure for residential and office uses; and

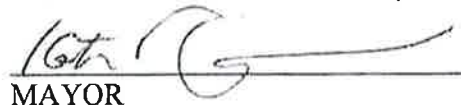
WHEREAS, the Planning Commission, after due deliberation found the application satisfies the code requirements in Chapter 1145 of the Oxford Zoning Code and recommended approval of the Final Plan application for one (1) acre of land at 5990 Contreras Road Oxford, Ohio 45056 with conditions.

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

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

- a. All conditions of Ordinance No. 3334 shall apply with the exception of condition 'g' regarding compliance with the RO District.
- b. The professional office hours shall be limited to 8:00 a.m. to 8:00 p.m. and no more than two customers shall be present simultaneously.
- c. Should the third dwelling unit or professional office tenant not be substantially established within two years of the Final Plan approval, the Final Planned Development approval shall become void.

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


MAYOR

ADOPTED: December 18, 2018

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Aerial Map

 Site Parcel

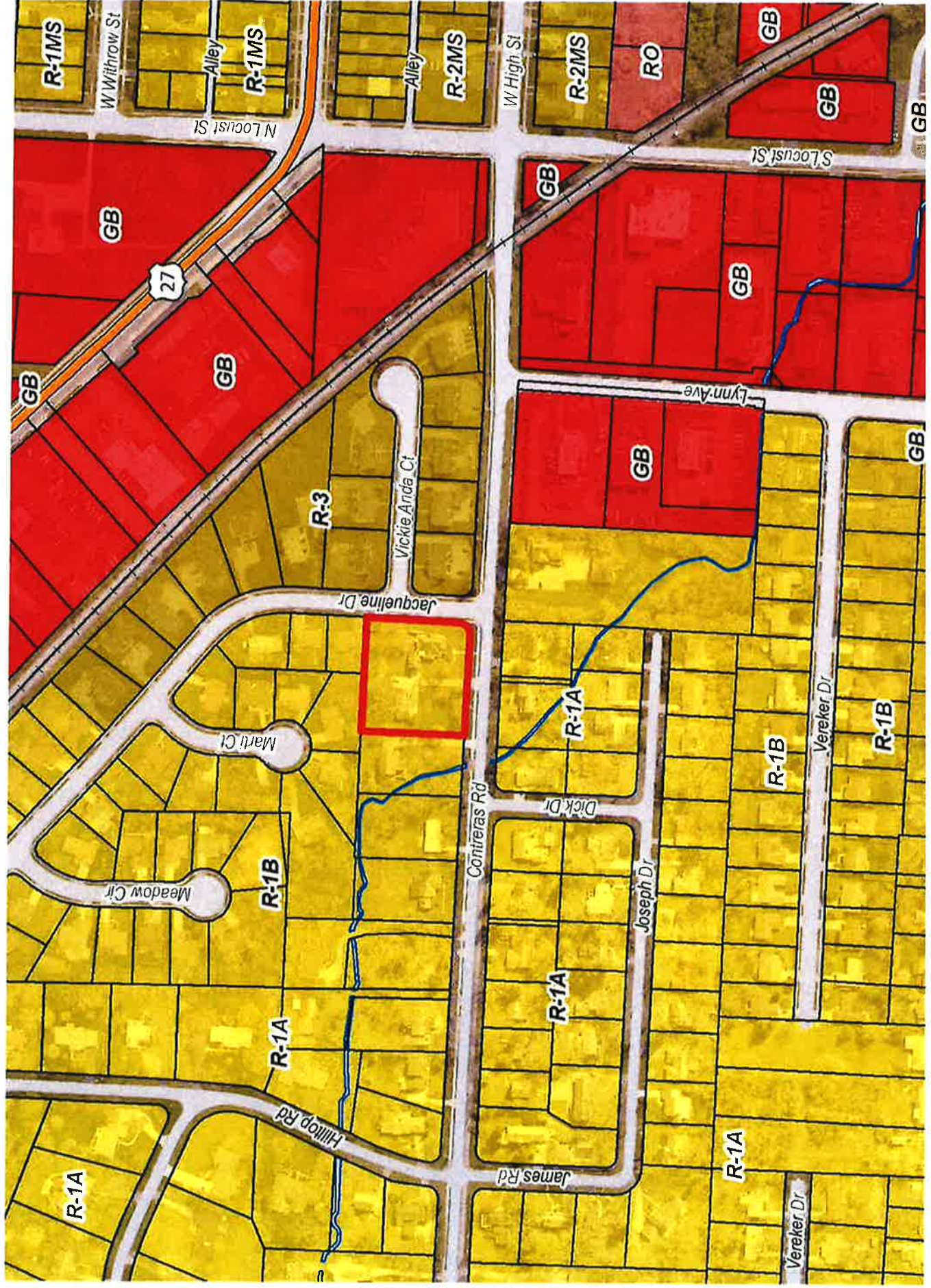


Location Map

 Site Parcel



Zoning Map



City of Oxford
Inter-Office Review Transmittal Sheet



Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

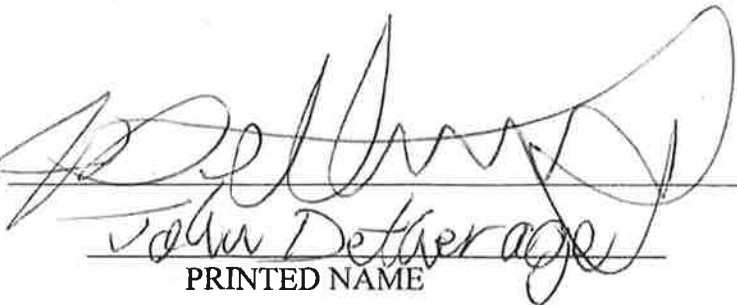
 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by:


John Dethier
PRINTED NAME

Date: 11-7-19

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

See memo dated 11/25/19.

