

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: February 2, 2010

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

January 28, 2010

Date Prepared:

Agenda Title:	PC-15-2009 CONDITIONAL USE – 17 N. Poplar Street, for a place of worship in the UP (Uptown) District, The Oxford Vineyard, Applicant
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Recommendation:	Approval
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Discussion:

The Planning Commission held a Public Hearing for this Conditional Use application to establish a Place of Worship in existing commercial space located in the northern portion of the former Lazarus building. The space contains approximately 5,000 sq. ft. and has sufficient on-site and off-site parking available. The current congregation is approximately 65 attendees, with services being conducted on Sunday mornings and the space will be utilized as needed during the week for various congregation events.

During the Public Hearing, the Applicant addressed that there is no impact or hardship for this congregation or surrounding churches in the vicinity to find available parking on Sunday mornings. At this time there are no modifications proposed to the exterior of the building or layout of the parking. Should the church remain in this location long-term, they may consider the possibility of improving the 16.5 foot vacated right-of-way sidewalk area with more streetscape improvements such as landscaping and an outdoor patio area.

The Applicant was made aware that any requests for signage would be in accordance with the sign regulations and subject to HAPC review and comments provided by the Fire Chief will also have to be addressed prior to final occupancy.

The Planning Commission members reviewed the Decision Standards and voted 6-0-0 to recommend **APPROVAL** to City Council.

Approved By:	Department Head:	Initial	Date
	City Attorney:	<i>JAC</i>	<i>1/28/10</i>
	City Manager:	<i>DEC</i>	<i>1/29/10</i>

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PLACE OF WORSHIP IN THE GENERAL BUSINESS (GB) DISTRICT AT 17 N. POPLAR STREET, OXFORD, OHIO.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on January 12, 2010 for the purpose of considering the request of The Oxford Vineyard, Applicant/Agent, John Richter, for a conditional use permit to allow a place of worship in the General Business (GB) District at 17 N. Poplar Street, Oxford, Ohio.

SECTION 2: The Planning Commission, after public hearing and discussion, voted to approve a motion recommending approval of the conditional use application to allow a place of worship in the General Business (GB) District at 17 N. Poplar Street, Oxford, Ohio.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow a place of worship in the General Business (GB) District at 17 N. Poplar Street, Oxford, Ohio.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

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

<u>Report Date</u>	February 2, 2010
<u>Case Number</u>	PC-15-2009
<u>Applicant Information</u>	John Richter, Agent The Oxford Vineyard, Applicant
<u>Requested Action</u>	Conditional Use Permit
<u>Summary of Request</u>	To permit a Place of Worship in the Uptown District
<u>Public Hearing Information</u>	On January 12, 2010 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on October 9, 2009. Courtesy notices were mailed to adjacent property owners on October 2, 2009. (Application had been Tabled in November at the request of the applicant)
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval of the Conditional Use Permit at the January 12, 2010 meeting.
<u>Commission Findings and Conclusions</u>	At the January 12, 2010 Planning Commission meeting, the Commission after hearing the Applicant and Staff findings, and reviewing the Decision Standards, voted to approve the Conditional Use. No conditions were found to be warranted.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated November 10, 2009 2. Interoffice Review Transmittal Sheets 3. Violation letter from Staff dated August 26, 2009 4. Site photographs 5. Aerial photographs/ Site Plan 6. Letter of Agency 7. Conditional Use Permit Application Dated 9/28/2009 8. Description of Use and Site/Narrative Statement 9. Legal Description

John Richter

From: John Richter
Sent: Tuesday, November 10, 2009 4:26 PM
To: 'kdale@cityofoxford.org'
Subject: Re: Oxford Planning Meeting Tonight!

Kathy,

I was made aware that an architect is submitting plans for longer term leasing and modifications to 17 N Poplar St, our current rental location.

Therefore, I am requesting, if possible, that the zoning commission postpone the review of the Oxford Vineyard Conditional Use Application for 1 month until more information is available concerning this property.

Thanks for any and all assistance with this and let me know if there is anything that I need to do.

John Richter
Oxford Vineyard Pastor

Sent using BlackBerry

----- Original Message -----

From: Kathy Dale <kdale@cityofoxford.org>
To: John Richter; John.Richter@OxfordVineyard.com <John.Richter@OxfordVineyard.com>
Sent: Tue Nov 10 14:11:17 2009
Subject: Oxford Planning Meeting Tonight!

John,

Please Call Us AS SOON AS YOU GET THIS MESSAGE!!

Kathryn A. Dale, AICP

City of Oxford

City Planner

Community Development Department

101 E. High Street

Oxford, Ohio 45056

p. (513) 524-5204

f. (513) 524-5266

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

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-15-2009

Date – November 10, 2009

APPLICATION

Applicant: Pastor John Richter, Oxford Vineyard Church
Location: 17 N. Poplar Street
Owner: Christopher Rodbro, TR/Redbrick Property Management

Action Request: **CONDITIONAL USE**, 17 N. Poplar, for a Place of Worship in the UP (Uptown) District, **The Oxford Vineyard, Applicant**

Current Use: Vacant Retail
Surrounding Existing Land Uses: Business/Retail, Churches, Restaurants

DESCRIPTION

The Applicant seeks a Conditional Use permit to establish a Place of Worship in the existing/former Lazarus building. The building contains approximately 5,000 sq.ft. and has 10 on-site parking spaces available. According to the Applicant's descriptions, the congregation averages 65 attendees and 30-40% of those in attendance are students. Services are held on Sundays around 11:00a.m. and the facility may be utilized for other congregation events during the week. Most attendees walk to the services, but there are approximately 10-15 on-street parking spaces used. According to the Applicant there is no impact or hardship for this congregation or surrounding churches in the vicinity to find available parking on Sunday mornings. At this time there are no modifications to the exterior of the building or layout of the parking. Should the church remain in this location long-term, they may consider the possibility of improving the 16.5 vacated right-of-way sidewalk area with more streetscape improvements such as landscaping and an outdoor patio area. They may also request signage in accordance with the sign regulations and subject to HAPC's review.

HISTORY

PC-08-1986: Special Use, Oxford Co-op Nursery School, approved with Ord. #1902

August 26, 2009 Zoning Warning Letter sent to property owner and Oxford Vineyard Church advising them that a place of worship required conditional use review and approval.

ZONING CODE

Section 1143.10(b)(2)(B)(4) allows Places of Worship as a conditional use in the "UP" Uptown Zoning District. Section 1147.03(b)(15) regulates Use Specific Regulations & Potential Concerns for Churches.

Churches, Libraries, Community and Recreation Centers

A. Potential Concerns:

1. Adequate lot size to permit future expansion.
2. Location and screening of outdoor recreation areas
3. Bus or van storage
4. Lighting
5. Parking and traffic impact

B. Regulations

1. none

COMPREHENSIVE PLAN

The Comprehensive Plan indicates this site is included in the "Core" of the City and part of the "Neighborhood Enhancement Area". The Core Zone contains well defined public realm due to the obvious and prominent location of civic spaces and uses in a central place. The development intent for this area includes a mix of uses including employment and commercial areas as well as the maintenance and improvement to public and private property that reflects the traditional commercial features that exist in the area.

The site for many years has been vacant. Infill development, redevelopment and reuse of vacant and underutilized properties are a priority of the Comprehensive Plan.

COMMENT FORMS

No public comment forms have been received to date.

AGENCY REVIEWS

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

Police:	Comments returned with no comments on this request.
Fire:	States that the fire alarm, extinguishers, and sprinkler system must be serviced prior to occupancy along with other issues discussed with the applicant.
Engineering:	Comments returned with no comments on this request.
Econ. Dev.:	Comments returned with no comments on this request.

DECISION CRITERIA

A copy of the Zoning Code Conditional Use Decision Standards is attached.

ANALYSIS

The proposed use is in fact a conditional use in the UP District and appears to satisfy all of the Decision Standards. No specific strategies or objectives are directly accomplished; attributes of the Comprehensive Plan are achieved. There are no modifications to the existing structure and no use affiliated with the church will cause adverse effects or nuisances, nor will there be any more demand of governmental services. The building is more than sufficient to accommodate this use and there is ample parking on and off-site within a walkable vicinity of the building. There are 7 places of worship between Walnut, Campus Church Streets and College Avenue, to add another similar use would not be disturbing to the existing neighboring uses.

RECOMMENDATION

Not applicable.

SUBMITTED

BY:



Kathryn A. Dale, AICP

Community Development Department

DATE: November 2, 2009

ATTACHMENT

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

(1) Burden of proof.

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

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

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



August 26, 2009

Red Brick Property Management
21 N. Poplar Street
Oxford, Ohio 45056

Oxford Vineyard Church
Attn: Pastor John Richter
17 N. Poplar Street
Oxford, Ohio 45056

**Re: 17 N. Poplar Street
Oxford Vineyard**

Letters sent 8/26/09 via Reg. mai
- Cond. Use Application: Letter
of Agency included in Red
Bricks Letter.

To Whom It May Concern:

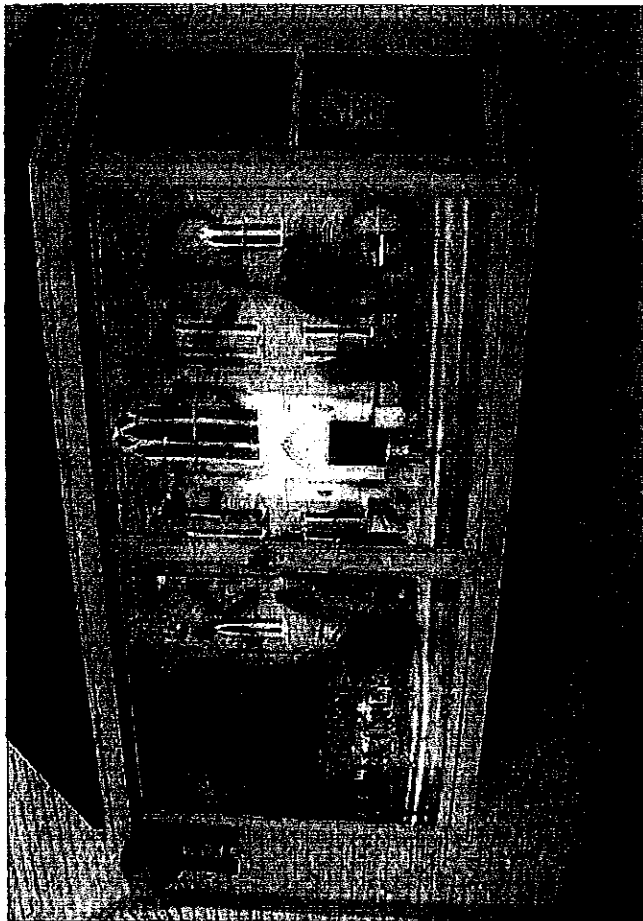
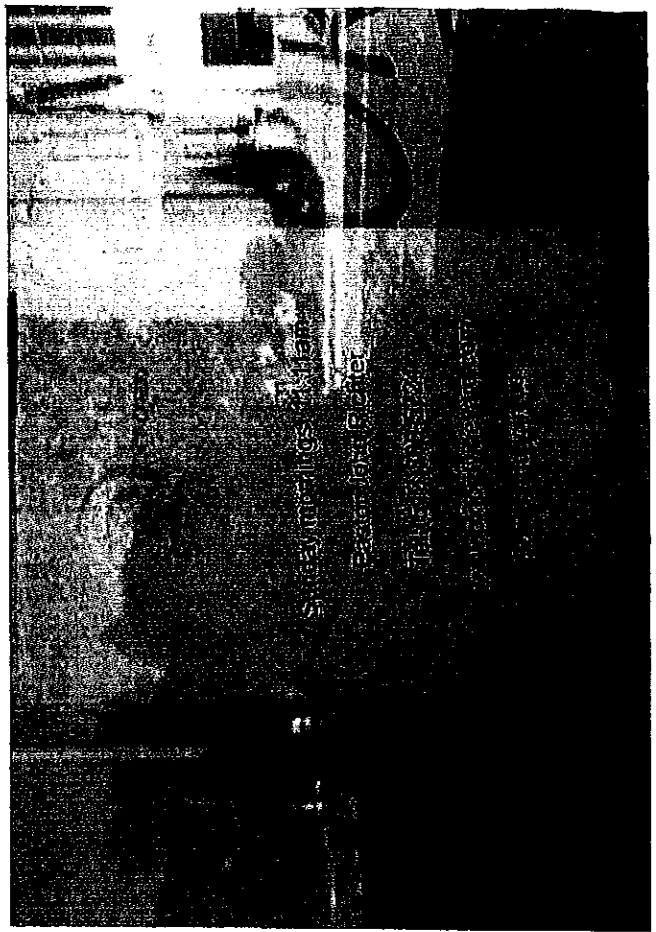
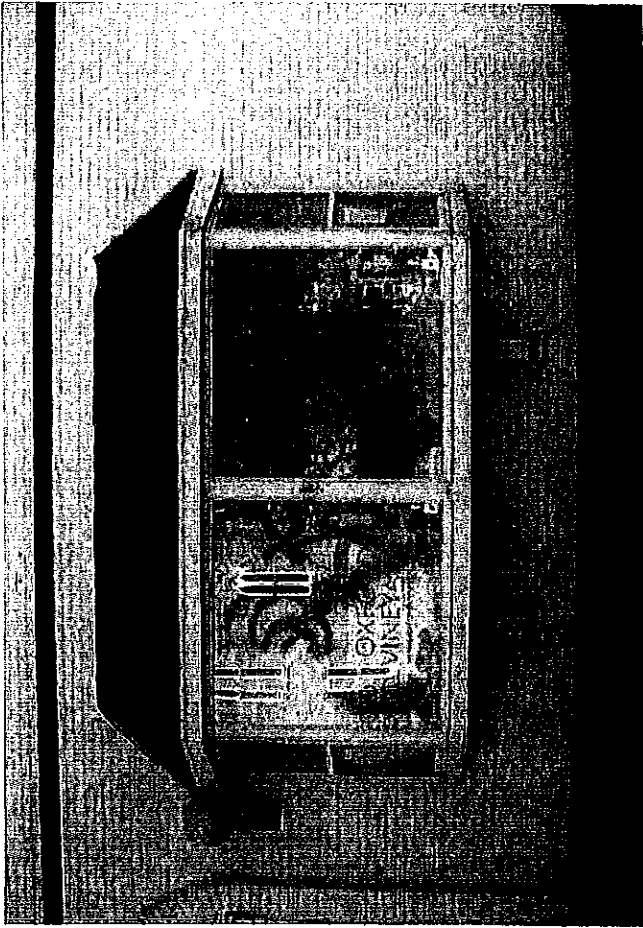
Please be advised that it has come to the attention of the Community Development Department that a place of worship is operating out of the above address. The subject property is in the "UP" Uptown District. Places of worship are considered as a Conditional Use in this district, per Section 1143.10(b)(2)B.4. A conditional use application must be filed to the Community Development Department to seek approval for such use in this district and in accordance with Chapter 1147 of the Oxford Planning and Zoning Code.

Please be advised that a violation of the Oxford Zoning Code may result of civil fine with accumulated penalty. A Conditional Use application shall be filed for in 7 days. Thank you in advance for your cooperation. Please feel free to contact the Community Development Department at 524-5204 if you have any questions on this matter.

Sincerely,

Kathryn A. Dale, AICP
City of Oxford Planner

101 East High Street • Oxford, Ohio 45056-1887
Phone: (513) 524-5200 • Fax: (513) 523-7298 • www.cityofoxford.org



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/1/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-15-2009

Description:

PC-15-2009 **CONDITIONAL USE, 17 N. Poplar, for a Place of Worship in the UP (Uptown) District, The Oxford Vineyard, Applicant**

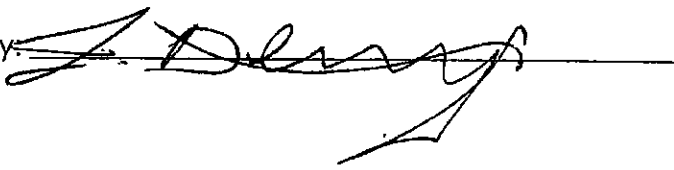
_____X_____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/2/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Fire alarm, Sprinkler system and extinguishers must be serviced prior to building occupancy along w/ other issues addressed w/ applicant.

Drawings reviewed by: 

Rec'd 10/8/09

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/1/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-15-2009

Description:

PC-15-2009 **CONDITIONAL USE, 17 N. Poplar, for a Place of Worship in the UP (Uptown)
District, The Oxford Vineyard, Applicant**

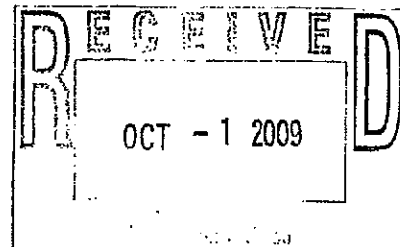
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/2/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Drawings reviewed by: A. Popescu 10-1-09



City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/1/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-15-2009

Description:

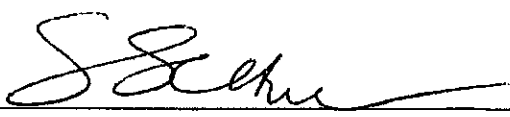
PC-15-2009 **CONDITIONAL USE, 17 N. Poplar, for a Place of Worship in the UP (Uptown)
District, The Oxford Vineyard, Applicant**

____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/2/2009** 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: 

10/5/09

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 10/1/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-15-2009

Description:

PC-15-2009 **CONDITIONAL USE, 17 N. Poplar, for a Place of Worship in the UP (Uptown)
District, The Oxford Vineyard, Applicant**

____X____ Review _____ Revisions _____ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **11/2/2009** 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: _____



RECEIVED
OCT 1 2009

CITY OF OXFORD



LETTER OF AGENCY

To Whom It May Concern:

Please be advised that as the lessee of the property located at 17 N Poplar, Oxford Vineyard and its representatives have permission to represent our interest with the City of Oxford and act on our behalf for the Application regarding the conditional use application at our property located at 17 N Poplar Oxford, Ohio 45056.