-SAO

Drawings reviewed by:

Scott Otto

Date: 11/25/19

Scott Otto

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: PC-2019-24
Preliminary and Final Planned Development – 5990 Contreras

DATE: November 25, 2019

The Engineering Division offers the following comment:

- If the lot split is approved, please provide a recorded copy of the Plat of Survey, including the proposed private sanitary easement, to the City of Oxford Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____

[Signature]

Date: _____

11/19/19

John A. Jones

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: November 5, 2019

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2019-24, PRELIMINARY & FINAL PLANNED DEVELOPMENT, 5990 Contreras Road, one acre,
R-1B District, Scott Webb, Applicant, Agent

 X Review Revisions Other

Please return no later than: **November 26, 2019** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

IT SEEMS THIS PLAN SAVES THE EXISTING
STRUCTURE. I LIKE SAVING THE STRUCTURE.

A COMPARABLE STRUCTURE WAS DEMOLISHED
ON FIVE DRIVE AFTER AN ACCEPTABLE REUSE
COULD NOT BE OBTAINED.

Drawings reviewed by: _____


G. ALAN KYCHEN

PRINTED NAME

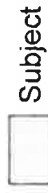
Date: 11.20.19



PC-2019-24

Surrounding Property Owners Notifications Map

Legend



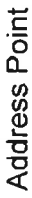
Subject



200 Ft. Buffer



Oxford Corp. Limit



Address Point



Parcel



16.5' Vacated ROW



Building Footprint



Paved Roadway



1 inch = 100 feet

Prepared on Monday, November 25, 2019

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



LETTER OF AGENCY

To Whom It May Concern:

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

Thank you,

Signed: Constance McCarthy
Peter & Constance McCarthy

10-28-2019
Date:

**Internal Use Only:**

Case No.

PC-2019-24

Date Filed

10/28/19

Planned Development Application

Application Type

Choose One

☐ Preliminary☐ Final☒ Preliminary & Final

Applicant Information

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

Name *

Scot Webb, Architect

Mailing Address *

103 West Walnut Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

523-3838

Email Address

scott@scottwebbarchitect.com

Owner Information

Name *

Peter & Constance McCarthy

Mailing Address *

6073 Contreras Road

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

431-1920

Email Address

pecomcc@gmail.com

Engineer/Surveyor Information

Name *

Bayer Becker / David Douglas Smith P.S.

Mailing Address *

318 S College Ave. / 910 Marilyn Drive

City, State & Zip Code *

Oxford, Ohio 56045

Telephone Number *

523-4270/523-9964

Email Address

ettareed@bayerbecker.com

Location and Lot Information

Name of Subdivision *

Location of Property *

Legal Description *

5990 Contreras Road

H4100016000047 - Survey Attached

Zoning District *

R-1B

Total Area *

1

Acres

Submission Requirements and Documentation

The application requirements (Section 1145.05¹) for a preliminary and final planned development are different. The final planned development application requires a greater degree of accuracy and completeness than does the preliminary planned development application. This section describes the application content requirements for each step of the process.

Thirteen (13) complete sets of all information shall be submitted with each preliminary and final application. If any information is submitted in color or on non-standard paper, more copies may be required. The Zoning Administrator may modify this requirement based upon

- O. Other information as required by the Planning Commission or Council.
- (7) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.
- (8) Other. Photographs of the existing site and its surroundings.
- (b) Final Plan.
- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
 - (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
 - (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
 - (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Decision Process

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval. The review is based on the General Decision Standards found in Section 1145.06¹.

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *



The image shows a handwritten signature in blue ink over a horizontal line. Below the signature, the date "11/4/19" is handwritten in blue ink over another horizontal line.

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans containing all required information as attachments and a check for fees and postage charge made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

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

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

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

Sam Perry, Community Development Director
City of Oxford
Municipal Building
15 South College Avenue
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

**Re: Proposed Change to an Approved Planned Development
5990 Contreras Road**

October 28, 2019

Mr. Perry,

My clients have asked me to present a proposed change to the approved Planned Development at 5990 Contreras Road as shown on the attached drawings.

This application seeks to modify existing PUD Ordinance 3506. In lieu of the previously approved multi-family and professional office use, the applicant proposes to:

1. Separate the one acre lot into two separate lots. Lot B to be .6 acres that includes the current 5000 SF house. Lot A is .4 acres and includes the detached garage. A survey indicating the boundary lines of each lot is enclosed.
2. Use of the existing house to be non-owner occupied short term rental, residential, and to maintain the existing rental permit for 5. Five short term rental suites are proposed, in keeping with the current rental permit. The intent is to market five self-contained guest suites for stays less than 14 days as the primary use. Occasionally guests request a stay of longer than 14 days so we request that the existing rental permit remain active. The enclosed floor plan indicates the size and general layout of each suite. Site plan shows on-site parking for five spaces (a reduction from the previous PUD submission) on Lot A.
 - a. Studio Suite 555 SF.
 - b. Family Suite 791 SF
 - c. Master Suite 440 SF
 - d. Family Suite 1150 SF
 - e. Master Suite 816 SF
3. Lot B to include a future residence meeting all requirements of the R1B district.

Based on the decision standards as addressed below, we feel this could be approved as a Minor Change to an Approved Planned Development.

The attached Site Plan shows the proposed lot split and its effect on the dimensional requirements of the Approved Planned Development

Also attached is a narrative statement from the owners regarding the proposed changes and drawings of the interior alterations of the existing historic house.

1145.10 Changes to a Planned Development

The definition of a Minor Change to a Planned Development is clearly outlined in this chapter of the Zoning Code, and as decisions standards, are addressed as follows:

(1) Does not change the Use

As the site was approved for either (2) dwelling units with a max. 2,500 s.f. professional office or (3) dwelling units. The application at hand proposes a minor modification in how the (3) dwelling unit option could be realized on the site, making it available as a non-owner occupied short term rental.

(2) Are of a magnitude that will not substantially alter the appearance of development from off of the site

The proposed change does not affect the appearance of the original historic house and is in fact reduces the changes that may be required for a conversion to a commercial use.

The additional building lot is reflective of the lot sizes in the neighborhood and complies with the requirements of the underlying zoning district, compatible with the neighborhood.

(3) Will not substantially or detrimentally affect the provision of public services to the site or general vicinity

The proposed minor changes will not change the provision of public services.

(4) Will not substantially or detrimentally increase potential demand on public or private utilities.

All utilities are available on the site or in the street.

(5) Are not of a scope, scale, or character, that would cause a negative impact on adjoining properties or the neighborhood.

While the proposed change would result in construction of an additional single family residence, the elimination of the potential commercial use will reduce the potential negative impacts on the neighborhood

(6) Are not contrary to and in no way diminish the intent of the originally approved plan.

The proposed change is represents a minor reconfiguration of one available option of the approved Planned Development.

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

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written over a light blue horizontal line.

Scott Webb, Architect

Peter & Connie McCarthy
6073 Contreras Rd.
Oxford, OH 45056
e: pecomcc@gmail.com

City of Oxford
Community Development Department
15 South College Ave.
Oxford, OH 45056
Attn: Mr. Sam Perry, Community Development Director

Dear Mr. Perry:

This application is being made on behalf of the buyers of proposed Lot B, Kelly & Dan Umbstead, long time Oxford residents. We began limited short term rental use of the studio apartment in 2015 while the house was for sale. We found that STR use created much less wear and tear on the house than our experience with long term tenants. In 2017, the short term rental use was expanded to the upstairs in the main house as our STR demand steadily grew and we continued to market the house. The second floor lobby created a natural division between suites. Locks with keypad devices were installed allowing for two separate guest suites that share the lobby. The three suites provided clean, comfortable, reasonably priced, safe accommodations that are marketed primarily to Miami parents, in a beautiful setting that is within walking distance of Oxford and Miami's campus. Over the past two years demand continued to grow (with many repeat customers) and we found that we enjoyed the STR business. As was the case with the apartment, wear and tear on our house was minimal, and this seemed to be a great use for our historic home.

All safety devices required by the City of Oxford for long term rentals are installed in each suite including smoke detectors, CO2 monitors, fire extinguishers, etc. No meals are prepared for guests, although a gift basket filled with fresh muffins, fruit, and breakfast bars is offered. To date, no complaints from the neighborhood have been received. Guests are required to sign off on a set of house rules (details below) prior to booking. What began as a hobby has grown into a viable business that helps to meet the increasing housing demand for travelers to Oxford. We actively promote local restaurants, attractions such as the Oxford Community Arts Center, and Miami University through our guidebook and verbal conversations with guests.

The first floor is currently vacant. This application proposes dividing the first floor into two additional guest suites, including one with a full kitchen. Separate entrances with keypad access will be installed and the suites will include safety devices consistent with what is provided in the current three suites. Construction to create the two new suites is limited to two bathrooms

with no demolition of the house's historic features. No significant modifications to the building exterior will be made.

On site parking is planned to accommodate five to seven guest vehicles. Additional parking is available along Jacqueline Drive.

We currently advertise on two platforms – AirBnB and VRBO/Homeaway. Both of these platforms require guests to sign off on the owner's House Rules prior to booking. Our House Rules are clearly stated on both platforms –

No Smoking

No Additional Guests without prior approval

No Excessive Noise

No Parties

No Pets

We feel the proposed plan is less impactful to the existing neighborhood than the previously approved PUD since only residential use is proposed. The location of the house is in a barrier zone between the business district at Lynn Avenue and the residential district to the west on Contreras Rd. This barrier zone includes a large multi-family complex to the east, and a multi-family PUD to the south. The property is also adjacent to single family residences (one being a student rental). This location is well suited for a bed and breakfast style short term rental.

The proposed plan is consistent with the goal of the previous PUD – that being to allow an income producing use that will help preserve this historic home that has had a rich history in the City of Oxford. We have found short term rental use to have much less wear and tear on the home than long term rental use. Because the suites are spacious, we have been able to accommodate many international families who are visiting their student during Miami breaks. These families tend to stay for longer periods, up to a month. We request maintaining our current permit for five unrelated persons to accommodate these types of situations.

It is the Umbstead's intent to continue the business model described above. The current professional office use and separate apartment use for the PUD can be removed in favor of this less impactful plan.