Thank you,

Matt Rodbro; President
Red Brick Property Management, Inc.

9/12/2009
Date:

Conditional Use Permit Application
City of Oxford, Ohio

Case No.: PC-15-2009
Date Filed: 9/25/09
11/10/09 mtg

REQUIRED INFORMATION (print clearly)

Name of Applicant: The Oxford Vineyard
(Attach a letter of agency if the Applicant is not the property owner)
Mailing Address: 308 Hedington Court Pastor John Richter
Hamilton, OH 45013 E mail Address jrichter@kaivac
Telephone Number(s): 513-300-5724
Name of Property Owner (if other than Applicant) _____
Location of Property: 17 N. Poplar
Legal Description: See attached deed
Zoning District: Uptown
Total Area: 9384 Acres / Square Feet (circle one) 2 parcels
Existing Use Description: Vacant full service department store
Proposed Use Description: Place of worship

SUBMISSION REQUIREMENTS

The required fee of \$400.00, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a Narrative Statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

Updated 5/08

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

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. *Property Owner names will not be included in the agenda packet.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

Amy Hines for Oxford Vineyard
Signature of Applicant

Amy Hines
Printed Name

Date: Sept. 28, 2009

FEE / RECEIPT

\$400 Fee Paid / Receipt Number: 14989.1

Narrative Summary of Conditional Use Permit Application

Summary of Request:

The Oxford Vineyard, a church, is requesting a conditional use permit to utilize 17 N Poplar as a place of worship. We are a small congregation hoping to service many pedestrian students as well as families in a building that was previously a vacant retail establishment. Many factors including: building size, sprinkler system, egress, restroom facilities and a location surrounded by sites with similar/compatible land uses make this an ideal meeting location. We are proposing no internal or external changes to the building. In the future, we may request a sign or aesthetic improvements to the portion of the property between the building and the sidewalk, but have no plans to make alterations at this time. While the property has room for up to 8-10 parking spaces, we anticipate that the attendees of the Oxford Vineyard will either walk or utilize the readily available public parking spaces found on Sunday mornings.

Description of Use and Site

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

Applicant:

Oxford Vineyard
John Richter, Pastor
208 Hedington Court,
Hamilton, OH 45013
(513) 300-5724

Property Owner:

Christopher Rodbro Trust
Red Brick Property Management, Inc.
21 N. Poplar
Oxford, OH 45056
(513) 524-9340

2. *A letter of agency from the property owner is attached.*

3. *A legal description of the property is attached in the form of a deed.*

4. *A description of the existing use.*

The site is a vacant retail building most recently used as a Lazarus department store with a land use classification of 424, C Full line department store.

5. *The property is located in the Uptown Zoning District*

6. Description of the proposed use

a. Operations, goods sold, services, number of customers, clientele, delivery and service vehicles

The proposed use is as a place of worship. We hope to serve students and local families. Average attendance is around 65 people for our Sunday morning gatherings.

b. Hours of operation

We currently meet on Sunday mornings at 11:11. Additional meetings such as leadership team meetings, worship practice or youth gatherings may also be planned in the future.

7. Narrative statement evaluating the compatibility of the proposed use with the general vicinity and adjacent properties.

a. Similarities and differences from existing area uses

Other land uses in the vicinity include: churches, a bar, a book store, the property management firm that owns the subject property and distantly, the southeast rear perimeter of a community hospital. Churches are non-profit organizations with a spiritual focus and a tendency toward community service. Bars are businesses that sell alcohol. Interestingly, while they have many differences, both churches and bars are public gathering spaces...places where "community" happens. Bars typically place the greatest demand on parking in the evening, while churches place the greatest demand on Sunday mornings while bars are closed.

b. Relationship of existing/proposed structures and site design to adjacent structures and sites

We are not proposing any changes to the existing structure. The subject site is adjacent to a building immediate to the south that was also formerly used as the Lazarus department store. To the north, the site is bordered by Christopher Rodbro and utilized as a small bank and a real estate management firm.

c. The use should not create any nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.

The use should not create nuisances.

d. Mitigation of any potential negative effects

We don't anticipate the need to mitigate negative effects, because we don't anticipate causing any negative effects. On the contrary, we hope that our presence improves the community and especially is a blessing to the property owners, tenants, businesses or neighbors in the immediate vicinity of the subject property. Our goal is to be the best possible neighbor.

8. Statement about why the proposed location is more appropriate than other locations

It is in an ideal location for students who need to walk to church. It is in Uptown...a premiere pedestrian oriented location in Oxford. It is surrounded by similar use properties, but is also very accessible to the residential areas. Not inconsequentially, It is available, affordable and adequately meets our needs. We know of no other location that would do so as well.

9. Statement of the necessity or desirability of the proposed use to the neighborhood or community

Where do we begin? The Oxford Vineyard strives to serve the community. We believe that the God wants us to love the people of Oxford in practical ways. Our city SHOULD be a better place because the Oxford Vineyard is there. If that is NOT the case, then we shouldn't waste our time. For those that share our faith, the very purpose life is to attempt to be a conduit of God's love to others. We believe that, without God, people, even communities, lack hope. And, in the word of Martin Luther King, Jr., "Everything that is done in the world is done by hope."

For those that do not share this belief, the freedom of religion is still a very dearly held value and right in the United States.

10. Separate, detailed statements addressing items listed in the code as potential concerns for a place of worship as a proposed use.

a. Adequate lot size to permit future expansion

We would not want to expand on this site. If our attendance grows, we plan to move our Sunday morning services to another location and utilize the subject property for churches offices, meetings spaces, counseling or other similar "third space" types of use. (See a description of "third space" in section G of the Decision standards response.)

b. Location and screening of outdoor recreation areas.

We don't see a need for outdoor recreation facilities at a church. The only potential outdoor activity would be if we decided, in the future, to improve the outdoor space between the building and the sidewalk for a seating/garden area. If we were to move forward with this plan, this plan would, of course, be subject to zoning, historic district regulations, building code, etc.

c. Bus or van storage

We don't have or want a van or a bus.

d. Lighting

We propose NO changes to the exterior lighting or changes to the usage of the exterior lighting.

e. Parking and traffic impact

While the subject property has space in the rear of the building to accommodate up to 10 parking spaces utilizing a tandem parking arrangement, we are a small, pedestrian oriented church. We anticipate the Oxford Vineyard attendees will either walk or utilize the readily available public parking spaces in ample supply on Sunday mornings.

11. List of names and addresses of all land owners within 200 feet of the site is attached.

Decision Standards

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

The Oxford Vineyard, a church, is requesting a permit to operate a place of worship at 17 N Poplar, Oxford, OH. This address is located in the UP (Uptown) zoning district. Per section 1147 of the Oxford Planning and Zoning Code dated Jun 2, 2009, a place of worship is a permissible conditional use in the Uptown zoning district.

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

The proposed use and site will satisfy the general intent of the Zoning Code in that a place of worship is a use consistent with the stated purpose of the Uptown District which is to preserve and encourage the continued vitality of the City's historic central business and civic activity area, as well as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner. Additionally, the proposed use is a use that has considerable protection via the United States Bill of Rights.

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

The use and site are compatible with the general intent of the Comprehensive Plan via many of the objectives stated in Section 3.2 of the Plan:

- Objective 2 Enhance Neighborhoods within the Mile Square.
- Objective 3 Continue to enhance Uptown.
- Objective 7 Preserve open space and farmland and expand existing open space.
- Objective 8 Expand urban green space.
- Objective 10 Be a leader in environmental stewardship.

In accordance with Objective 2, providing a pedestrian friendly, alternative place of worship in the "Core", promotes the pedestrian orientation of the Mile Square.

In accordance with Objective 3, the Oxford Vineyard will enhance Uptown by stimulating economic activity. The Oxford Vineyard as an entity, as well as individuals that attend the Oxford Vineyard, frequent the stores and restaurants in the Uptown area. Also, we are considering an idea for beautification via an outdoor sitting area/garden area in the vacated land portion of the site which then also expands urban green space. We are NOT requesting this modification to the property at this time.

.Additionally, this use is environmentally friendly due to the pedestrian nature of the location, the decision to utilize an existing structure rather than utilize open spaces or farmland, and via the creation of a worship community that encourages good stewardship of the earth.

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

The proposed location lends itself well to the proposed use. As a former department store, the site offers a large 5000 square foot structure with an open floor plan, two restroom facilities, appropriate egress and a sprinkler system. This is ample space for worship services which have averaged 65 attendees.

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

The use will be harmonious with, rather than hazardous or disturbing to, the existing or potential future neighboring uses. Our goal and purpose is to be a blessing, not a curse, to the community. We have begun dialogue with local churches in Uptown and look forward to partnering with them in service to the Oxford community.

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

Currently, 30-40% of the attendees of the Oxford Vineyard are students. We don't anticipate that our gatherings, which currently occur weekly on Sunday mornings, would require more than 10-15 public parking spaces. This should have little impact on parking and traffic in the Uptown area. We do not foresee any other potential detrimental conditions arising.

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

The principal intended use of the site is worship, prayer, outreach and service to the community. Anticipated accessory uses may include: ancillary classrooms, recreation, counseling and gathering spaces with a value for creating a "third place" environment as a gift to the community.

"Third place" as defined in Wikipedia: Third places, then, are "anchors" of community life and facilitate and foster broader, more creative interaction. All societies already have informal meeting places; what is new in modern times is the intentionality of seeking them out as vital to current societal needs. Oldenburg suggests these hallmarks of a true "third place": free or inexpensive; food and drink, while not essential, are important; highly accessible: proximate for many (walking distance); involve regulars – those who habitually congregate there; welcoming and comfortable; both new friends and old should be found there.

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

The existing public facilities and services are adequate for the proposed use and will not cause additional stress on those utilities.

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

The Oxford Vineyard will not require any additional infrastructure or services.

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

No material changes are proposed to the building other than a future plan to propose an external cafe/garden area similar in character and use to that of an outdoor café.

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

This place of worship is intended to service a significantly pedestrian population. The site has sufficient space in the rear to afford up to 10 parking spaces if parked in tandem during church services. However, we anticipate attendees will either walk or utilize the readily available parking spaces found on Sunday mornings as do the patrons of neighboring sites.

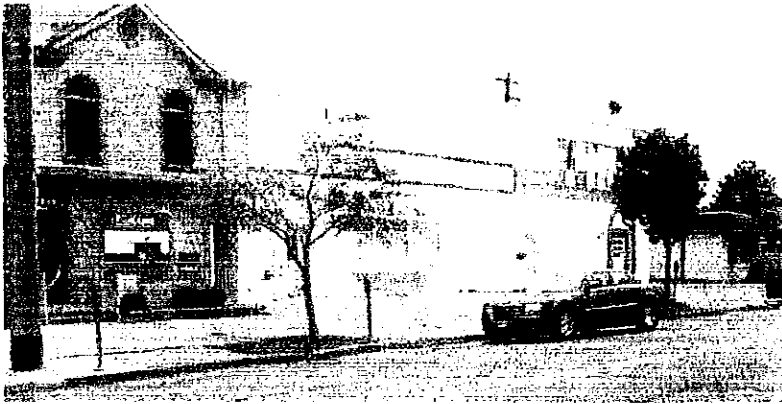
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.***

No construction is being proposed. The site does not have natural, scenic, or historic features of major importance.

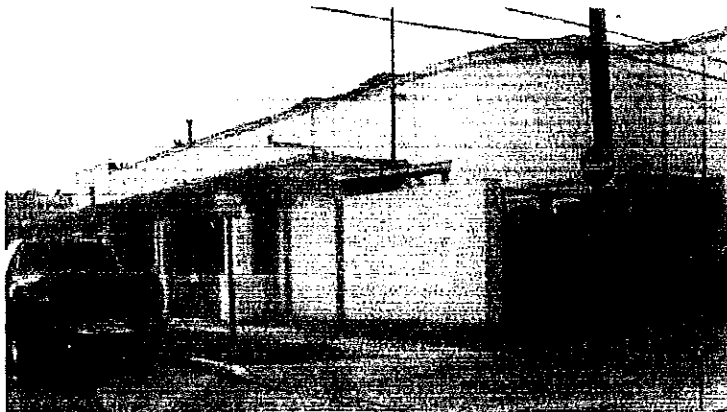
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.***

Preliminary walk through with building inspector and fire chief revealed no barriers to obtaining necessary permits.

12. Photos of the site and vicinity



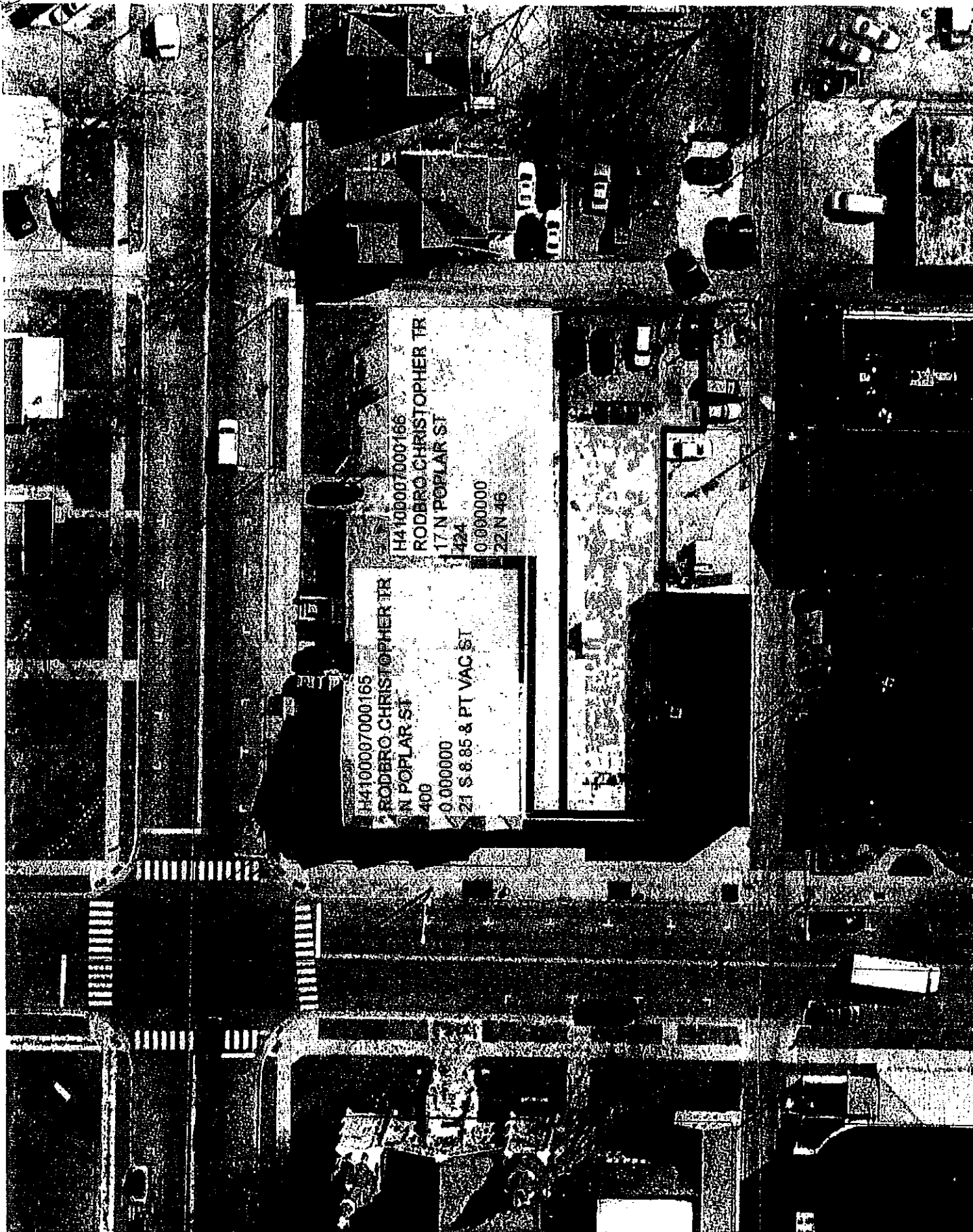
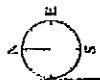
17 N. Poplar – building in center with bay window



Brick Street – bar southwest of subject property



Methodist Church across Poplar to the west of subject property





Butler County GIS
Date: December 2008
FOR INFORMATIONAL PURPOSES ONLY
NOT INTENDED FOR USE AS A SURVEY
Butler County, Ohio

17 Poplar St
Butler County, Ohio

1 inch equals 100 feet



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 19, 2010

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

January 3, 2010
Date Prepared:

Agenda Title:	An Ordinance Amending Section 1159.09(7) of the Codified Ordinances of the City of Oxford, Ohio, Entitled Definitions (Beginning with the Letter H)
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Discussion:

Recently, City Council amended Section 505.17 Codified Ordinance to allow the keeping of chickens in residential districts. The adoption of this section created conflicting language among various chapters of the Codified Ordinance and needs to be reconciled.

This is a housekeeping issue to clarify the intent and clean up inconsistencies between chapters of the Codified Code. The recommended change is fairly minor in nature.

The Planning Commission at its December 8, 2009 regular meeting, voted unanimously to recommend City Council adopt this amendment.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

JHC 1/11/10

ELC 1/12/10

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 1159.09 OF THE CODIFIED ORDINANCE OF THE CITY OF OXFORD, OHIO, ENTITLED DEFINITIONS (BEGINNING WITH THE LETTER "H").