Sincerely,


Peter & Connie McCarthy

SITE DESIGN

SECTION 145.12

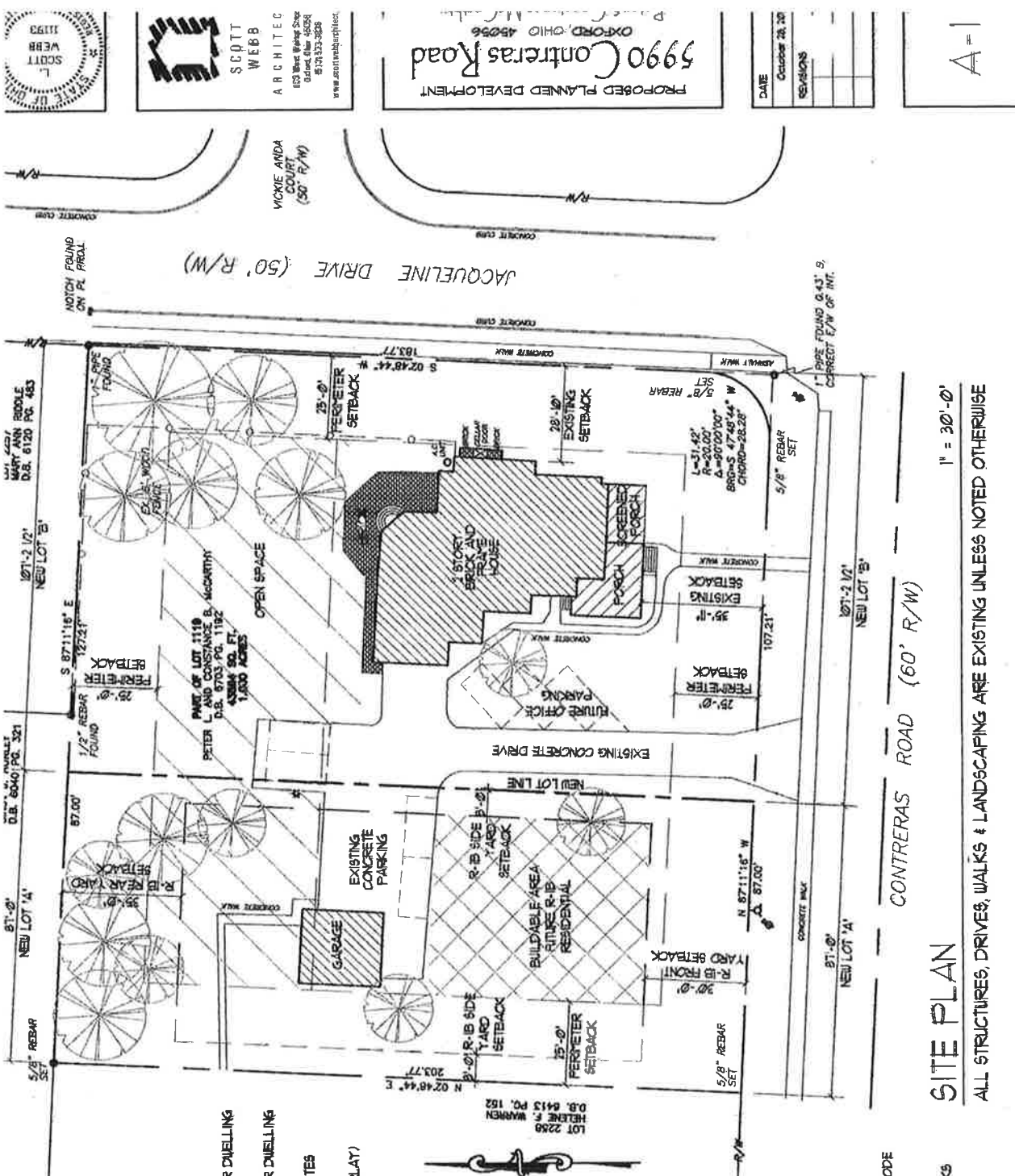
LAND AREA: 43,564 SF. (1 ACRE)
 LAND USE: LOT A: 1728 SF. (4 ACRES)
 R-B SINGLE-FAMILY RESIDENTIAL
 LAND USE: LOT B: 25, 236 SF. (5.93 ACRES)
 NON-OWNER OCCUPIED SHORT TERM RENTAL

APPROVED MAX. RESIDENTIAL DENSITY:
 (6) UNRELATED OCCUPANTS * (3) DUELLING UNITS MAX (2) PER DUELLING
 PROPOSED RESIDENTIAL DENSITY:
 (6) UNRELATED OCCUPANTS * (3) DUELLING UNITS MAX (2) PER DUELLING
 LOT A: PERMITTED FOR (3) UNRELATED OCCUPANTS
 (5) NON-OWNER OCCUPIED SHORT TERM RENTAL SUITES
 LOT B: R-B SINGLE FAMILY LOT
 (2) UNRELATED OCCUPANTS (NEIGHBORHOOD OVERLAY)

DIMENSIONAL REGULATIONS:
 BUILDING HEIGHT MAX. 35' (UNDERLYING ZONING DISTRICT)
 FRONT SETBACK 30' (UNDERLYING ZONING DISTRICT)
 REQUIRED PERMETER SETBACK = 25'
 OPEN SPACE:
 MIN 20% OF LOT NOT INCLUDING SETBACK AREAS
 9,362 SF. OPEN SPACE AREA = 18.2%

LOT COVERAGE:
 MAX. 25% ENCLOSED BUILDINGS
 3,491 SF. EXISTING RESIDENCE
 5,300 SF. EXISTING ACCESSORY STRUCTURE
 4,021 SF. = 9.25%
 6,810 SF. AVAILABLE FOR FUTURE
 R-B RESIDENCE
 MAX. 35% LOT TOTAL
 4,021 SF. = ENCLOSED BUILDINGS
 5,301 SF. = DRIVES, SIDEWALKS & PATIOS
 3,418 SF. = 21.62% EXISTING
 + 1,253 SF. = FUTURE RESIDENTIAL PARKING
 10,610 SF. = 24.45% TOTAL EXISTING
 4,511 SF. AVAILABLE LOT COVERAGE
 FOR FUTURE R-B RESIDENCE

ENVIRONMENTAL:
 100' NATURAL BUFFER FROM NATURAL SURFACE WATER - N/A
 LANDSCAPING & SCREENING:
 EXISTING MATURE TREES EXCEEDS MINIMUMS OF THE ZONING CODE
 ACCESS & MOBILITY:
 DIRECT ACCESS FROM COLLECTOR OR ARTERIAL ROAD
 PEDESTRIAN CONNECTIVITY PROVIDED BY EXISTING SIDEWALKS
 UTILITIES & INFRASTRUCTURE:
 NO CHANGE TO EXISTING UTILITIES OR INFRASTRUCTURE



SITE PLAN

ALL STRUCTURES, DRIVES, WALKS & LANDSCAPING ARE EXISTING UNLESS NOTED OTHERWISE

1" = 30'-0"

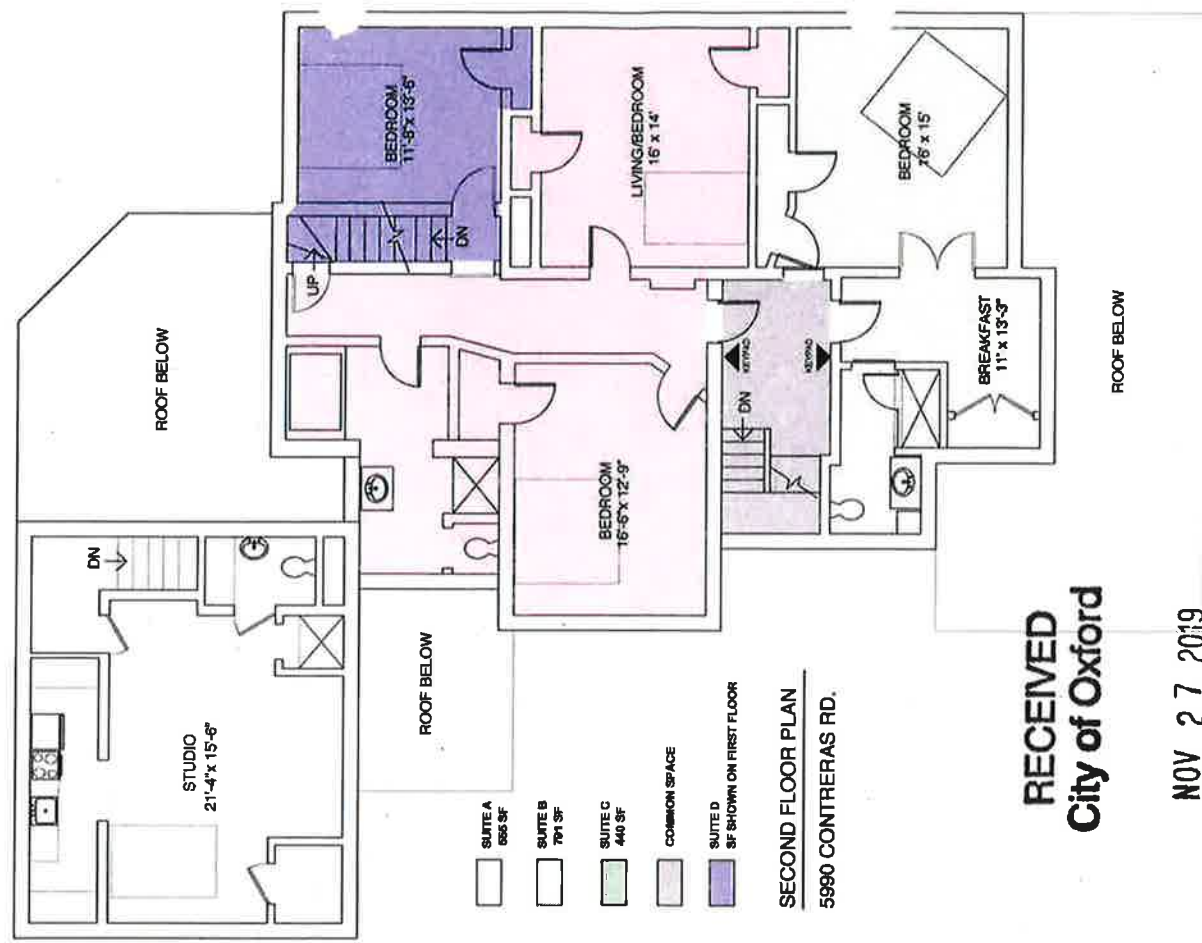
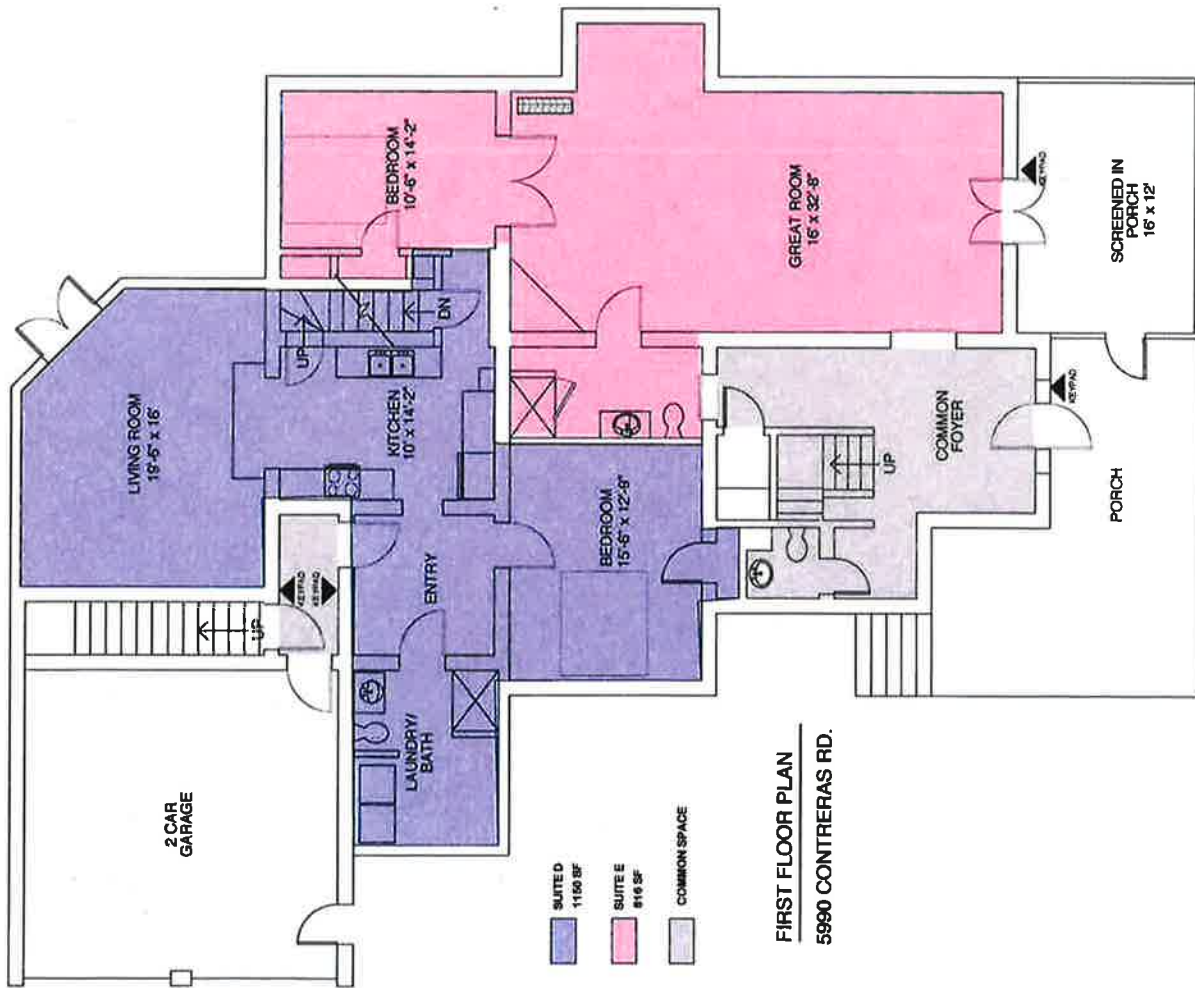
SCOTT WEBB ARCHITECT
 103 West Main Street
 Oxford, Ohio 45056
 513.323.3528
 www.scottwebbarchitect.com