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on December 8, 2009 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended amending Oxford Codified Ordinance Section 1159.09 of the Definitions (Beginning with the letter "H") for the purpose of clarifying the City's Codified Ordinances.

SECTION II: Council hereby accepts the recommendation of the Planning Commission that Section 1159.09 of the Codified Ordinances of the City of Oxford, Ohio be modified to clarify the City's Codified Ordinances.

SECTION III: Section 1159.09 of the Codified Ordinances of the City of Oxford, Ohio is hereby amended to read as follows (language to be repealed is ~~stricken through~~ and language to be adopted is in **bold**):

1159.09 DEFINITIONS (BEGINNING WITH LETTER "H").

(1) **HABITABLE SPACE-** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, and halls.

(2) **HANDICAP -** With respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. This definition does not include current illegal use of, or addiction to, a controlled substance. For purposes of this part, an individual shall not be considered to have a handicap solely because that individual is a transvestite. As used in this definition:

- A. "Physical or mental impairment" includes: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary, hemic and lymphatic; skin, and endocrine; OR any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.
- B. "Major life activities" - functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- C. "Has a record of such an impairment" - has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- D. "Is regarded as having impairment":

1. Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
3. Has none of the impairments defined in subsection 1159.09 (2) of this definition but is treated by another person as having such an impairment.

(3) **HEDGE** - A dense row of shrubs, grasses or low trees.

(4) **HOME OCCUPATION** - A service occupation conducted within a dwelling unit by the residents.

(5) **HOSPITAL** - An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.

(6) **HOTEL** - A commercial facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

(7) **HOUSEHOLD-PETS- ANIMALS** - dogs, cats, rabbits, birds and **chickens** for non-commercial family use only.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	January 7, 2010
<u>Case Number</u>	PC-16-2009
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Code Text Amendment
<u>Summary of Request</u>	To amend Section 1159.09(7) Definitions (beginning with the Letter H) of the Codified Ordinances of the City of Oxford, OH
<u>Public Hearing Information</u>	On December 8, 2009 the Planning Commission held a Public Hearing at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on November 6, 2009.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval of the Zoning Code Text Amendment.
<u>Commission Findings and Conclusions</u>	At the December 8, 2009 Planning Commission meeting, staff provided an overview of the language to clarify the intent and clean up inconsistencies between chapters of the Codified Code.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report submitted to the Planning Commission dated November 30, 2009 2. Interoffice Review responses dated November 30, 2009 3. Zoning Code Text Amendment Application submitted October 30, 2009

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-16-2009

Date – December 8, 2009

APPLICATION

Applicant: City of Oxford

Action Request: **ZONING CODE TEXT AMENDMENT**, Chapter 59 Definitions, Section 1159.09(7), to modify Definitions (Beginning with the letter “H”) Household pets to Household Animals including chickens, City of Oxford, Applicant

GENERAL DESCRIPTION

Regularly the Community Development Department staff proposes amendments to the Zoning Code, based on changes to other Codified Ordinances or by City Council directives to reflect the desire and expectations of the community. Recently, City Council amended Section 505.17 Codified Ordinance to allow the keeping of chickens in residential districts. The adoption of this section creates conflict among various chapters of the Codified Ordinance and needs to be reconciled.

STAFF ANALYSIS

The Community Development staff has been providing interpretations that no chickens would be allowed in residential districts, based on the definition of the code that does not include chickens as household pets. It is not common to have chickens as pets in urbanized communities.

Given the recognition of global environmental issues, many planning professions have begun to review the local land use regulations to encourage sustainable lifestyles in the urban environment. Keeping and raising chickens is one of many avenues to reduce carbon emission by encouraging locally produced products.

Essentially, staff is recommending a minor amendment to the Zoning Code by modifying the title of the definition and to include chickens as household animals. This is really a housekeeping issue to clarify the intent and clean up any inconsistency between chapters of the Codified Code. Please see the attached document for the recommended changes.

Based on inquiries, staff would guess that there may be a handful of residents currently housing chickens in their yards. With the amendments, those residents could legally keep/house chickens in their yard. The enforcement of any alleged violations would fall under the jurisdiction of the Oxford Police Department, specifically the Animal Control Officer.

DECISION CRITERIA

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

- a. Make the Code conform more closely to the Comprehensive Plan.
- b. Improve the public health, safety, and general welfare of Oxford.
- c. Clarify the intent of the Code.
- d. Better implement the intent of the Code.
- e. Improve enforcement of the Code.

RECOMMENDATION

Not Applicable.

SUBMITTED

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

DATE: November 30, 2009

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/30/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-16-2009

Description:

PC-16-2009 **ZONING CODE TEXT AMENDMENT, Chapter 1159 Definitions, Section 1159.09(7), to modify Definitions (beginning with the letter "H") Household Pets, to Household Animals including chickens, City of Oxford, Applicant**

 X Review Revisions Other

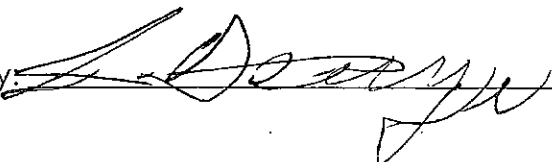
Comments or status update requested by: Lynn Taylor

Please return no later than: **12/3/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Should you like to comment, please do so.

Drawings reviewed by: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/30/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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Case #: PC-16-2009

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PC-16-2009 **ZONING CODE TEXT AMENDMENT, Chapter 1159 Definitions, Section 1159.09(7), to modify Definitions (beginning with the letter "H") Household Pets, to Household Animals including chickens, City of Oxford, Applicant**

 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/3/2009** 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 11-30-09 AT

Should you like to comment, please do so.

Drawings reviewed by: *A. [Signature]* 11-30-09



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # PC-16-2009
Zoning Code Text Amendment, Chapter 1159 Definitions

DATE: November 30, 2009

The following are our comments on the proposed definition change.

- Would the chickens be allowed to roam out of the owner's property (i.e. sidewalk, streets, etc.)?
- Would the chickens have to be restricted to an enclosed area?
- Are roosters included in the definition? If not, why?
- How would the waste be handled?
- What does a chicken have to do with the reduction of carbon emissions, and global environmental issues?

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/30/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **12/3/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments ~~without/comments~~

Should you like to comment, please do so.

*Probably should define "Household
Animals" — Is a potbelly pig*

Drawings reviewed by: _____

*A household animal? They've
become very popular*

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 11/30/2009

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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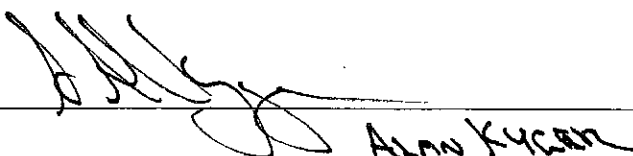
Comments or status update requested by: Lynn Taylor

Please return no later than: **12/3/2009** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Should you like to comment, please do so.

Drawings reviewed by:  Alan Kycan

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant: City of Oxford
(Attach a Letter of Agency if the applicant is not the property owner.)
Mailing Address: 101 E. High Street, Oxford OH
45056
Telephone Number(s): 524-5204
Email Address: CityofOxford.org

SUBMISSION REQUIREMENTS

A written, detailed description, where applicable, is required for each subsection.

All applications must include:

- A. A general description of the proposed amendment.
- B. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
- C. A statement that identifies potential negative consequences of the proposed amendment.
- D. Any existing section number and text that is proposed to be deleted or amended.
- E. Any new or amended text as it is proposed to be codified including its proposed location in the Code.
(section numbers)
- F. A narrative statement that describes the expected effects of the proposed text.
- G. A narrative statement that compares the expected effects of the proposed text with any existing text that it will replace, if applicable.

Planning Commission and Council Review The Planning Commission shall base its recommendation on a proposed Zoning Code amendment upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. Council shall base its decision on the same materials and shall consider the Planning Commission recommendation. If the Planning Commission or Council finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

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

- A. make the Code conform more closely with the Comprehensive Plan.
- B. improve the public health, safety, and general welfare of Oxford.
- C. clarify the intent of the Code.
- D. better implement the intent of the Code.
- E. improve enforcement of the Code.

All materials and the application fee in the amount of \$150.00 payable to the City of Oxford must be delivered to the office of Community Development, 101 East High Street, Oxford, Ohio 45056 45 days prior to the proposed meeting date. Any questions should be directed to the Community Development Department at (513) 524-5204.

NOTE: Incomplete applications will not be processed. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

SIGNATURE OF APPLICANT: _____

Date: 10/30/09

PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: NA

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Original Department

Council Meeting Of: 2/2/10

Account Code No. #: N/A

Gail Brahier
Prepared By

Budgeted Amount: N/A

1/26/10
Date Prepared

Agenda Title:

Recreation Advisory Board Meeting

Recommendation: N/A

Discussion:

The Recreation Advisory Board met on Jan. 21, Noon, at the Oxford Seniors building. In attendance were Shaunna Tafelski, Chair, Brandy Darby, and Ken Bogard, Council Representative. Mary Glasmeier attended for the Oxford Dog Owners group. Staff members present were Gail Brahier and Deanna Barbour.

Ms. Brahier discussed the 2009 Revenue report. She noted the Parks and Recreation Department exceeded their revenue projections for 2009 by \$15,584 - generating \$300,575. Ms. Brahier added their department strives to provide 1/3 free programs and 2/3 fee programs. The free programs are mostly the annual Special Events such as the Holiday Festival, Egg Hunts, and July 3rd event, each event serving between 2000 and 5000 guests.

There was discussion about the Oxford Swim and Dive Team hosting the SW Ohio Swim Championships at the Oxford pool in 2011. Ms. Brahier noted this is a three day event, with no revenue coming into the pool for those days, although the swim team charges for entry and concessions will be available.

Ms. Brahier mentioned at the Dive Championships in 2009, the swim team hosted concessions and the City received 10% off the gross sales. Ms. Tafelski suggested that may be an appropriate avenue in 2011, with the swim team paying for the guard staff.

Mary Glasmeier was present to discuss the future dog park usage guidelines. The board reviewed the guidelines and approved. Ms. Brahier suggested Ms. Glasmeier be present at the Feb. 2 City Council meeting to answer any questions Council may have about the guidelines. Mr. Bogard mentioned this would be in the public comments section of the meeting.
~cont.~

Approved By:

Department Head:
City Attorney:
City Manager:

Initial \ Date

gsb \ 1/26/10

[Signature] \ 1/29/10

Ms. Brahier noted the annual Memorial Tree Plaque ceremony will be scheduled for Arbor Day at Noon. She informed the Board this is to allow citizens who purchased a memorial tree the previous year to say a few words about their loved one in a public ceremony. Ms. Tafleski will represent the Recreation Advisory board at the ceremony.

Ms. Brahier reminded Board members if they were involved with any groups to encourage them to be in the Oxford Bicentennial July 3rd parade.

Mr. Bogard discussed the finances and progress with expanding US 27 N and US 27 S, noting ODOT would lead the development of the 27 N project to begin March of this year. He said City Council will be focusing on the Fire and EMS needs for 2010, expanding services to 24 hours, and discussing permanent funding.

Ms. Tafelski noted the development of the high school is progressing and they are on schedule for opening Fall of 2011. Mr. Bogard mentioned the Council and School Board will have a frank discussion about usage of the old high school and how to best serve the taxpayers. Ms. Darby mentioned the School Board and City Council are well equipped to work this out.

Ms. Brahier informed the Board that the TRI Board will expand the current sidewalk from the front of the TRI building to the sidewalk on Fairfield. This will keep citizens from having to walk through the grass from the Fairfield Road side. She also mentioned the Senior Citizens open house on Jan. 25th.

Next Meeting: February 18, Noon, Oxford Seniors Building

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: February 2, 2010

Account Code #: 141.720.50802 / 141.720.51000

Budgeted Amount: \$155,000.00 / \$250,000.00

Service Department
Originating Department

Michael B. Dreisbach, Service Director
Prepared By

January 26, 2010
Date Prepared

Agenda Title: Preliminary Legislation – Local Public Agency (LPA) Agreement with the Ohio Department of Transportation to Participate in an Urban Paving Project
ODOT PID #77746

Recommendation: Approve

Discussion:

The Ohio Department of Transportation (ODOT) has evaluated the road condition of certain sections of state routes passing through the corporate limits of Oxford. ODOT has proposed a construction project to improve the street surface condition of SR 732 (Main Street) from Chestnut Street to the northern corporate limits. The scope of work would include a complete milling of the roadway surface up to six inches in depth, replacement of concrete asphalt base and surface courses, and replacement of street markings. ODOT would pay 80% of eligible project costs under their Urban Paving Program while the City (the Local Public Agency, LPA) would be responsible for 20% of the project costs plus 100% of local costs.

Preliminary legislation is required to proceed with this project with a total project cost of \$496,000. Current estimates indicate the local cost to Oxford for this project will be approximately \$223,000. Council has approved \$155,000 for this project in the 2010 Capital Improvement Budget. Staff recommends any amount beyond our budgeted \$155,000 for this project be taken from 141.720.51000 (Street Resurfacing) that is currently funded at \$250,000. Specific City responsibilities are outlined in the Preliminary Legislation document under Section III.

The current schedule for this project includes opening bids on June 24, 2010, contract award on July 1, 2010 with construction commencing soon thereafter. Work should be complete on the project prior to the beginning of Miami University's Fall semester.

Staff recommends City Council approve this Resolution authorizing the City Manager to sign the attached Preliminary Legislation as well as to enter into contracts with the Ohio Department of Transportation to complete ODOT project PID #77746.

Approved By:

Department Head:

Initial Date
MBD 1/29/10

City Manager:

DDE 1/29/10

RESOLUTION NO.

A RESOLUTION BY THE OXFORD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF STATE ROUTE 732 FROM CHESTNUT STREET TO THE CITY OF OXFORD'S NORTHERN CORPORATE LIMITS. (PID NO. 77746)

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

SECTION 1: The Ohio Department of Transportation ("ODOT") has evaluated the road condition of certain sections of state routes through the corporate limits of the City of Oxford.

SECTION 2: ODOT has proposed a construction project to improve the street surface condition of State Route 732 from Chestnut Street to the northern corporate limits of the City of Oxford (PID No. 77746), the scope of which shall include a complete milling of the roadway surface up to six (6) inches in depth, replacement of concrete asphalt base and surface courses, and replacement of street markings. The total project cost is \$496,000.00.

SECTION 3: ODOT has proposed to pay for eighty percent (80%) of eligible project costs under its Urban Paving Program while the City of Oxford is responsible for twenty percent (20%) of the project costs plus the following local costs:

- 100% of the Preliminary Engineering Phase;
- 100% of the right-of-way costs;
- 100% of the non-State and/or non-Federal share of the construction costs; and
- all costs for added construction items requested by the sponsor which are not necessary for the improvement as determined by the State and Federal Highway Administration.

SECTION 4: All right-of-way required for this project will be acquired and/or made available in accordance with current State and Federal regulations.

SECTION 5: All utility accommodation, relocation and reimbursement will comply with the current provisions of 23 C.F.R. §645 and the ODOT Utilities Manual.

SECTION 6: Upon completion of the project, the City shall (1) provide adequate maintenance for the project in accordance with all applicable State and Federal law; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold the right-of-way inviolate for public purposes.

SECTION 7: Current estimates indicate the local costs to the City of Oxford for this project are approximately \$223,000.00.

SECTION 8: City Council approved \$155,000.00 for this project in the 2010 Capital Improvement Budget. City Staff recommends any amount beyond \$155,000.00 for this project be taken from 141.720.51000 (Street Resurfacing) funds.

SECTION 9: The City Manager recommends that City Council authorize the Director of Transportation to complete the above described project.

SECTION 10: City Council hereby accepts the recommendation of the City Manager and authorizes the Director of Transportation to complete the above described project.

SECTION 11: City Council hereby authorizes the City Manager or his designee to enter into an Agreement with the State of Ohio Department of Transportation for the resurfacing of State Route 732 (PID 77746), a copy of which is attached hereto and incorporated by reference as Attachment "A" and to take all steps necessary to complete the project including the execution of all required forms.

SECTION 12: The Clerk of Council shall transmit to the Director of Transportation a fully executed copy of this Resolution and the attached Agreement following its passage.

SECTION 13: This Resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

PRELIMINARY LEGISLATION

Rev. 6/26/00

Ordinance/Resolution # _____
PID #77746
BUT-732-8.69

The following _____ is enacted by the _____ of _____ ,
(Ordinance/Resolution) (Local Public Agency) (City/Village Name)
_____ Butler _____ County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter
of the stated described project.

SECTION I – Project Description

WHEREAS, the LPA/STATE has identified the need for the described project:

Urban Paving Project to plane and resurface portions of SR 732 in the City of Oxford.

NOW THEREFORE, be it ordained by the _____ of _____ ,
(LPA) (City/Village Name)
Ohio.

SECTION II – Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III – Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City will be responsible for:

- 100% of the Preliminary Engineering Phase
- 100% of the Right-of-Way Costs
- 100% of the non-State and/or non-Federal share of the Construction Costs
- All costs for added construction items requested by the sponsor which are not necessary for the improvement as determined by the State and the Federal Highway Administration

SECTION IV – Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

CERTIFICATE OF COPY
STATE OF OHIO

City of Oxford of Butler County, Ohio
(LPA)

I, _____, as Clerk of the City
(LPA)
of Oxford, Ohio, do hereby certify that the foregoing is a true and
(City/Village Name)
correct copy of _____ adopted by the legislative Authority of
(an Ordinance/a Resolution)
the said City of Oxford on the _____ day of _____, 2____,
(LPA)
that the publication of such _____ has been made and certified of record
(Ordinance/Resolution)
according to law; that no proceedings looking to a referendum upon such _____
(Ordinance/Resolution)
have been taken; and that such _____ and certificate of publication thereof
(Ordinance/Resolution)
are of record in _____
(Ordinance/Resolution) (Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this _____ day of _____, 2____.