PROPOSED PLANNED DEVELOPMENT
 5990 Contreras Road
 OXFORD, OHIO 45056

DATE: October 28, 20
 REVISIONS:

A=1





CITY OF OXFORD STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 7, 2020

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount: N/A

January 3, 2020
Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report – December 18, 2019
----------------------	---

BZA-2019-14, 36 W. High Street, variance to section 1151.05(a)(2)B1, signs shall have only indirect illumination, **Sign Connection, Appellant**

Jane Fiehrer, of Sign Connection requested a back-lit, halo style lighting method for a new replacement business sign for existing business owner Beau Hiner, of Doughby's. The location is adjacent to Koffenya Coffee. The existing box sign would be completely removed and replaced with wall lettering that would have lighting reflecting off the wall of the building, not showing through the lettering. This type of lighting is not permitted in the Uptown District. The BZA held a hearing, heard from staff, the applicant and the public. Staff reported that a recommendation to Planning and Council for this type of lighting to be allowed would be coming forward in 2020. Starbucks was permitted in 2017 to have this type of lighting for the lettering but not the logo. The Historic and Architectural Preservation Commission had reviewed both cases. This type of lighting provides some additional variety from gooseneck-style floodlit wall signage. The Board discussed the case using the seven decision standards and voted 3-1-0 to approve the request, citing two of the decision standards.

Approved By:

Department Head:

City Manager:

Initial

Date

SP 1/1-3-20

DRE 1/1-3-20

A Work Session of the Oxford City Council was called to order by Mayor, Mike Smith on Tuesday, December 17, 2019 at 6:30 P.M. Council members present were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, Bill Snavelly and Edna Southard.

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

APPROVAL OF AGENDA

Mr. Snavelly moved to approve the agenda. Mr. Ellerbe seconded. The motion carried 7-0-0.

PURPOSE

The purpose of the Work Session was for Council members to discuss the concept of creating an Outdoor Refreshment Area in Uptown Oxford and to discuss the next steps with regard to the Oxford Area Trails project.

PRESENTATION

OUTDOOR REFRESHMENT AREA CONCEPT

Ms. Greene provided a PowerPoint Presentation and discussed the concept of creating and operating an Outdoor Refreshment Area in Uptown Oxford. Ms. Greene advised an Outdoor Refreshment Area allows residents and visitors to purchase an alcoholic beverage and then walk outside with that beverage within a designated area. Ms. Greene noted 4 liquor permit holders were needed to initiate such a program and signage was needed denoting the area. Ms. Greene advised most cities create custom beverage cups for the zone which can only be filled once (re-fills require a new cup). Ms. Greene discussed the proposed operation times (only when MU students are on break) and the proposed area which would include Beech Street to Campus Avenue, High Street, the South side of Church Street and the North. side of Walnut Street. Ms. Greene discussed the estimated expenses related to the concept noting the City's estimated cost was \$1,800 for signage.

Chief Jones and Mr. Dreisbach advised they had no concerns with the concept.

Ms. Southard noted the Public Arts Commission of Oxford could possibly get involved with the graphic design for signage and beverage cups. Ms. Southard also advised she felt a lot of education would be necessary to create and operate such a district.

Mr. Snavely noted he felt this would be good for local businesses.

Mayor Smith and Mr. Ellerbe suggested College Avenue be included in the proposed district.

Mayor Smith inquired if the signage would be posted year round. Ms. Greene and Mr. Elliott advised signage would be a major challenge.

After further discussion the overall consensus of Council was to proceed with the concept.

OXFORD AREA TRAILS – NEXT STEPS

Ms. Greene provided a PowerPoint presentation and discussed two options for Phase 5 of the Oxford Area Trail. Ms. Greene advised a grant application would be submitted in 2020 for construction in 2025. Ms. Greene noted the preferred route would be from Peffer Park to the Talawanda Middle School since the 2017 cost estimate was available and it would connect phases 2 & 4 on the south side of town. Ms. Greene outlined the estimated budget for this segment of the trail. Ms. Greene also discussed the option of the Oxford Community Park to Merry Day Park for Phase 5 noting she would prefer to apply for that grant in 2022 for construction in 2027 especially since this segment was not designed yet. Ms. Greene outlined the estimated budget for this segment of the trail and discussed how the tax levy would perform through the year 2028.

After discussion the consensus of Council was to proceed with the south side of town connection.

Ms. Greene advised she would work with Mr. Dreisbach and Mr. Perry on legislation to apply for the grant funding and bring it forward to Council in February. Ms. Greene noted she planned to apply for grant funding in the next cycle for the connection to Merry Day Park.

ADJOURNMENT

Ms. Southard moved to adjourn at 7:05 p.m. Mr. Ellerbe seconded. The motion carried 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas R. Elliott, Jr.

Police

Originating Department

Council Meeting Of: January 7, 2020

John Jones

Account Code #: 140.110.61127

Prepared By

Budgeted Amount: \$90,900

December 18, 2019

Date Prepared

Agenda Title:

Purchase of replacement Police Division radio equipment

Recommendation: Approve

The portable radios currently used by the Police Division have reached the end of their serviceable life. Scheduled software upgrades in 2019 and 2020 to the countywide radio systems may affect operation of certain features of our current radios. Under the terms of the Participation Agreement with the Butler Regional Interoperable Communications System, when subscriber equipment previously purchased by the County becomes obsolete or unusable, replacement lies with the subscribing local user. After testing Kenwood and Motorola radios, the Police Chief is recommending the purchase of Motorola APX6000XE radios with certain accessories, to replace our existing 62 radios.

In 2019, 18 Motorola APX6000XE radios, chargers, and accessories were purchased for approximately \$75,000. Those radios were issued to patrol officers. To complete this project, the remaining radios issued to the remaining officers, sergeants, administration, and public safety assistants need to be purchased. This resolution will authorize the City Manager to enter into a contract with Motorola for the purchase of radio equipment in the attached Quote #19-1213 for an amount not to exceed \$90,898.95.

State Term Schedule #573077-0

Approved By:

Department Head:
City Manager:

Initial Date

DRE \ 1-3-19

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOTOROLA SOLUTIONS FOR THE PURCHASE OF SIXTY TWO (62) MOTOROLA RADIOS AND ASSOCIATED ACCESSORIES AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AT STATE CONTRACT PRICING AT A COST NOT TO EXCEED \$90,900.00.

WHEREAS, the 2020 Capital Equipment Budget includes \$90,900.00 to complete the phased approach of purchasing replacement radios for the Police Division; and

WHEREAS, the City Manager and the Police Chief recommend City Council authorize the City Manager to enter into a contract with Motorola Solutions for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit "A" attached hereto at State Contract pricing at a cost not to exceed \$90,900.00.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Police Chief and accepts the State Contract pricing for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit "A" attached hereto at State Contract pricing at a cost not to exceed \$90,900.00.

SECTION 2: Council further authorizes the City Manager to enter into a contract with Motorola Solutions for the purchase of sixty two (62) Motorola radios and associated accessories as set forth on Exhibit "A" attached hereto at State Contract pricing at a cost not to exceed \$90,900.00, which has previously been appropriated in the 2020 budget.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)

**MOTOROLA SOLUTIONS**

Equipment Proposal

Prepared By: Chris Hanes

Address: 350 Worthington Rd, Columbus OH 43082

Phone: 937-459-3202

DATE:

December 13, 2019

QUOTE #:

19-1213

CUSTOMER #:

1000424648

PREPARED FOR: Chief John Jones

COMPANY: Oxford Police

PHONE: 513-524-5247

EMAIL: jones@cityof.oxford.org

BILL TO: Oxford Police Dept

ADDRESS: 11 S Poplar St

Oxford, OH 45056

SHIP TO: Oxford Police Dept

ADDRESS: 11 S Poplar St

Oxford, OH 45056

email: chris.hanes@motorolasolutions.com

Qty.	Item	Category	Description	List Price	BC Promo Price	Total Price
APX 4000 Model 2						
11	H51UCF9PW6 N	Radio	APX 4000, MOD 2	1,963.00 \$	981.50 \$	10,796.50
11	QA04865	Radio	TWO KNOB CONFIGURATION	- \$	- \$	-
11	QA02756	Radio	9600 BAUD	1,570.00 \$	785.00 \$	8,635.00
11	QA01648	Radio	HARDWARE KEY	5.00 \$	2.50 \$	27.50
11	H869	Radio	MULTIKEY	330.00 \$	165.00 \$	1,815.00
11	G996	Radio	OTAP	100.00 \$	50.00 \$	550.00
11	QA03399	Radio	ENHANCED DATA	150.00 \$	75.00 \$	825.00
11	QA09000	Radio	DIGITAL TONE SIGNALING	150.00 \$	75.00 \$	825.00
11	QA09008	Radio	GROUP SERVICES	150.00 \$	75.00 \$	825.00
11	QA01767	Radio	P25 LINK LAYER AUTHENTICATION	100.00 \$	50.00 \$	550.00
11	H885BK	Service	3 YEAR WARRANTY	90.00 \$	45.00 \$	495.00
11	T7914	Radio	RADIO MANAGEMENT LICENSE	- \$	- \$	-
11	QA00049AA	Radio	RADIO MANAGEMENT ENTITLEMENT	100.00 \$	61.20 \$	673.20
				\$ 4,708.00 \$	\$ 2,365.20 \$	\$ 26,017.20