(Clerk)

(SEAL)
(If Applicable)

City of Oxford, Ohio.
(LPA) (City/Village Name)

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Oxford, Ohio
(LPA) (City/Village Name)

Attest: _____, Date _____
(Contractual Officer)

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation


[construction](#) | [contracts](#) | [districts](#) | [engineering](#) | [financial](#) | [intranet](#) | [odot home](#) | [offices](#) | [otis](#) | [policy](#) | [services](#)


ELLIS PROJ					
DISTRICT	08	SPN	Select From List	PID	77746
View FAQ	QUICK SEARCH	☒ PID ☐ SPN		Search	Logout
Ellis Proj Home		Schedule Data		CMS Data	
Construction Contracts		Bridges		Roadway Segments	

The estimates shown in this application are not the official State's estimate and are not intended for purposes of award.

PROJECT INFORMATION (ELLIS)

PID	77746	Project Name	BUT SR 732 8.69
District	8	Locale	BUTLER
Project / Letting Type	LET / ODOT LET	Status	ACTIVE
Work Categories	• RESURFACING, UNDIVIDED SYSTEM		
Env Doc Type	EXEMPT	Reservoir Year	
TRAC Tier		SJN(s)	• 486829
FAN(s)	• E090464 • E090464		

AGENCIES

Project Manager	RUDD, GREGORY L	Design Agency	OXFORD; CITY OF
Sponsoring Agency	OXFORD; CITY OF	Designers	OXFORD; CITY OF
Acquisition Agency		Acquiring Agents	

LOCATION INFORMATION

Fed Congress Dist	8 SHE;DAR;PRE;BUT;MIA;AUG(PT);MER(PT);MOT(PT)
Project Termini	SR 732: SLM 8.69 TO SLM 9.85
Project Description	URBAN PAVING PROJECT IN OXFORD. (FY2011)SR 732: INTERSECTION WITH CHESTNUT (SLM 8.69) TO NORTH CORP. LINE (SLM 9.85)

CURRENT ESTIMATES

PE	\$1,000.00	View Details
RW	\$0.00	View Details
CO	\$495,000.00	View Details
SPR	\$0.00	View Details
Other	\$0.00	View Details
Total	\$496,000.00	Print Page

The Ohio Department of Transportation (ODOT)

PHASE	CONSTRUCTION		
PID	77746	ESTIMATE	\$495,000.00
REQ. STIP YEAR	2011	APP. STIP YEAR	2011

SUBPHASE	Construction Contract	SUBPHASE ESTIMATE	\$450,000.00
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Event	Capital Maintenance Type	Improvement Code		Estimate	Toll Revenue
CO Contr Fed/Loc	System Preservation	4R Maintenance - Resurfacing		\$309,400.00	\$0.00

Line Number	Estimate Fund	Billing Fund	Type	Pro Rata	Estimate Amount	Toll Revenue Amt.	Adjusted Amt.
1	4PF7/0008	L050	Federal	80 %	\$247,520.00	\$0.00	
2	4BG7		Local Match	20 %	\$61,880.00	\$0.00	\$2.00

Event	Capital Maintenance Type	Improvement Code		Estimate	Toll Revenue
CO Contr -City	System Preservation	4R Maintenance - Resurfacing		\$140,600.00	\$0.00

Line Number	Estimate Fund	Billing Fund	Type	Pro Rata	Estimate Amount	Toll Revenue Amt.	Adjusted Amt.
1	4BG7	002	Local Match	100 %	\$140,600.00	\$0.00	\$140,600.00

SUBPHASE	Construction Engineering	SUBPHASE ESTIMATE	\$45,000.00
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Event	Capital Maintenance Type	Improvement Code		Estimate	Toll Revenue
CO Engr - City	System Preservation	Construction Engineering		\$14,060.00	\$0.00

Line Number	Estimate Fund	Billing Fund	Type	Pro Rata	Estimate Amount	Toll Revenue Amt.	Adjusted Amt.
1	LABR	002	Local Match	100 %	\$14,060.00	\$0.00	\$14,060.00

Event	Capital Maintenance Type	Improvement Code		Estimate	Toll Revenue		
CO Engr Fed/Loc	System Preservation	Construction Engineering		\$30,940.00	\$0.00		
Line Number	Estimate Fund	Billing Fund	Type	Pro Rata	Estimate Amount	Toll Revenue Amt.	Adjusted Amt.
1	LABR	L050	Federal	80 %	\$24,752.00	\$0.00	
2	LABR		Local Match	20 %	\$6,188.00	\$0.00	\$2.00



Close Window

The estimates shown in this application are not the official State's estimate and are not intended for purposes of award.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 2, 2010

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

January 13, 2010
Date Prepared

Agenda Title:	Planning Commission Meeting Report – January 12, 2010
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Recommendation:	N/A
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Election of Officers:

The election of officers took place. Ms. Susan Kay was elected to serve as Planning Commission Chair, Mr. Bill Brewer will serve as Vice-Chair until his term ends in June. Mr. Marvin Hurston was re-elected to serve as Secretary to the Commission.

Mr. David Prytherch was elected to continue to serve on CIC; Mr. Ted Wong will continue to serve on the Environmental Commission. Mr. Bill Brewer was elected to serve as Ms. Kay's replacement on HAPC until his term expires June, 2010.

Reports from Commissions, Boards, Committees & Staff:

The HAPC Annual Report was accepted by the Commission for advancement to City Council.

Ms. Kay shared that the HAPC was holding a Historic Marker Workshop on January 14, 2010 at the Smith Regional and History Library from 7-8p.m.

DISCUSSION:

Public Hearing:

PC-15-2009 *CONDITIONAL USE, 17 N. Poplar, for a Place of Worship in the UP (Uptown) District, The Oxford Vineyard, Applicant (Tabled)*

The Applicant is seeking a Conditional Use permit to establish a Place of Worship in the existing/former Lazarus building. The Vineyard is proposing to occupy the northern portion of the building that contains approximately 5,000 sq. ft. and has 10 on-site parking spaces available at the rear of the building. According to the Applicant's description, the congregation averages 65 attendees with 30-40% of those in attendance students. Services are held on Sundays around 11:00a.m. and the facility may be utilized for other congregation events during the week. Most attendees walk to the services, but there are approximately 10-15 on-street parking spaces used also. According to the Applicant there is no impact or hardship for this congregation or surrounding churches in the vicinity to find available parking on Sunday mornings. At this time there are no modifications to the exterior of the building or layout of the parking. Should the church remain in this location long-term, they may consider the possibility of improving the 16.5 foot vacated right-of-way sidewalk area with more streetscape improvements such as landscaping and an outdoor patio area. They may also request signage in accordance with the sign regulations and subject to HAPC's review.

The Applicant also indicated that they want to be a good neighbor and are currently working with some of the other surrounding congregations on various community events. The Commission expressed the importance of the location in the Uptown area and maintenance to the building and sidewalks would be much appreciated. Overall, the Commission was happy to see a vacant space occupied. Comments presented by the Fire Chief will also have to be addressed prior to final occupancy.

Upon reviewing the Decision Standards for a Conditional Use, the Planning Commission voted 6-0-0 to recommend **APPROVAL** as presented to City Council.

PC-17-2009 **CONDITIONAL USE**, 5150 College Corner Pike, Berean Church, for a Place of Worship in the GB (General Business) District, **Tim Eaton, Applicant**

The Applicant is seeking a Conditional Use permit to establish a Place of Worship in an existing commercial space at the Westgate Shopping Center. The space contains approximately 3,330 sq. ft. and has sufficient on-site parking available. According to the Applicant's description, the congregation will start with approximately 40 attendees. Services will be held on Sundays from 10:30 a.m. to 12:00p.m. and the facility may be utilized for other congregation events as necessary during the week. According to the Applicant there is no impact or hardship for this congregation or surrounding commercial businesses in the strip center to find available parking on Sunday mornings, as there are no businesses open in the strip center on Sundays except Domino's Pizza that does not open until late morning. At this time there are no modifications to the exterior of the building or layout of the parking. Any requests for signage would be in accordance with the sign regulations.

The Applicant addressed the City Engineer's concerns for traffic leaving the site at the end of services and stated that members leave in increments as they assist in clean up. The Applicant also indicated that they would address all of the Fire Chief's comments prior to final occupancy.

Upon reviewing the Decision Standards for a Conditional Use, the Planning Commission voted 6-0-0 to recommend **APPROVAL** as presented to City Council.

PC-18-2009 **ZONING MAP AMENDMENT**, to create a new GB(R) General Business Redevelopment Design Overlay District, **City of Oxford, Applicant**

PC-19-2009 **ZONING TEXT AMENDMENT**, to add new Section 1143.15GB(R) General Business Redevelopment Design Overlay District regulations, **City of Oxford, Applicant**

Both cases pertaining to the GB(R) District were withdrawn to allow Staff to address additional amendments to other Chapters of the Code to accommodate this new zoning district.

PC-01-2010 **CONDITIONAL USE**, 220 Tallawanda, Gamma Upsilon Housing Association, to allow for a fraternity house in an R2MS (Single-and Two-Family Mile-Square Residential) District, **Robert Carmean, Applicant, Agent**

The Applicant requested approval of a Conditional Use Permit to allow for a re-colonization of a fraternity house at the above location. In 2000, the fraternity was suspended and not recognized by the University again until 2007. During that time, the house has been rented out to another fraternity; however, the rental permit was left to expire in 2006.

Delta Tau Delta currently has over 50 active members and is ready to have 12 members move back into the house for next school year. Upon conclusion of all interior remodeling, they expect approximately 30 members to live in the house. The old rental permit allowed for 69 occupants; however, this will have to be reevaluated with current standards when the rental permit application is made. According to the application, no changes are proposed to the exterior of the building, including landscaping, patios or parking. Approximately 21 parking spaces would be required and the site, with paved areas at the rear of the house, is large enough to accommodate the required parking. The Applicant indicated that there is adequate on-street parking available for overflow also.

The subject property is made up of two lots. The Auditor has assigned two parcel numbers but one lot number. Staff has further researched with the Recorder's Office to determine that these lots are indeed separate and will need to be consolidated. A lot consolidation can be reviewed administratively.

The dumpster location, as shown on the site plan, must be moved out of the 16.5 foot vacated right-of-way and out of the front yard in accordance with Section 1141.04 of the Planning and Zoning Code. Two parking spaces that encroach into the 16.5 foot vacated right-of-way are also required to be removed, and in accordance with Section 1141.03(d) and Section 1149.04(a)(1), be properly grassed.

Upon reviewing the Decision Standards for a Conditional Use, the Planning Commission voted 6-0-0 to recommend

APPROVAL to City Council with the following conditions:

1. That, the dumpster is relocated out of the 16.5 foot vacated right-of-way and out of the front yard in accordance with Section 1141.04 of the Planning and Zoning Code and is properly screened with similar materials of the primary structure.
2. That, the two parking spaces that encroach into the 16.5 foot vacated right-of-way are removed and, in accordance with Section 1141.03(d) and Section 1149.04(a)(1), are properly grassed.
3. That, a lot consolidation shall be approved and recorded prior to the issuance of the rental permit and occupancy as a Fraternity.

PC-02-2010 ZONING TEXT AMENDMENT, Chapter 1143.10(c) Uptown District Site Development Regulations, City of Oxford, Applicant

The case was withdrawn to allow Staff to make additional amendments to the Chapter.

New Business:

Subdivision Text Amendment Worksessions

Ms. Kay asked members to provide staff with their availability over the next few months so that worksessions could be scheduled to begin reviewing the proposed Subdivision Amendments.

Flood Regulations

Ms. Kay asked if any members had any comments to forward to Staff regarding the amendments to flood regulations. None were expressed.

Spring Break

Ms. Kay asked if members would be present for the March meeting as Miami's spring break is being held at the same time. All voiced that they would be available.

Other Business:

Public Records

Ms. Kay reminded everyone that personal opinions and conversation via email should not occur. Any questions emailed to them by the general public, that cannot be reasonably answered, should be directed to Staff. Any emails received and/or responses made regarding a case should be entered into the public record at the Planning Commission meeting.

The next regular meeting is scheduled for February 9, 2010.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC 1/14/10

DAE 1/24/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: February 2, 2010

Account Code #: 141.720.51000

Budgeted Amount: \$250,000

Service Department

Originating Department

Michael B. Dreisbach

Prepared By

January 20, 2010

Date Prepared

Agenda Title: Resolution to Enter into an Agreement with the Ohio Department of Transportation for the Construction of Multiuse Paths at the Oxford Community Park

Recommendation: Approval

Discussion:

On July 7, 2009, the Oxford City Council approved Resolution No. 4451 supporting the construction of additional multiuse pathways at the Oxford Community Park (OCP). The City was awarded \$175,000 in funding for the project from the American Recovery and Reinvestment Act of 2009. This construction will complete the path system in the OCP with the exception of a connector path to the Knolls of Oxford in the northwest corner of the facility.

Construction plans for the project include the construction of 5,250 feet of 10' wide multiuse pathway at the OCP. The new paths will encircle the southern soccer fields, parallel the southern curb of the western parking lot, and connect the southern soccer field area to Brookville Road. These plans have been approved by the Ohio Dept. of Transportation (ODOT) and pending Council's approval of this Resolution, bids will be opened for the project on February 25, 2010. Pending acceptable bids, the contract would be awarded by ODOT on March 4, 2010 and construction could begin soon thereafter.

Based on the latest construction estimates, the total project estimated cost is now \$209,000; ODOT will pay approximately 96.6% of the project costs or \$201,850; the City will be responsible to pay approximately 3.4% of the project cost or \$7,150.

This Resolution would authorize the City Manager to sign the Final Resolution and enter into a contract with the Ohio Department of Transportation approving PID No. 86275 for construction at a cost to the City of \$7,150. Staff is requesting a 10% contingency in the amount of \$715 for possible additional costs associated with the project. Therefore, staff is requesting approval for the project at a cost not to exceed **\$7,865**.

Approved By:

Department Head:

Initial

Date

MBD

1/21/10

City Manager:

DOE 1/29/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN FINAL LEGISLATION AND TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO COMPLETE THE CONSTRUCTION OF THE MULTI-USE PATH AT THE OXFORD COMMUNITY PARK AT A COST OF \$7,150.00 TO THE CITY PLUS A 10% CONTINGENCY FEE IN THE AMOUNT OF \$715.00 FOR A TOTAL COST TO THE CITY NOT TO EXCEED \$7,865.00.

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

SECTION 1: The City Manager and Service Director recommend approval of the attached Final Legislation, which is incorporated herein by reference in connection with a project to complete the construction of the multi-use path at Oxford Community Park.

SECTION 2: The City has identified the need to complete missing segments of the multi-use path located within Oxford Community Park. Completion of the missing segments shall be undertaken by the Ohio Department of Transportation (ODOT) utilizing funding awarded to the City from the American Recovery Reinvestment Act of 2009 (ARRA) in the amount of \$201,850.00. The City's portion of the cost shall be \$7,150.00 plus a 10% contingency fee in the amount of \$715.00 for a total cost to the City not to exceed \$7,865.00.

SECTION 3: Council hereby accepts the recommendation of the City Manager and Service Director and approves the attached Final Legislation.

SECTION 4: Council hereby authorizes the City Manager to sign the attached Final Legislation, and to enter into an agreement with ODOT to complete the construction project and to take all other steps necessary.

SECTION 5: This Resolution shall take effect at the earliest date allowed by law.

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER
PREPARED BY: LAW (STAFF)

FINAL RESOLUTION

The following Final Resolution enacted by the City of **Oxford**, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, this project is being funded in part by the American Recovery and Reinvestment Act ("ARRA") and funds from that Act are capped at the Federal share amount.

WHEREAS, on **4th day of July, 2009**, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

Construct approximately 5250 lineal feet of 10' wide asphalt bikeway in the Oxford Community Park and restore area per specifications and details of the plan, lying within the City of Oxford; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid OKI ARRA funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Right-of-Way less the Federal-aid funds set aside as well as one hundred percent (100%) of the cost of Preliminary Engineering, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.

The share of the cost of the LPA is now estimated in the amount of **Seven Thousand One Hundred Fifty and - - - 00/100 Dollars, (\$7,150.00)**, but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the LPA recognizes that it is responsible for all change orders and that the Department recommends the LPA set aside at least 6% of the total project cost to pay for potential changes orders and cost overruns; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, be it resolved:

- I. That the estimated sum of **Seven Thousand One Hundred Fifty and - - - 00/100 Dollars, (\$7,150.00)**, is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from **Federal** funds.
- II. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- III. That the LPA enter into a contract with the State, and that **City Manager and Service Director** be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.
- IV. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

This is to certify that we have compared the foregoing copy of Resolution with the original record thereof, found in the record of the proceedings of the LPA, and which Resolution was duly passed by the LPA on the _____ day of _____, 20____, and that the same is a true and correct copy of the record of said Resolution and the action of said LPA thereon.

We further certify that said Resolution and the action of said LPA thereon is recorded in the journal of said LPA in Volume _____, at Page _____, and under date of _____, 20____.

Legislative Authority of the
City of **Oxford**, Ohio

City Manager and

Service Director

Clerk (Secretary Ex-Officio)

SEAL
(If Applicable)

CONTRACT
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Oxford**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

Construct approximately 5250 lineal feet of 10' wide asphalt bikeway in the Oxford Community Park and restore area per specifications and details of the plan, lying within the City of Oxford.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Seven Thousand One Hundred Fifty and - - - 00/100 Dollars, (\$7,150.00)**
5. **This project is receiving funds under the American Recovery and Reinvestment Act of 2009 (ARRA), capped at \$201,850.00.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall give reasonable notice to the LPA of all change orders. The LPA shall contribute one hundred percent (100%) of the cost of these items in accordance with other sections herein.

8. ODOT shall provide for the LPA 100% of the eligible cost up to a maximum amount of \$201,850.00 in Federal ARRA funds not to exceed the original low and best bid contract amount including up to 10% for Construction Engineering. The LPA shall provide all other financial resources necessary to fully complete the project including but not limited to all cost overruns, contractor claims, Construction Engineering beyond the 10% referenced above. The LPA further agrees to bear all Preliminary Engineering and Right-of-Way costs. Any ARRA funds that remain after project awarded shall revert back to the Department. All requests for reimbursement of funds allocated under the ARRA must be submitted within six months of the close of the project, but in no event shall the request for reimbursement be submitted to ODOT later than August 31, 2015.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible ARRA funding.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.

2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto, including, but not limited to, Title 23, U.S.C. Section 116;
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;
 - E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
 - F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows

City of Oxford
101 East High Street
Oxford, Ohio
45056

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

During the performance of this contract, the LPA, for itself, its assignees and successors in interest (hereinafter referred to as the "LPA") agrees as follows:

1. **Compliance with Regulations:** The LPA will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the United States Department of Transportation (hereinafter "U.S.DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations"), which are herein incorporated by reference and made a part of this contract.

In addition, the LPA will comply with the provisions of the American with Disabilities Act, Section 504 of the Rehabilitation Act, FHWA Guidance, and any other Federal, State, and/or local laws, rules and/or regulations (hereinafter referred to as "ADA/504").

2. **Nondiscrimination:** The LPA will not discriminate either directly or indirectly on the grounds of race, color, national origin, sex, or disability as prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set for in Appendix B of the Regulations, as well as the ADA/504 regulations.
3. **Information and Reports:** The LPA will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the STATE of the Federal Highway Administration (hereinafter "FHWA") to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of the LPA is in the exclusive possession of another who fails or refuses to furnish this information, the LPA will so certify to the STATE or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
4. **Sanctions for Noncompliance:** In the event of the LPA's noncompliance with the nondiscrimination provisions of this contract, the STATE will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the LPA under the contract until the LPA complies, and/or
 - (b) cancellation, termination or suspension of the contract, in whole or in part.
5. The LPA further agrees to maintain compliance with the reporting and operating requirements of ARRA.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.

5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. In accordance with Executive Order 2007-01Sm the LPA, by signing this document, certifies: (1) it has reviewed and understands Executive Order 2007-01S, (2) has reviewed and understands the Ohio Ethics and conflict of interest laws, (3) will take no action inconsistent with those laws and this order. The LPA understands that failure to comply with Executive Order 2007-01S, in itself, grounds for termination of this contract and may result in the loss of other contracts with the State of Ohio.

SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL

(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Oxford**

Director of Transportation

City Manager and

Date

Service Director

Date

Approved:
Richard A. Cordray
Attorney General of Ohio

By: _____
Richard J. Makowski
Chief, Transportation Section

Date: _____

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 2, 2010

Kathryn A. Dale

Account Code No. #:

Prepared By

Budgeted Amount:

January 22, 2010

Date Prepared

Agenda Title:	Board of Zoning Appeals Meeting Report -- January 20, 2010
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Recommendation:	N/A
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Election of Officers:

The election of officers took place. Mr. Todd Hollenbaugh was re-elected to serve as BZA Chair, Mr. Bill Houk will serve as Vice-Chair. Mr. George Prentice was re-elected to serve as Secretary to the Board.

DISCUSSION:

Public Hearing:

BZA-09-2009 – 16 S. Poplar, Appeal of Administrator's Decision, Matt Hughes, Applicant (Tabled at the December 16, 2009 meeting)

The Appellant has filed an Appeal of Administrator's Decision upon a written request for interpretation as to how the lower level of this building is defined under the Planning and Zoning Code, which will ultimately determine where the required commercial component of the structure will be located. The property is a commercial bar & grill located on the west side of Poplar Street between High and Walnut Streets. The property is a split-level structure, with the bar located on the lower level and commercial "private party" space on the upper level. Appellant intends to convert the upper level into apartments, and to construct additional apartments on a proposed third-level addition as well. Under this proposal, the lowest level (the bar) would be commercial space, and the two upper levels would be residential space.

Upon a site visit of the property on November 5, 2009, measurements were taken that show the floor to ceiling height of the lower level to be approximately ten (10') feet. Forty-eight (48") inches was measured below grade, or from grade to the finished floor of the lower level. Accordingly, it was the Zoning Administrator's decision that these measurements would conclude that the lower level would be considered a basement, as defined, and would not be included into the 0.7:1 ratio for commercial compliance. Ultimately the "upper level", of this building would be considered as the 1st floor/ ground floor/ street level and would have to serve as the required commercial use.

No public comments were received.

The BZA deliberated and concluded that based on the measurements taken, the lower level met the definition of Basement and voted 4-0-0 to **UPHOLD** the Zoning Administrator's Decision.

BZA-10-2009 – 15 N. Poplar, Variance from Section 1141.03(e)(4) to allow a principal entrance to the ground floor commercial space to be off of an alley, Del Ogle/Don Thomas Applicant/Agent (Tabled from the December 16, 2009 meeting)

Staff recapped the discussion that took place at the previous month's meeting regarding the Board's concern for customer safety and what the request was. The Board had requested the Applicant return with revised plans that would allow some visibility clearance for customers who may be entering/exiting the proposed commercial space so they are not exiting the commercial space and stepping directly into the alleyway.

The applicant presented the change to the entryway which illustrated a flared vestibule entrance as opposed to the previously presented square/boxed vestibule entry. No public comments were received.

The BZA deliberated and made the following Findings of Fact regarding the principal entrance off of an alleyway variance request:

1. That, the property would yield a reasonable return and could be beneficially used without the variances because there are already existing business space and residential tenants; furthermore the site can still be designed in a way that allows for the building to be expanded and used without variances.
2. The variance request is substantial.
3. The character of the neighborhood would not be substantially altered; the adjoining properties would not suffer substantial detriment as a result of the variances being granted because the properties in question are located in a business district.
4. The variance would not adversely affect the delivery of governmental services because there was no response from any City department reviews indicating that the addition would negatively affect any governmental services.
5. The Applicant's predicament can be obviated through some other method other than a variance by joining the retail spaces.
6. The spirit and intent behind the zoning requirements would not be observed and substantial justice would not be done by granting the variances because the property can be developed by right and by coming thru the main entrance without requiring a variance.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was not shown sufficient to warrant granting the variances requested, and voted 3-1-1 to **DENY** the application.

BZA-01-2010 17 Quail Ridge Dr, Variance to Section 1141.01(a)(3) front yard fence may not exceed 4' in height, Peter Schuller, Applicant/Owner

The Applicant is proposing to install an 8' high privacy fence/sound barrier in the front yard setback along Brookville Road. Only 4' high fences are permitted in a front yard setback. The Applicant's property is a "through lot/double frontage lot" located between Quail Ridge Drive and Brookville Road. Section 1141.03(e)(3) of the Planning & Zoning code states: "*Buildings on lots having frontage on two streets, (double frontage lots) need not have a rear yard; however, the required front yard shall be provided on both streets.*" Furthermore a subdivision plat restriction limited access from Brookville Road, essentially requiring the "rear yard" to be along Brookville Road.

The applicant described noise concerns, increase of vehicular traffic with new homes being constructed over last couple of years, increased truck traffic and recent attempts to lower the speed limit to help limit the sound. Much discussion was also had regarding the fence/ sound barrier construction materials and how the fence will be screened with new and existing vegetation.

Other than the Applicant, two witnesses presented sworn testimony. One nearby resident testified in opposition for fear that the fence will not fit in with the neighborhood and will not be properly screened. Another nearby resident offered testimony confirming the noise concerns and was in favor of the proposal.

The BZA raised concerns that the height of the fence may not address the applicants concerns since the roadway is elevated higher than the property, but were not in favor of a higher fence than what was being proposed. The BZA deliberated and made the following Findings of Fact regarding the fence height variance request:

1. That, the property would yield a reasonable return and could be beneficially used without the variances because the property will remain as a single-family residential use.
2. The variance request is substantial.
3. The character of the neighborhood could be substantially altered, and the adjoining properties could suffer substantial detriment as a result of the variances being granted, unless proper conditions are placed on the project to minimize any potential impacts.
4. The variance would not adversely affect the delivery of governmental services because there was no response from any City department reviews indicating that the fence/ sound barrier would negatively affect any governmental services. Also, the property owner had specifically designed his project so as not to impede or encroach upon an existing utility easement.
5. The property owner was not aware of the zoning restrictions when the property was purchased and thought that they had a traditional lot with a typical rear yard.
6. The Applicant's predicament with the noise cannot be obviated through some other method other than a variance for the fence/ sound barrier height.

7. The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the variances.
8. Other relevant information considered was that there were no other adjoining neighbors present to state any negative affects and the proposed fence/sound barrier would be setback 10' from the property line.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was shown sufficient to warrant granting the variance requested, and voted 4-0-0 to **APPROVE** the application with the following conditions.

1. That, landscaping must be installed between the south side of the fence and Brookville Road, so as to effectively screen the fence/sound barrier at maturity.
2. That, the landscaping shall be fully installed within 3 months of the fence/ sound barrier completed construction.
3. That, the fence is installed as presented, *i.e.*, with a vinyl mass added/loaded component between board-on-board panels.

BZA-02-2010 307 N. Campus Avenue, Variance to Sections 1143.03(c)(2)(B), 1143.03(c)(3)C.2 rear yard setback and lot coverage, David Kellems, Applicant/Agent

The Applicant is proposing to construct a new single-family structure on a property that is a nonconforming lot. The lot meets the minimum requirements to construct a new single-family dwelling, under this section Section 1137.05(a) of the code; however, the rear yard setback and total lot coverage requirements for the "R1MS" Single-Family Mile Square Residential District are not satisfied. The Applicant indicated that the depth of the lot is troublesome for them to satisfy the rear yard setback. If the Applicant satisfies all the setback requirements, the structure would only be 10 feet deep, barely deep enough to meet interior room size requirements of the property maintenance code and building codes. Even if the Applicant positioned the house at the 16.5' setback, minimum front yard setback permitted, they would still need to request a rear yard setback. Based on the site plan provided, the Applicant attempted to reasonably satisfy the total building coverage requirement by providing more side yard setback than is required and not maximizing the buildable footprint.

No public comments were received.

The BZA deliberated and made the following Findings of Fact regarding the lot coverage and rear yard setback variance requests:

1. That, the property would not yield a reasonable return and could not be beneficially used without the variances because the property would not be developable as a single-family residential use.
2. The variance request is substantial.
3. The character of the neighborhood would not be substantially altered; and the adjoining properties would not suffer substantial detriment as a result of the variances being granted because the front yard setbacks are comparable and in keeping with the neighborhood.
4. The variance would not adversely affect the delivery of governmental services because there was no response from any City department reviews indicating that an additional single-family dwelling would negatively affect any governmental services.
5. The property owner was not aware of the zoning restrictions when the property was purchased.
6. The Applicant's predicament cannot be obviated through some other method other than a variance.
7. The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the variances because it cannot be obviated through another method.
8. Other relevant information considered was that this is a legally established, nonconforming buildable lot.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was shown sufficient to warrant granting the variances requested, and voted 4-0-0 to **APPROVE** the application.

New Business:

Distribution and acceptance of Annual Report.

Other Business:

No new updates regarding Wal-Mart trees that have been removed.

The next regular meeting was scheduled for February 17, 2010 but has been **CANCELLED** due to no requests or applications.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial

Date

JSZ, 1.28.10

DBE, 1.29.10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Manager

Originating Department

Council Meeting Of: February 2, 2010

Doug Elliott

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

January 27, 2010

Date Prepared

Agenda Title: Resolution authorizing and directing the City Manager to submit a Federal Directed Spending Request to Congress for the completion of the US-27 South improvement project from Chestnut Street to Stillwell-Beckett Road.

Recommendation: Adopt the proposed Resolution

Discussion:

US-27 South improvement project (PID 81769)

Last year, the estimated cost of this project increased from \$10.2 million to \$20.1 million. This means the City will need to obtain additional funding or reduce the scope of the project.

One source of funding is to apply for a federal directed spending request (earmark). Provided Council votes in favor of the proposed Resolution, I will continue working with Senator Brown's office to develop the federal directed spending request application which is due on February 12, 2010.

Approved By:

Initial Date

Department Head:

City Attorney:

City Manager:

 1/29/10

RESOLUTION NO.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT A FEDERAL DIRECTED SPENDING REQUEST TO CONGRESS FOR THE COMPLETION OF THE US-27 SOUTH IMPROVEMENT PROJECT FROM CHESTNUT STREET TO STILLWELL-BECKETT ROAD.

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

SECTION 1: The City Manager recommends Council authorize and direct him to submit a Federal Directed Spending Request to Congress in the amount of ten million dollars (\$10,000,000) for the completion of the US-27 South improvement project from Chestnut Street to Stillwell-Beckett Road.

SECTION 2: The estimated sale date of this project is October 1, 2013. The estimated cost of this project has increased from ten million dollars (\$10,000,000) to twenty million one hundred thousand dollars (\$20,100,000). The City presently has available federal and state funding in the amount of ten million one hundred thousand dollars (\$10,100,000).

SECTION 3: Council having determined this project to be of benefit to the community for improving traffic and pedestrian safety, hereby authorizes and directs the City Manager to submit a Federal Directed Spending Request to Congress in the amount of ten million dollars (\$10,000,000) for the completion of the US-27 South improvement project from Chestnut Street to Stillwell-Beckett Road.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: February 2, 2010

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

January 15, 2010

Date Prepared:

Agenda Title:	PC-17-2009 CONDITIONAL USE – 5150 College Corner Pike, for a place of worship in the GB (General Business) District, Tim Eaton, Applicant/Agent
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Recommendation:	Approval
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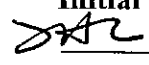
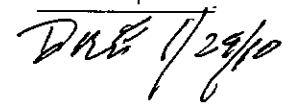
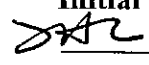
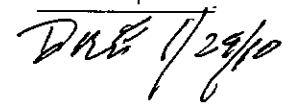
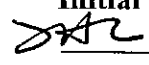
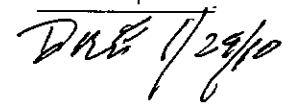
Discussion:

The Planning Commission held a Public Hearing for this Conditional Use application to establish a Place of Worship in existing commercial space located in the Westgate Shopping Center. The space contains approximately 3,330 sq. ft. and has sufficient available on-site parking. The current congregation is approximately 40 attendees, with services being conducted on Sunday mornings from 10:30 a.m. to 12 noon and space utilized as needed during the week for various congregation events.

During the Public Hearing, the Applicant addressed concerns raised by the Engineering Department regarding traffic after Sunday services. The Applicant noted that attendees depart at different times and that no other places of operation are open for business in the shopping center except for Domino's Pizza, which doesn't open until late morning.

The Applicant was made aware that any requests for signage would be in accordance with the sign regulations.

The Planning Commission members reviewed the Decision Standards and voted 6-0-0 to recommend **APPROVAL** to City Council.

Approved By:	<table><tr><td>Department Head:</td><td>Initial</td><td>Date</td></tr><tr><td>City Attorney:</td><td></td><td>1/15/10</td></tr><tr><td>City Manager:</td><td></td><td>1/29/10</td></tr></table>	Department Head:	Initial	Date	City Attorney:		1/15/10	City Manager:		1/29/10
Department Head:	Initial	Date								
City Attorney:		1/15/10								
City Manager:		1/29/10								

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PLACE OF WORSHIP IN THE GENERAL BUSINESS (GB) DISTRICT AT 5150 COLLEGE CORNER PIKE, OXFORD, OHIO.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on January 12, 2010 for the purpose of considering the request of Tim Eaton, Applicant, for a conditional use permit to allow a place of worship in the General Business (GB) District at 5150 College Corner Pike, Oxford, Ohio.

SECTION 2: The Planning Commission, after public hearing and discussion, voted to approve a motion recommending approval of the conditional use application to allow a place of worship in the General Business (GB) District at 5150 College Corner Pike, Oxford, Ohio.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow a place of worship in the General Business (GB) District at 5150 College Corner Pike, Oxford, Ohio.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

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

<u>Report Date</u>	February 2, 2010
<u>Case Number</u>	PC-17-2009
<u>Applicant Information</u>	Tim Eaton Applicant/Agent Berean Bible Church
<u>Requested Action</u>	Conditional Use Permit
<u>Summary of Request</u>	To permit a Place of Worship in the General Business District
<u>Public Hearing Information</u>	On January 12, 2010 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on December 11, 2009. Courtesy notices were mailed to adjacent property owners on December 7, 2009.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval of the Conditional Use Permit at the January 12, 2010 meeting.
<u>Commission Findings and Conclusions</u>	At the January 12, 2010 Planning Commission meeting, review of issues raised earlier by the Engineering and Fire Departments took place. The Planning Commission was pleased that the concerns had been satisfied. No conditions were found to be warranted.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated 2. Interoffice Review Transmittal Sheets 3. Letter of Agency 4. Conditional Use Permit Application Dated 11/16/2009 5. Description of Use and Site/Narrative Statement 6. Site Plan 7. Vicinity Map 8. Photograph

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-17-2009

Date – January 12, 2010

APPLICATION

Applicant: Tim Eaton, Berean Bible Church
Location: 5150 College Corner Pike
Owner: Main & High Development LLC

Action Request: **CONDITIONAL USE**, 5150 College Corner Pike, for a Place of Worship in the GB (General Business) District, **Tim Eaton, Applicant/Agent**

Current Use: Vacant Retail Space
Surrounding Existing Land Uses: Business/Retail

DESCRIPTION

The Applicant seeks a Conditional Use permit to establish a Place of Worship in the existing commercial space of the Westgate Shopping Center. The space contains approximately 3,330 sq.ft. and has sufficient on-site parking available. According to the Applicant's descriptions, the congregation will start with approximately 40 attendees. Services are held on Sundays from 10:30 a.m. to 12:00p.m. and the facility may be utilized for other congregation events as necessary during the week. According to the Applicant there is no impact or hardship for this congregation or surrounding commercial businesses in the strip center to find available parking on Sunday mornings. At this time there are no modifications to the exterior of the building or layout of the parking. Any requests for signage would be in accordance with the sign regulations.