APX 4000 Accessories

10	PMLN7182A	Holster	APX2000/4000 TWO-KNOB,SWIVEL,LEATHER CARRY CASE	66.00 \$	33.00 \$	330.00
10	PMPN4174A	Charger	SINGLE CHARGER	76.00 \$	38.00 \$	380.00
1	PMPN4284A	Charger	MULTI-UNIT CHARGER W/ 1 DISPLAY	655.00 \$	327.50 \$	327.50
				\$	\$	1,037.50

SERVICES

10	SVC03SVC0039	Services	ENGRAVING	31.25 \$	31.25 \$	312.50
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APX 6000XE Model 2.5

15	H98UCF9PW6BN	Radio	APX 6000XE, MOD 2.5	3,026.00 \$	1,513.00 \$	22,695.00
15	QA02006	Radio	APX 6000XE RUGGED	800.00 \$	400.00 \$	6,000.00
15	Q806	Radio	ASTRO DIGITAL OPERATION	515.00 \$	257.50 \$	3,862.50
15	H38	Radio	SMARTZONE	1,200.00 \$	600.00 \$	9,000.00

15	Q361	Radio	P25 9600 BAUD TRUNKING	\$	300.00	\$	150.00	\$	2,250.00
15	QA01648	Radio	HARDWARE KEY	\$	5.00	\$	2.50	\$	37.50
15	H869	Radio	MULTIKEY	\$	330.00	\$	165.00	\$	2,475.00
15	G996	Radio	OTAP	\$	100.00	\$	50.00	\$	750.00
15	QA03399	Radio	ENHANCED DATA	\$	150.00	\$	75.00	\$	1,125.00
15	QA09001	Radio	WIFI	\$	300.00	\$	150.00	\$	2,250.00
15	QA09007	Radio	OUT OF BOX WIFI PROVISIONING	\$	-	\$	-	\$	-
15	QA09006	Radio	ADAPTIVE NOISE SUPPRESSION	\$	150.00	\$	75.00	\$	1,125.00
15	QA09000	Radio	DIGITAL TONE SIGNALING	\$	150.00	\$	75.00	\$	1,125.00
15	QA09008	Radio	GROUP SERVICES	\$	150.00	\$	75.00	\$	1,125.00
15	QA01767	Radio	P25 LINK LAYER AUTHENTICATION	\$	100.00	\$	50.00	\$	750.00
15	Q58AL	Service	3 YEAR WARRANTY	\$	110.00	\$	55.00	\$	825.00
15	T7914	Radio	RADIO MANAGEMENT LICENSE	\$	-	\$	-	\$	-
15	QA00049AA	Radio	RADIO MANAGEMENT ENTITLEMENT	\$	100.00	\$	61.20	\$	918.00
				\$	7,486.00	\$	3,754.20	\$	56,313.00

APX 6000 Accessories

15	NNTN8863A	CHARGER	SINGLE UNIT CHARGER	\$	187.00	\$	93.50	\$	1,402.50
24	NMNE274A	SPEAKER MI/ XP RSM (Law)		\$	405.00	\$	202.50	\$	4,860.00
15	PMLN5875A	HOLSTER	CARRY CASE - swivel	\$	65.00	\$	32.50	\$	487.50
SERVICES							\$		6,750.00

15	SVC03SVC0039	SERVICES	ENGRAVING	\$	31.25	\$	31.25	\$	468.75
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RADIO TOTAL	\$	82,330.20
ACCESSORIES TOTAL	\$	7,787.50
SERVICE TOTAL	\$	781.25
Final Proposal Total	\$	90,898.95

Terms and Conditions:

All Prices Quoted Per State Term Schedule #573077-0. Please reference STS# on PO.

Payment terms: Net 30. PRICE VALID UNTIL 12-19-19

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Council Meeting Of: January 7, 2020

Account Code No. #:

Budgeted Amount: N/A

Community Development
Originating Department

Sam Perry
Prepared By

January 2, 2020
Date Prepared

HAPC Meeting Report – December 11, 2019
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HAPC-2019-25, Certificate of Appropriateness, 131 W High Street, proposed new 3–story mixed use structure, Matt Rodbro, Applicant

As follow-up to the previous month’s pre-application discussion, Greg Meyer of Treadon and Associates presented a concept for a 3-story mixed use building to be cast stone on the first floor and brick on the upper two floors. The location is the vacant property at the southeast corner of College and High, which was formerly a BP gas station. The applicant team explained that they had been through several revisions internally as part of a goal to respect the Community Arts Center and Uptown gateway. The building would be 46 feet tall and cover the entire site except for an area for trash and other services along the alley. Wall and trim cross section details were submitted at the meeting. The design team provided a three dimensional view of the building design in order to assist HAPC in understanding the impact to the area. The design team also provided exterior material samples for Commission feedback. The Commission heard from staff and the public and approved the request, as submitted, with several staff-recommend conditions. This was the first major project reviewed and approved under the 2019 HAPC Code re-write which now allows one year to obtain a building permit and then two years following the building permit for substantial completion of the project.

Approval:

Department Head:

City Manager:

 1/13/20

 1/13/20