HISTORY

None.

ZONING CODE

Section 1143.10(b)(2)(B)(4) allows Places of Worship as a conditional use in the "GB" General Business Zoning District. Section 1147.03(b)(15) regulates Use Specific Regulations & Potential Concerns for Churches.

Churches, Libraries, Community and Recreation Centers

A. Potential Concerns:

1. Adequate lot size to permit future expansion.
2. Location and screening of outdoor recreation areas
3. Bus or van storage
4. Lighting
5. Parking and traffic impact

B. Regulations

1. none

COMPREHENSIVE PLAN

Infill development, redevelopment and reuse of vacant and underutilized properties are a priority of the Comprehensive Plan. Other than this main theme, nothing more of the Comprehensive Plan is implemented or supportive of such specific use in this location.

COMMENT FORMS

No public comment forms have been received to date.

AGENCY REVIEWS

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

Police:	Comments returned with no comments on this request.
Fire:	Maximum occupancy for this space has not yet been determined, however the Fire Chief wanted to assure that the applicant was aware of what use group this space would have to follow for Fire Code and that once occupancy is determined that the proper postings are made on site.
Engineering:	Comments returned regarding traffic issues. Memo attached.
Econ. Dev.:	Comments returned with no comments on this request.

DECISION CRITERIA

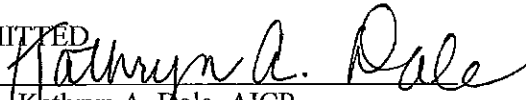
A copy of the Zoning Code Conditional Use Decision Standards is attached.

ANALYSIS

The proposed use is in fact a conditional use in the GB District and appears to satisfy all of the Decision Standards. No specific strategies or objectives are directly accomplished; attributes of the Comprehensive Plan are achieved. There are no modifications to the existing structure and no use affiliated with the church will cause adverse effects or nuisances, nor will there be any more demand of governmental services. The building is more than sufficient to accommodate this use and there is ample parking on-site.

RECOMMENDATION

Not applicable.

SUBMITTED
BY: 
Kathryn A. Dale, AICP
Community Development Department

DATE: December 14, 2009

ATTACHMENT

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

(1) Burden of proof.

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 12/7/09

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-17-2009

Description:

PC-17-2009 **CONDITIONAL USE**, Berean Bible Church, 5150 College Corner Pike, to
allow for a Place of Worship in a GB (General Business) District, **Tim Eaton,**
Applicant, Agent

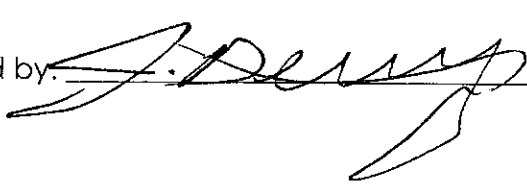
☒ Review ☐ Revisions ☐ Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **1/5/2010** Note: If no comments are received, we will assume the
project meets your department's standards.

Drawings are returned: w/comments without/comments

*Fire codes for A-3 occupancy to be met.
Maximum occupancy to be posted.*

Drawings reviewed by: 

Rec'd 12/11/09

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 12/7/09

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-17-2009

Description:

PC-17-2009 **CONDITIONAL USE**, Berean Bible Church, 5150 College Corner Pike, to
allow for a Place of Worship in a GB (General Business) District, **Tim Eaton,**
Applicant, Agent

 X Review Revisions Other

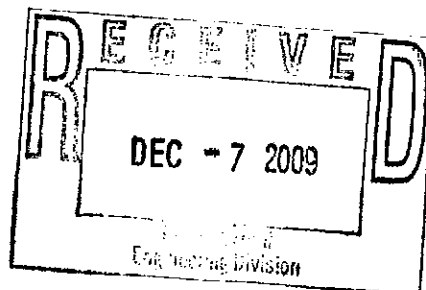
Comments or status update requested by: Lynn Taylor

Please return no later than: **1/5/2010** 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 12-29-09.

Drawings reviewed by: *A. Popescu* 12-29-09



12/7/09 4:12pm



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # PC-17-2009
Conditional Use - Berean Bible Church
5150 College Corner Pike

DATE: December 29, 2009

The following is the result of the submittal's review.

- How would vehicular traffic be handled when exiting the parking lot on church event days? Presently, there are no traffic control measures in place to control traffic exiting onto USR 27 from the mall parking lot. We realize that the installation of a traffic signal is not warranted, however, the use of a police officer may be necessary on church event days to assist with the exiting vehicular traffic.

2

Rev'd 12/11/09

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 12/7/09

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-17-2009

Description:

PC-17-2009 **CONDITIONAL USE**, Berean Bible Church, 5150 College Corner Pike, to
allow for a Place of Worship in a GB (General Business) District, **Tim Eaton,**
Applicant, Agent

☒ Review ☐ Revisions ☐ Other

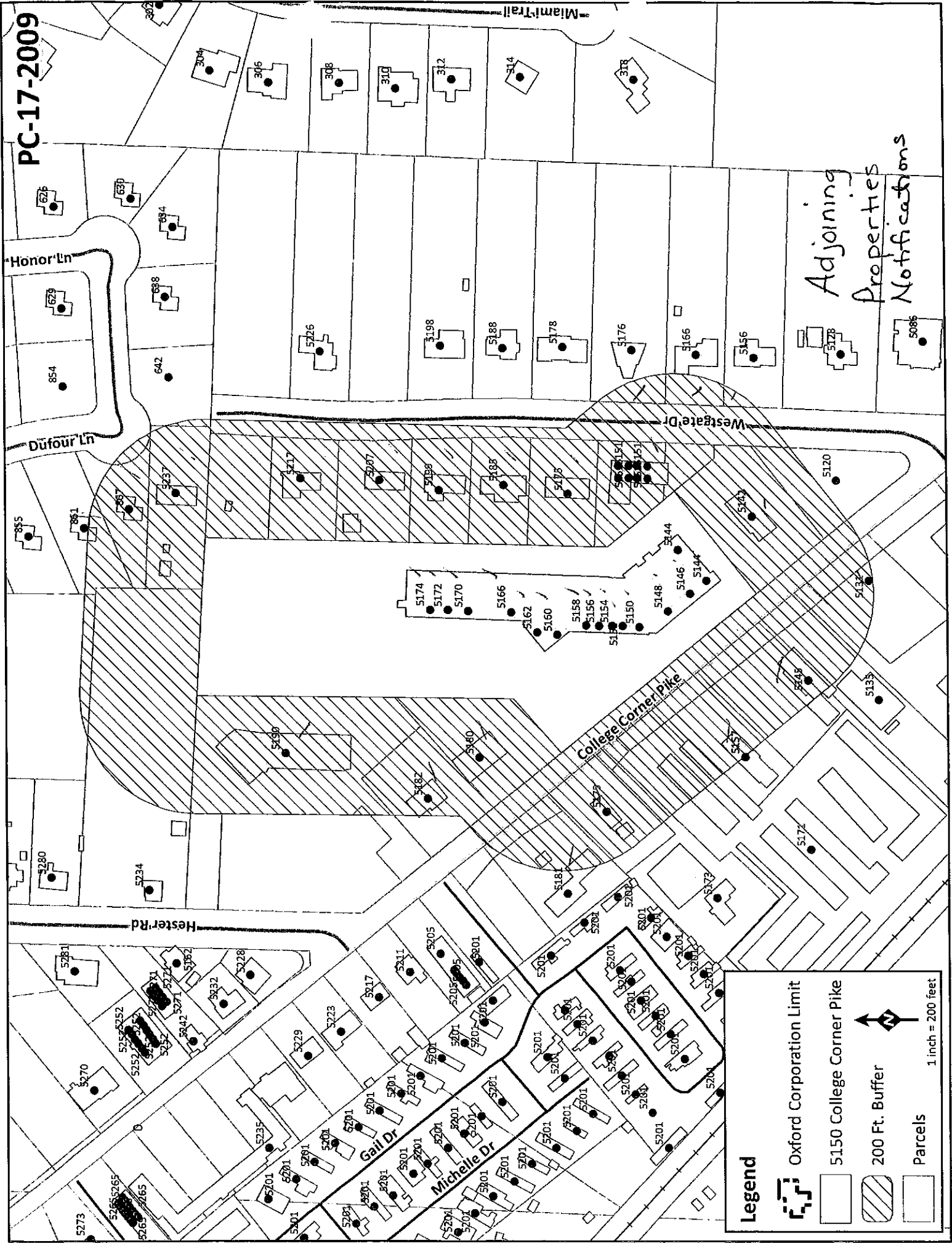
Comments or status update requested by: Lynn Taylor

Please return no later than: **1/5/2010** Note: If no comments are received, we will assume the
project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

12/11/09

Drawings reviewed by: _____



Legend

- Oxford Corporation Limit
- 5150 College Corner Pike
- 200 Ft. Buffer
- Parcels

1 inch = 200 feet

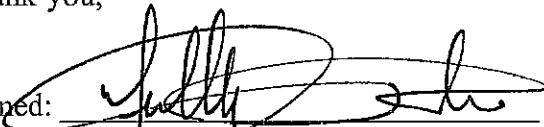
Adjoining
Properties
Notifications

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Tim Eaton has permission to represent our interest with the City of Oxford and act on our behalf for the Conditional Use hearing 11/10/2009 regarding the Berean Bible Church at our property located at Westgate Mall, College Corner Pike Oxford, Ohio 45056

Thank-you,

Signed: 
(Property Owner Name Printed)
(Company Name/Owner/Organization)

11/10/09
Date:

Case No.: PC-17-2009
Date Filed: 11/18/09

Conditional Use Permit Application
City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

Name of Applicant: TIM EATON
(Attach a letter of agency if the Applicant is not the property owner)
Mailing Address: 119 OAKHILL DR
OXFORD OH 45056 Email Address eatonfive@woh.rr.com
Telephone Number(s): 513 - 235 - 1258
Name of Property Owner (if other than Applicant) MAIN & HIGH DEVELOPMENT LLC
Location of Property: 5150 College Corner Pike
Legal Description: Attached
Zoning District: GB
Total Area: Attached Acres / Square Feet (circle one)
Existing Use Description: MALL - VACANT @ 3000 sq. ft space
Proposed Use Description: MALL - OCCUPY space as place of worship

SUBMISSION REQUIREMENTS

The required fee of **\$400.00**, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a Narrative Statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

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

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. *Property Owner names will not be included in the agenda packet.

NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number.

All materials must be delivered to the office of the Community Development Director, City of Oxford, 101 East High Street, Oxford, Ohio 45056. Any questions should be directed to the Community Development Department at (513) 524-5204. The issue will be placed on the next possible agenda.

Incomplete applications will not be processed.

NOTE: Notification and publication requirements must be adhered to. Submit materials 45 days prior to the proposed meeting date. City Staff will erect a public hearing sign on the subject property. It is the Applicant's responsibility to remove the signage once the hearing(s) are completed.

Tim V Eaton

Signature of Applicant

TIM EATON

Printed Name

Date: 11-16-09

FEE / RECEIPT

\$400 Fee Paid / Receipt Number: 1019

CONDITIONAL USE PERMIT APPLICATION

5150 College Corner Pike

Narrative Statement

These materials represent a conditional use application for the property at 5150 College Corner Pike. This location is currently approximately 3000 sq. feet of vacant retail space within a mall (shopping center) with retail and service firms. The proposed use is to occupy the vacant space as a church – “place of worship”. The church is expected to initially have approximately 40 members. It will meet primarily on Sunday mornings from approximately 10:30am to noon. Initially there is no other planned regular meeting time. However, there may be special meetings called on occasion. In general, the other occupied locations in the mall are not open on Sunday mornings so there should be very little impact on the existing businesses. The proposed use is similar to the existing use in that it is still being occupied for organizational rather than personal (residential) usage. However, as mentioned previously the hours of usage will likely be different times than that of other existing businesses. There will be no excessive noise, light, odor, fumes, vibration or emissions in this proposed usage. The area is appropriate because it serves as a convenient location for members within an already existing business area with adequate parking and space. It is also located within the GB district, which is intended to provide service establishments and meet the needs of the community. The church is providing a service to the community.

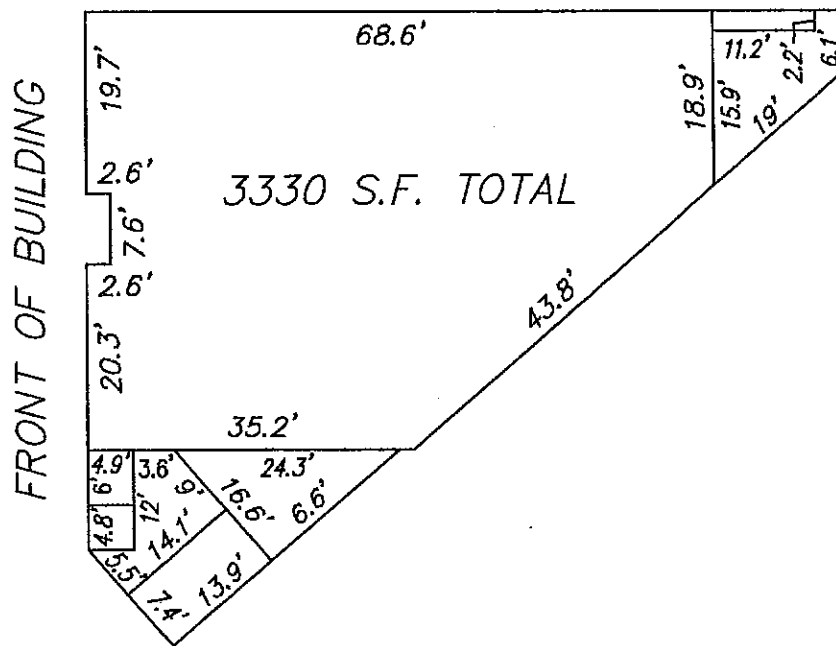
- A. The proposed use is a conditional use in the zoning district in which it is proposed.
- B. The GB district is intended to provide service establishments and to satisfy the needs of the community. The applicant church is providing a service to the community.
- C. This is an existing site. The use is identified as a conditional use.
- D. The initial membership is approximately 40 members. The existing parking lot and building can hold several times this capacity.
- E. A place of worship will have little impact on the surroundings.
- F. There will be no excessive noise, light, odor, fumes, vibration or emissions in this proposed usage.
- G. There will be no accessory uses.
- H. The site is existing and meets all code.
- I. N/A-no expenditures required.
- J. The site is pre-existing. The building is permitted.
- K. Traffic will not be impaired. The site is located off a highway with 2 entrance and exit points. There is also a large pre-existing parking lot.
- L. There is no proposed construction.
- M. The building was recently remodeled and has been permitted.

Potential Concerns for churches, libraries, community and recreation centers

1. Adequate lot size- The initial membership is approximately 40 members. The existing parking lot and building can hold several times this capacity. There is more than enough size to permit future expansion if necessary.
2. Location and screening of outdoor recreation areas- none. Not applicable.
3. Bus or van storage- none. Not applicable.
4. Lighting- existing lighting is adequate.
5. Parking and traffic impact- The initial membership is approximately 40 members. There are over 40 parking spaces available in mall parking area. Therefore, parking should be more than adequate both currently and in the future. It is off a highway with 2 entrance and exit points. There should be no impact on traffic.

Site plan

1. See attached.
2. See attached.
3. See attached.
4. See attached.
5. See attached.
6. See attached. The initial membership is approximately 40 members. There are over 40 parking spaces available in mall parking area. Therefore, parking should be more than adequate both currently and in the future. The church has no vehicles.
7. N/A- Initially there will be no signage. If a sign is determined appropriate in the future, the proper permits will be applied for.
8. N/A- No screening or landscaping is proposed beyond that existing.
9. See attached.
10. Commercial. R1A- residential.
11. N/A- No proposed structures.
12. See attached.



Drawing:
08D001-000 CP

Scale
1" = 20'

Drawn by:
ATB

Checked By:

Issue Date:
04-18-08

WESTGATE SHOPPING CENTER

ADDRESS #5150
STATE ROUTE 27

INTERIOR AREA AND LAYOUT



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

Vicinity Map

SEE PAGE 22

OXFORD CORP.

SEE PAGE 20

019.000

SCALE: 1"=100'
TAXING DISTRICT: H4000
H4100
REVISED 7/07/00

SEE PAGE 14

SEE PAGE 18



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: February 2, 2010

Account Code No. #: N/A

Steve Schwein

Prepared By

Budgeted Amount: N/A

January 12, 2010

Date Prepared

Agenda Title: A Resolution authorizing the Oxford Division of Police to dispose of weapons and miscellaneous items pursuant to Oxford City Code 127.11(d)(2) and an Order by Area I Court by trading those items, as well as any surplus police shotguns to a federally licensed firearms dealer for ammunition and supplies.

Recommendation: Adopt the Resolution.

Discussion: The Division of Police periodically purges its property room of seized firearms by trading them to a federally licensed firearms dealer for ammunition suitable for training and duty use typically saving the taxpayers of Oxford \$2,000-\$2,500. Only sporting type firearms are subject to trade. Saturday night type weapons are destroyed according to Ordinance. The recent Council-authorized purchase of new long guns may enable the Division to eliminate some of the older, less reliable shotguns from our arsenal through trade as well.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 1/12/10

ME 1/29/10

RESOLUTION NO.

A RESOLUTION DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS DISPOSAL OR TRADE TO A FEDERALLY LICENSED FIREARMS DEALER.

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

SECTION 1: In accordance with the Memorandum from the Chief of Police, certain firearms are hereby declared of no evidentiary value and no longer needed for any municipal purpose, and the same may be disposed of or traded to a federally licensed firearms dealer for ammunition as allowed by Oxford Codified Ordinances, Section 127.11 (D)(2). The items are those as set forth on Attachment 'A' incorporated herein.

SECTION 2: Council hereby authorizes the disposal of or trade, for ammunition, of those items listed on Attachment 'A' to a federally licensed firearms dealer.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

"A"

Memorandum

To: Mary Ann Eaton, Clerk of Council
Fm: Steve Schwein, Chief of Police 
Ref: Items to be included in Resolution
Dt: 15 January, 2010

In addition to the items ordered by Area I Court to be forfeited to the Oxford Division of Police and sold, the Division of Police requests all items listed, including the following used police shotguns, be traded to a federally licensed firearm dealer for ammunition/shooting supplies in accordance with Oxford City Code 127.11(d)(2):

- 7 Remington Police Magnum Shotguns, good condition***
- 5 Remington Police Magnum Shotguns, fair condition***
- 1 Remington 870 Wingmaster Shotgun, good condition***
- 1 Remington 870 Wingmaster Shotgun, fair condition***

MEMO

To: Chief S. Schwein
Fr: Property Officer Ron Brooks
Property Technician Mike O'Leary
Re: Weapons & Misc Items for Trade
Dt: 15 January 2010

Sir,

As requested, the following weapons and miscellaneous items are available to be traded for ammunition. A Judgment Entry from Area One Court is attached.

Weapons/Miscellaneous Items for Trade

1. Kahr 9mm handgun; model CW 9; one magazine (w/ ammo) and leather holster; serial # YD7495
2. Mossberg .410 shotgun; model 183KE; serial # 683340; includes (23) Remington shells.
3. Ted Williams .20 gauge automatic shotgun; model # M-300; serial # Q80839; includes vinyl carrying case and (25) Magnum Super X shells.
4. Taurus .454 Casull (Raging Bull) revolver; serial # RJ698151
5. S&W .38 caliber revolver; model 642-2 Airweight; serial # DCK 5875; includes nylon holster and 5 rounds.
6. Bersa Thunder .380 caliber handgun; serial # 787686; includes magazine w/ ammo.
7. Smith & Wesson .40 caliber handgun (no magazine or ammo); model SM40VE; serial # RAM6080
8. (16) Western 16 gauge shotgun shells, (50) .22 caliber Magnum rifle shells, (20) Super X Winchester 30-30 rifle shells and (179) assorted .22 caliber shells.
9. 8" hunting knife w/ sheath

Also included are three handguns to be destroyed. A Judgment Entry from Area One Court is attached.

Weapons to be Destroyed

1. Bauer .25 caliber automatic handgun in a box; one magazine (no ammunition); serial # 159829
2. Cobra .22 caliber handgun; model C22LR; serial # 017636
3. Davis .22 caliber derringer; model DM-22; serial # 376479

CITY OF OXFORD, BUTLER COUNTY, OHIO

IN THE MATTER OF THE
APPLICATION OF THE
CITY OF OXFORD
POLICE DEPARTMENT

:
:
:
:

No _____

**APPLICATION FOR AND JUDGMENT
ENTRY AUTHORIZING THE DISPOSITION
OF UNCLAIMED OR FORFEITED PROPERTY**

Now comes the State of Ohio, City of Oxford, by and through Area I Butler County Court Prosecutor, and moves that the following property be disposed of in accordance with Ohio Revised Code Section 2933.41/2933.41 (D) (8).

SEE ATTACHED SHEETS FOR PROPERTY.

Said property is now in the custody of the Oxford Police Department, Oxford, Ohio, and remains unclaimed or it is unlawful for persons to acquire or possess said property.

12-15-09
Date

Ron Brooks
Ron Brooks
Property Officer, Oxford Police Department

12-15-09
Date

Mike O'Leary
Mike O'Leary
Property Technician, Oxford Police Department

Motion to return to the owner/forfeit to the Oxford Police Department/or be otherwise forfeited and sold at public auction is requested.

Respectfully submitted,

12/17/09
Date

Prosecuting Attorney
Prosecuting Attorney, Area I Butler County Court

ORDER

For good cause shown, it is hereby adjudged and ordered that the above listed property be disposed of as listed above.

12/17/2009
Date

Robert H. Lyons
Judge, Area I Butler County, Court

IN AREA I BUTLER COUNTY COURT

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: February 2, 2010

Jung-Han Chen

Account Code No. #:

Prepared By:

Budgeted Amount:

January 19, 2010

Date Prepared:

Agenda Title:	PC-01-2010 CONDITIONAL USE – 220 Tallawanda, Gamma Upsilon Housing Association, to allow for a fraternity house in an R2MS District, Robert Carmean, Applicant, Agent
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Recommendation:	Approval
------------------------	-----------------

Discussion:

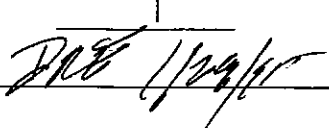
The Planning Commission held a Public Hearing for this Conditional Use application to allow for a fraternity house in an R2MS (Single- and Two-Family Mile Square Residential) District. The Applicant wishes to re-occupy the existing fraternity house. The fraternity was suspended in 2000 and was not recognized by Miami University again until 2007. Between 2000 and 2007 the house was rented to another fraternity, but the rental permit was allowed to expire in 2006.

The Applicant stated there were no changes proposed to the exterior of the building which included the landscaping and parking

In reviewing the dumpster location, the dumpster must be removed from the 16.5' right-of-way and out of the front yard. It is also noted that two of the parking spaces encroach into the 16.5' vacated right-of-way and must be removed and the area must be properly grassed.

The Planning Commission members reviewed the Decision Standards and voted 6-0-0 to recommend **APPROVAL** to City Council with the following conditions:

1. That, the dumpster is relocated out of the 16.5 foot vacated right-of-way and out of the front yard in accordance with Section 1141.04 of the Planning and Zoning Code and is properly screened with similar materials of the primary structure.
2. That, the two parking spaces that encroach into the 16.5 foot vacated right-of-way are removed and, in accordance with Section 1141.03(d) and Section 1149.04(a)(1), are properly grassed.
3. That, a lot consolidation shall be approved and recorded prior to the issuance of the rental permit and occupancy as a Fraternity.

Approved By:	Department Head:	Initial	Date
	City Attorney:		1/19/10
	City Manager:		

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO Allow A FRATERNITY HOUSE IN THE SINGLE & TWO FAMILY MILE SQUARE RESIDENTIAL (R2MS) DISTRICT AT 220 TALLAWANDA ROAD, OXFORD, OHIO WITH CONDITIONS.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on January 12, 2010 for the purpose of considering the request of Robert Carmean, Applicant, for a conditional use permit to allow a fraternity house in the Single & Two Family Mile Square Residential (R2MS) District at 220 Tallawanda Road, Oxford, Ohio with conditions.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to approve a motion recommending approval of the conditional use permit application to allow a fraternity house in the Single & Two Family Mile Square Residential (R2MS) District at 220 Tallawanda Road, Oxford, Ohio with the following conditions:

- a. The dumpster shall be relocated out of the 16.5 foot vacated right-of-way and out of the front yard in accordance with Section 1141.04 of the Planning and Zoning Code and shall be properly screened with similar materials of the primary structure.
- b. The two parking spaces that encroach into the 16.5 foot vacated right-of-way shall be removed and in accordance with Section 1141.03(d) and Section 1149.04(a)(1) of the Planning and Zoning Code, the vacated area shall be properly grassed.
- c. The lot consolidation shall be approved and recorded prior to the issuance of the rental permit and occupancy as a fraternity.

SECTION 3: Council hereby accepts the recommendation of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to allow a fraternity house in the Single & Two Family Mile Square Residential (R2MS) District at 220 Tallawanda Road, Oxford, Ohio with conditions.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

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

<u>Report Date</u>	February 2, 2010
<u>Case Number</u>	PC-01-2010
<u>Applicant Information</u>	Robert Carmean, Applicant/Agent
<u>Requested Action</u>	Conditional Use Permit
<u>Summary of Request</u>	To allow for a fraternity house in an R2MS District
<u>Public Hearing Information</u>	On January 12, 2010 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on December 11, 2009. Courtesy notices were mailed to adjacent property owners on December 7, 2009.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval of the Conditional Use Permit at the January 12, 2010 meeting.
<u>Commission Findings and Conclusions</u>	At the January 12, 2010 Planning Commission meeting, the Commission after hearing the Applicant and Staff findings, and reviewing the Decision Standards, voted to approve the Conditional Use with the following conditions: That, the dumpster shall be moved out of the 16-1/2' right-of-way and enclosed; that, the two parking spaces in the 16-1/2' right-of-way shall be removed and grassed in; that, the two lots the house sits on are consolidated.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report dated December 15, 2009 2. Interoffice Review Transmittal Sheets 3. Adjoining Neighbor comment 4. GIS Map 5. Letter of Agency 6. Conditional Use Permit Application Dated 11/25/2009 7. Description of Use and Site/Narrative Statement 8. State of Ohio Certificate for Reinstatement dated 11/19/2008 9. State of Ohio Certificate for Domestic Agent Subsequent Appointment 11/19/2008 10. Tax Map 11. Site Plan 12. Site Elevations 13. Floor Plan 14. Photographs 15. Sketch

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-01-2010

Date – January 12, 2010

APPLICATION

Applicant:	Robert Carmean
Location:	220 Tallawanda
Owner:	Gamma Upsilon Housing Association
Action Request:	Approval of a Conditional Use for a Fraternity House in the "R2MS" Single & Two-Family Residential District.
Current Use:	Vacant
Current Zoning	"R2MS" Single & Two-Family Residential District.
Surrounding Existing Land Uses:	Mix of single & two-family rentals and fraternity houses.

GENERAL DESCRIPTION

The Applicant requests approval of a Conditional Use Permit to allow for a fraternity house at the above location. The Applicant is proposing to re-occupy their existing fraternity house. In 2000, the fraternity was suspended and was not recognized again until 2007. During that time, the house was rented out to another fraternity; however, the rental permit was left to expire in 2006. Fraternity inspections are conducted annually whether it is an active or inactive fraternity and this facility has passed its most recent inspections.

Delta Tau Delta currently has 53 members ready to move back into the house. The old rental permit would allow for 69 occupants; however, this will have to be reevaluated with current standards when the rental permit application is made. According to the application no changes are proposed to the exterior of the building, including landscaping, patios or parking. There are 13 off-street spaces; 21 spaces would be required. The site and paved areas at the rear of the house are large enough to accommodate additional parking. The Applicant has indicated that there is adequate on-street parking available for overflow also.

Furthermore, the subject property is made up of two lots. The Auditor has assigned two parcel numbers but one lot number. Staff has further researched with the Recorder's Office to determine that these lots are indeed separate and will need to be consolidated. A lot consolidation can be reviewable administratively.

SURROUNDING NEIGHBORHOOD

The municipal zoning in the vicinity of this site is "R2MS" Single & Two-Family Residential District. There are other fraternities in this immediate vicinity. There is a single-family residence just to the south of this property and three others in the same block, all are rental units. Miami University is to the east.

COMPREHENSIVE PLAN

There are no specific strategies or objectives; attributes of the Comprehensive Plan as it relates to fraternities that are directly achieved. The Comprehensive Plan does locate this property in the Neighborhood Enhancement Program with the development intent to stabilize and enhance existing

neighborhoods within the Mile Square; this should include the maintenance and improvements to public and private property that reflects the traditional neighborhood characteristics and commercial features that exist in the area. Housing diversity and improving the housing conditions in the Mile Square were strategies much discussed in the Plan. While the Plan focuses more on trying to attract year-round residents, there was much concern raised over property maintenance issues of properties that are rented to students. Reestablishing a fraternity use does not exactly accomplish the intentions of the Comprehensive Plan, however, by reoccupying a vacant house, there will no longer be the blight of empty housing and a perfectly good structure will be properly maintained.

ZONING CODE REGULATIONS

Conditional Use

The purpose of Conditional Use regulations is at Section 1147.01(a):

"Purpose. Conditional Uses are land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare if not located appropriately, operated appropriately, or mitigated with good design."

§1143.05(b)(2)L.: Conditional Uses in R2MS:

STAFF FINDINGS: Fraternity and Sorority Houses are specifically listed as a Conditional Use in the R2MS District.

§1143.05(c): R2MS Site Development Regulations:

STAFF FINDINGS: All requirements pertaining to lot size, setbacks, and building height appear to be satisfied with the exception of potentially the total lot coverage. Should this be a nonconforming situation, no changes are proposed for the site to further increase the nonconformity, thus the existing sidewalks, driveway, shed, patio areas and original structure may remain as they are.

§1147.03(b)(19) Use Regulations & Potential Concerns:

(19) Fraternity and Sorority Houses

A. Potential Concerns

- (1) Aesthetic Concerns:
 - a. Historical characteristics of existing structures
 - b. Residential scale and character
 - c. Yards and landscaping
 - d. Walls and fences
- (2) Activities Areas:
 - a. Porches and patios
 - b. Locations of recreational areas and courts
 - c. Locations of accessory structures
- (3) Vehicle Management:
 - a. Site access
 - b. Required parking
 - c. Emergency access
 - d. Deliveries
 - e. Occasional and excess parking management
- (4) Adequate Public Utilities:
 - a. Water
 - b. Sewer
 - c. Storm water management
 - d. Other services
- (5) Nuisance:
 - a. Waste/trash management
 - b. Noise and off-site impact
 - c. Lighting and off-site impact

B. Requirements:

- (1) New Structures: Building shall be of a size and scale that approximates neighboring structures.
- (2) Existing Structures: Exterior renovation and improvements shall be maintained to protect existing architectural details, materials and ornamentation.
- (3) Addition: Building expansions shall be sympathetic to the architectural scale and style of the existing building.
- (4) Outdoor Areas: Activity areas shall be designed and located to contain noise and light within the property. Activity areas shall be appropriately screened from adjacent properties.
- (5) Waste facilities: Trash and recycling containers and material shall be stored in a fully enclosed area and properly screened. The waste enclosure shall be adequate for the occupancy and accessible to service vehicles.
- (6) Parking and Transportation Demand Management: Parking shall meet requirements of Zoning Code Chapter 1149 and shall be properly designed, screened and maintained.

STAFF FINDINGS: As indicated previously, nothing is proposed to change on the site. Staff would recommend that the dumpster location as shown on the site plan be moved out of the 16.5 foot vacated right-of-way and out of the front yard in accordance with Section 1141.04 of the planning and zoning code. Additionally, the two parking spaces that encroach into the 16.5 foot vacated right-of-way should also be removed and in accordance with Section 1141.03(d) and Section 1149.04(a)(1).

AGENCY COMMENTS

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

Police:	No comments on this request.
Fire:	Comments returned with no comments on this request.
Engineering:	Comments returned with no comments on this request.
Econ. Dev.:	Comments returned with no comments on this request.

PUBLIC COMMENT FORMS

A public comment was submitted by the property owner to the south of this Fraternity in support of permitting the fraternity to continue.

DECISION CRITERIA

A copy of the Zoning Code Conditional Use Decision Standards is attached.

STAFF ANALYSIS

Staff has provided a map of surrounding fraternities. There are approximately 4 fraternities within a 200 foot radius, and 13 fraternities within a 500 foot radius.

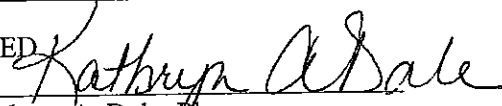
The proposed use is in fact a conditional use in the "R2MS" Single and Two-Family Mile Square Residential Zoning District and appears to satisfy all of the Decision Standards. No specific strategies or objectives are directly accomplished of the Comprehensive Plan; however this request would be an alleviation of empty housing. There are no modifications to the existing structure or foreseeable activities affiliated with the fraternity that will cause adverse effects or nuisances, nor any more demand of governmental services. The building is more than sufficient to accommodate this use, there is ample parking on-site and all necessary permits for the Conditional Use and its operation can be obtained at the proposed location.

RECOMMENDATION

Staff would recommend that the dumpster location as shown on the site plan be moved out of the 16.5 foot vacated right-of-way and out of the front yard in accordance with Section 1141.04 of the Planning and Zoning Code. When relocated the dumpster should be properly screened with similar materials of the primary structure. Additionally, the two parking spaces that encroach into the 16.5 foot vacated right-of-way should also be removed and in accordance with Section 1141.03(d) and Section 1149.04(a)(1) and properly grassed. Furthermore, a lot consolidation shall be approved and recorded prior to the issuance of the rental permit and occupancy as a Fraternity.

SUBMITTED

BY: _____


Kathryn A. Dale, Planner

Community Development Department

DATE: December 15, 2009

ATTACHMENT

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

(1) Burden of proof.

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

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

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 12/7/09

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-01-2010

Description:

PC-01-2010 **CONDITIONAL USE**, 220 Tallawanda, Gamma Upsilon Housing Association,
to allow for a fraternity house in an R2MS (Single-and Two-Family Mile-Square
Residential) District, **Robert Carmean, Applicant, Agent**

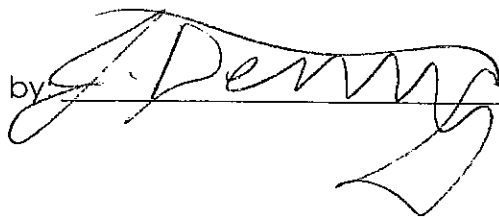
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **1/5/2010** 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



12/15/09

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 12/7/09

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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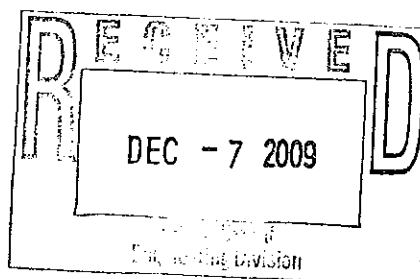
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **1/5/2010** 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: *H. Popescu* 1-4-10



12/7/09 4:12p

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 12/7/09

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

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Description:

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to allow for a fraternity house in an R2MS (Single-and Two-Family Mile-Square
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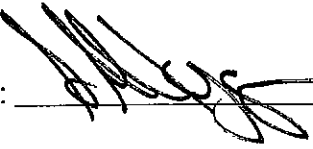
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **1/5/2010** 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: 

"Uptown in the shadow of where the water tower used to be"



Bob Schuette
Broker

Redskin Realty

Redskin Limited

Redskin Investments

Dec. 14, 2009

To Oxford Planning Comm.
This is to inform you,
that I support the
Conditional Use of
220 Talawanda Rd.
as The Delta Tau
Delta fraternity house.

Thank you
Bob Schuette
OWNER OF 210 Talawanda



Bornham Rd

Lalla Wanda Rd

Alley

Bishop St

Bougen Ln

University Ave

E Church St

E Vine St

E Sycamore St

N Campus Ave

Alley

N Poplar St

Alley



Delta Tau Delta

Gamma Upsilon Housing Association
PO Box 406 • Oxford, OH 45056

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Robert Carmean has permission to represent our interests with the City of Oxford and act on our behalf for the Planning Commission hearing January 12, 2010 regarding conditional use for Delta Tau Delta Fraternity located at 220 N. Tallawanda, Oxford, Ohio 45056.

Thank you,

A handwritten signature in cursive script, reading "Steven Sutermeister", written over a horizontal line.

Steven Sutermeister
President, Gamma Upsilon Housing Association
Property Owner

A handwritten date "11/23/09" written over a horizontal line.

Date

Conditional Use Permit Application
City of Oxford, Ohio

REQUIRED INFORMATION (print clearly)

Name of Applicant: ROBERT CARMAN
(Attach a letter of agency if the Applicant is not the property owner)
Mailing Address: 149 STONE CREEK DRIVE
OXFORD, OH 45056 Email Address rcarmen@woh.rr.com
Telephone Number(s): 513-523-2691
Name of Property Owner (if other than Applicant) GRAMMA UPSILON HOUSING ASSOCIATION
Location of Property: 220 TALLAWANDA OXFORD, OH 45056
Legal Description: 306 N 86.5' PT VAC ST AND CONS W/153
Zoning District: R2MS
Total Area: 27,164 Acres (Square Feet) (circle one)
Existing Use Description: FRATERNITY HOUSE
Proposed Use Description: FRATERNITY HOUSE

SUBMISSION REQUIREMENTS

The required fee of **\$400.00**, made payable to the City of Oxford, must accompany the application. The entire submission must be prepared in accordance with Chapter 1147, Conditional Uses, of the Zoning Code of the City of Oxford.

Attach thirteen (13) copies of a site plan indicating the following:

1. North arrow
2. Scale
3. Vicinity Map
4. All existing and proposed lot lines within the site
5. Dimensions of all lots and of the entire site and any adjacent rights-of-way
6. Location, height, and use of all proposed and existing structures
7. Location and design of all proposed vehicle management areas
8. Location, size, and type of all proposed signs
9. Location, height, and type of all proposed screening and landscaping
10. Distances to residential zoning districts if within 1,000 feet
11. The use of land and location of structures on adjacent property and across adjacent rights-of-way
12. Elevations of proposed structure, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use
13. Photographs of the existing use and its surroundings.
14. Other information as required by the Planning Commission

Attach a Narrative Statement describing how the proposed Conditional Use meets the following Decision Standards of the zoning district in which it is to be located:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

APPLICATION FOR CONDITION PERMIT USE
GAMMA UPSILON HOUSE ASSOCIATION
DELTA TAU DELTA FRATERNITY
220 N. TALLAWANDA
OXFORD, OH 45056

OBJECTIVE:

The Gamma Upsilon House Association of Delta Tau Delta Fraternity is applying for conditional permit use of the current facility and grounds at 220 Tallawanda. Our goal is to provide residence for 10-12 undergraduate members beginning in the fall of 2010 with the possibility of doubling this in 2011.

This narrative addresses ordinance number 3061 and other appropriate elements of the Oxford City Zoning Codes within section 1147.

HISTORY

The Gamma Upsilon Chapter of Delta Tau Delta was founded at Miami University on November 25, 1916.

The Gamma Upsilon House Association was incorporated May 31, 1924 in Butler County. The Association holds an active certificate (document number 200832402374) from the Ohio Secretary of State as a Corporate Non-Profit Organization. The domestic agent is listed as Robert Carmean under document number 200832500290 with the State of Ohio.

The purpose of the Association is to promote literary and/or scientific education and improvement among members of the Association; and to that end the Association may receive and hold in trust or otherwise, and may administer scholarship and other funds and property, and may own and/or maintain a chapter house and/or other buildings. President of the Association is Steven Sutermeister 7433 Pinehurst Drive Cincinnati, OH 45244.

The premises shall be used solely as a college fraternity house wherein members of Delta Tau Delta at Miami University and their guests shall be entitled to live and carry on fraternal and social activities.

PROPERTY

The Butler County Auditor's Office lists this as parcel H4000006000144 with legal description 306 N 86.5 & PT VAC ST and CONS W/153.

The Butler County Auditor's Office shows that a portion of Lot 306 was purchased by the Gamma Upsilon House Association from W. L. Blossom on June 10, 1924 under file 9596 in Book 253 Page 515. A second portion of Lot 306 was purchased on July 15, 1924 from Susan Nesselhauf as recorded in file 9826 Book 254 page 375.

The original owner of the property was John W. Scott September 23, 1842 as recorded in Book 20 Page 417.

The Delta Tau Delta property faces Tallawanda Road and Miami University to the east.

Sigma Pi Fraternity (owner Larry Rovira) is the neighbor directly behind us to the west. Vine Street separates our Sigma Nu Fraternity neighbors (owner Epsilon Nu of Sigma Nu Corp) to the north.

Robert Schuette owns the 210 Tallawanda neighboring student rental property to the south.

We are located in R2MS zoning district at the corner of Tallawanda and Vine.

The Gamma Upsilon House Association of Delta Tau Delta is the sole owner of the property.

COMPATIBILITY

Delta Tau Delta is located at a mid point along Tallawanda. This overall vicinity is home to several fraternities (Phi Delta Theta,, Kappa Sigma, Sigma Nu, Sigma Alpha Epsilon, Phi Kappa Tau, Delta Upsilon, Lambda Chi Alpha, Sigma Chi); making our use of the property consistent with the general population of the area. The existing structures will remain in use and continue to fit appropriately with the neighborhood and adjacent buildings. The operation of Delta Tau Delta Fraternity will address potential nuisances such as noise, lighting, odor, fumes, vibration and emissions and subscribe to all Oxford City ordinances and Miami University regulations. The site design creates a screen for lighting and noise issues. Our organization officers have developed a good relationship with the adjacent owners and can address any concerns that arise.

The Gamma Upsilon House Association has no intention of selling or moving from this location.

It is an ideal location for members to walk to class, attend events at Millett, Yager Stadium, McKie Field and utilize Withrow Court. In addition, bus stops are convenient along Tallawanda. It is our desire to return to 220 Tallawanda.

BACKGROUND

In the fall of 2000 the Miami University Judicial Affairs office suspended Delta Tau Delta as an organization on campus. Fraternity operations were discontinued and the residents were asked to find alternative housing for the spring semester. During our absence from campus we sublet the property to Alpha Tau Omega.

The chapter was re-colonized in 2005 with 55 new members and received official chapter recognition in 2007. In 2006 an existing facility analysis was completed and a Shelter Improvement Team was established in 2007 to determine building needs. In 2008 a Feasibility Study was conducted with alumni and the feedback was to tear down and build a new structure.

Therefore, the decision was made to not invest in the old structure and not rent.

At the same time the rental permit was allowed to expire.

A follow up Capital Campaign was initiated. However, economic conditions have slowed this process and it was revised in the Spring of 2009.

Currently there are 53 undergraduate members of the Chapter.

Our current goal is to provide rental residence for chapter members at 220 Tallawanda.

The Chapter is in good standing with Miami University and has a strong alumni base.

POTENTIAL CONCERNS

Aesthetic Concerns:

The current structure at 220 Tallawanda was built in 1969 and designed initially to house 64 fraternity members. There are no historical characteristics of the existing structure. The property is bound by sidewalk and streets on two sides with tree lines separating properties on the other sides. There are no walls or fences on the property.

Activities Areas:

There is a porch on the front of the house facing Tallawanda Road and a patio in the back with a basketball area. A small storage shed is also in the back of the house.

Vehicle Management:

All parking is in the back of the house with access from Vine Street only. There are 13 designated parking spots. Emergency access can be obtained from both the front and the back. Excess parking is on the street.

Public Utilities:

Water, sewage and trash pick up is part of the Oxford City Utility service. Storm water is handled through the City street sewer system.

Nuisance:

Waste and trash management is handled by Rumpke on a weekly basis. Student housing borders the property on all sides. All noise and lighting issues are compliant with City regulations.

REQUIREMENTS

The building currently matches the size and scale of the neighboring structures. The existing exterior architectural details shall be maintained. No additions or changes to the outdoor areas are planned. Tree lines screen the adjacent properties. There are a minimum of 13 available parking spaces. This meets the 2 spaces per 5 men Zoning Code.

DECISION STANDARDS

The proposed conditional use satisfies the decision standards under 1147.03 procedure, section b, item 19 Fraternity and Sorority Houses.

The use and site satisfy the zoning code and are compatible with the Comprehensive Plan.

The size and shape of the site are unchanged and satisfy the proposed use.

The use is not hazardous or a disturbance to existing or future neighbors.

The activities and conditions of operation are not detrimental to any person, property or the general welfare.

The principle and only use of the site is for fraternity activities.

The fraternity is serviced by City of Oxford Utilities.

No public expenditures are required for site development and operation.

The site is maintained consistent with the general character and appearance of the vicinity.

Traffic accessing and parking on the site uses the current entrance and public street.

Since there is no proposed construction or demolition planned, loss or damage of natural, scenic or historic features are not affected.

All necessary permits and licenses for conditional use shall be obtained.

Applicant: Gamma Upsilon House Association of Delta Tau Delta Fraternity

Agent: Robert Carmean

149 Stone Creek Drive

Oxford, OH 45056

(Home) 513-523-2691

(Cell) 513-255-0062

Email: rcarmean@woh.rr.com



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
11/20/2008	200832402374	DOMESTIC/REINSTATEMENT (REN)	25.00	.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

GAMMA UPSILON HOUSE ASSOC.
ROBERT E. CARMEAN
149 STONE CREEK DR.
OXFORD, OH 45056

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jennifer Brunner

§7477

It is hereby certified that the Secretary of State of Ohio has custody of the business records for
**THE CHAPTER HOUSE ASSOCIATION OF GAMMA UPSILON CHAPTER DELTA TAU DELTA
FRATERNITY**

Document(s)
DOMESTIC/REINSTATEMENT

Document No(s):
200832402374



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio
this 19th day of November, A.D.
2008.

Ohio Secretary of State



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
11/20/2008	200832500290	DOMESTIC AGENT SUBSEQUENT APPOINTMENT (AGS)	25.00	.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

GAMMA UPSILON HOUSE ASSOC.
ROBERT E. CARMEAN
149 STONE CREEK DR.
OXFORD, OH 45056

**STATE OF OHIO
CERTIFICATE**

Ohio Secretary of State, Jennifer Brunner

87477

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FRATERNITY**

Document(s)
DOMESTIC AGENT SUBSEQUENT APPOINTMENT

Document No(s):
200832500290



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio
this 19th day of November, A.D.
2008.

Ohio Secretary of State

SEE PAGE 7

VACATED 5-11-1853 ORD. 103

VACATED 5-11-1853 ORD. 103

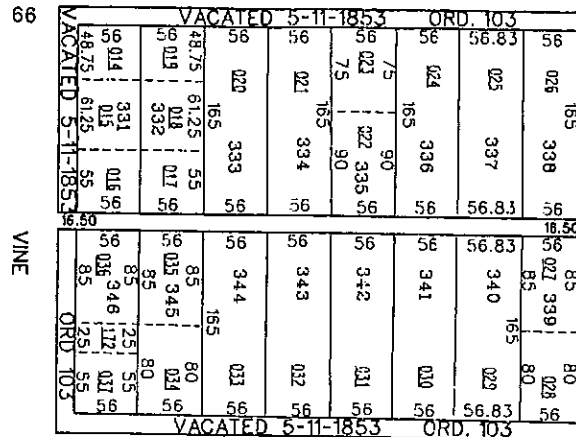
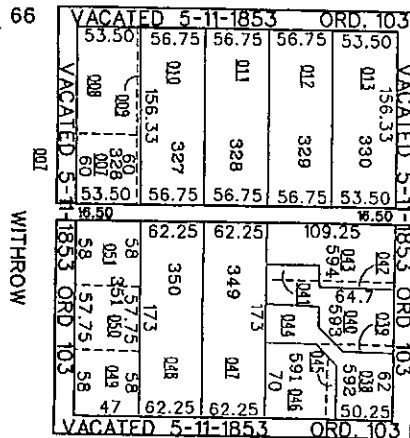
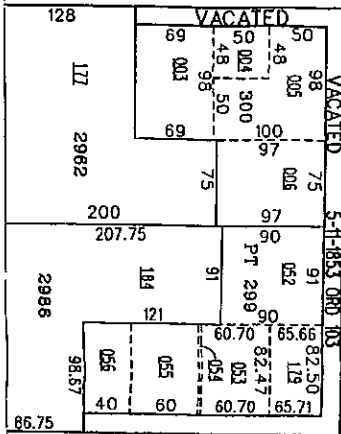
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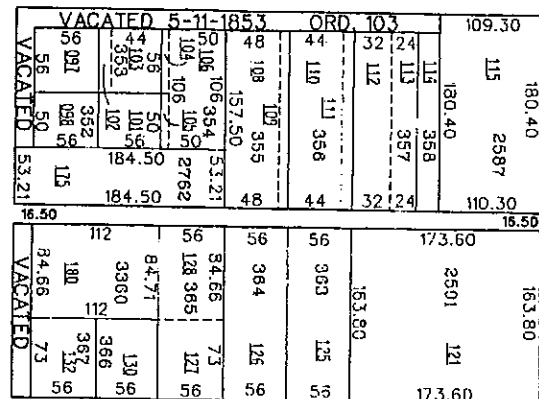
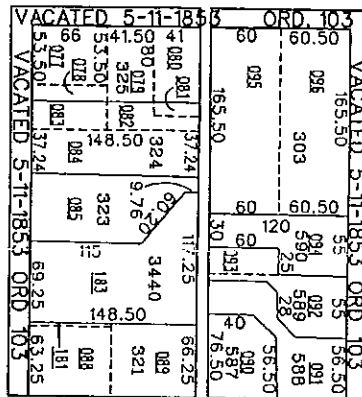
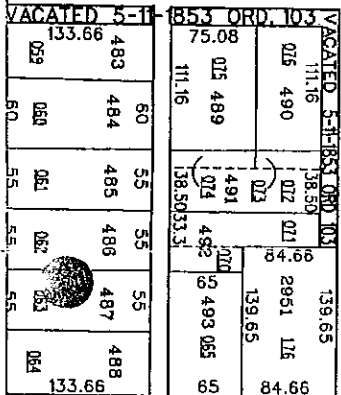
SYCAMORE

UNIVERSITY

AVENUE

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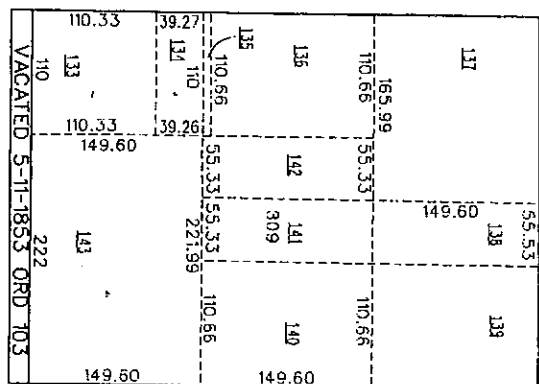
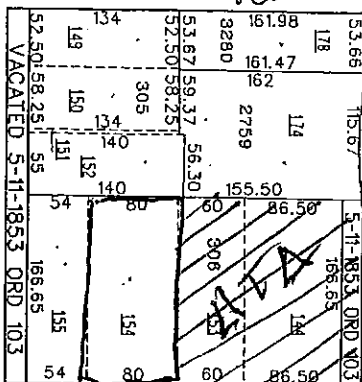
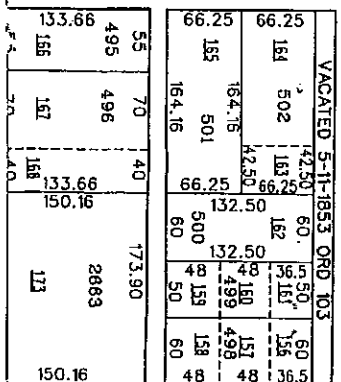
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BISHOP

STREET

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STREET



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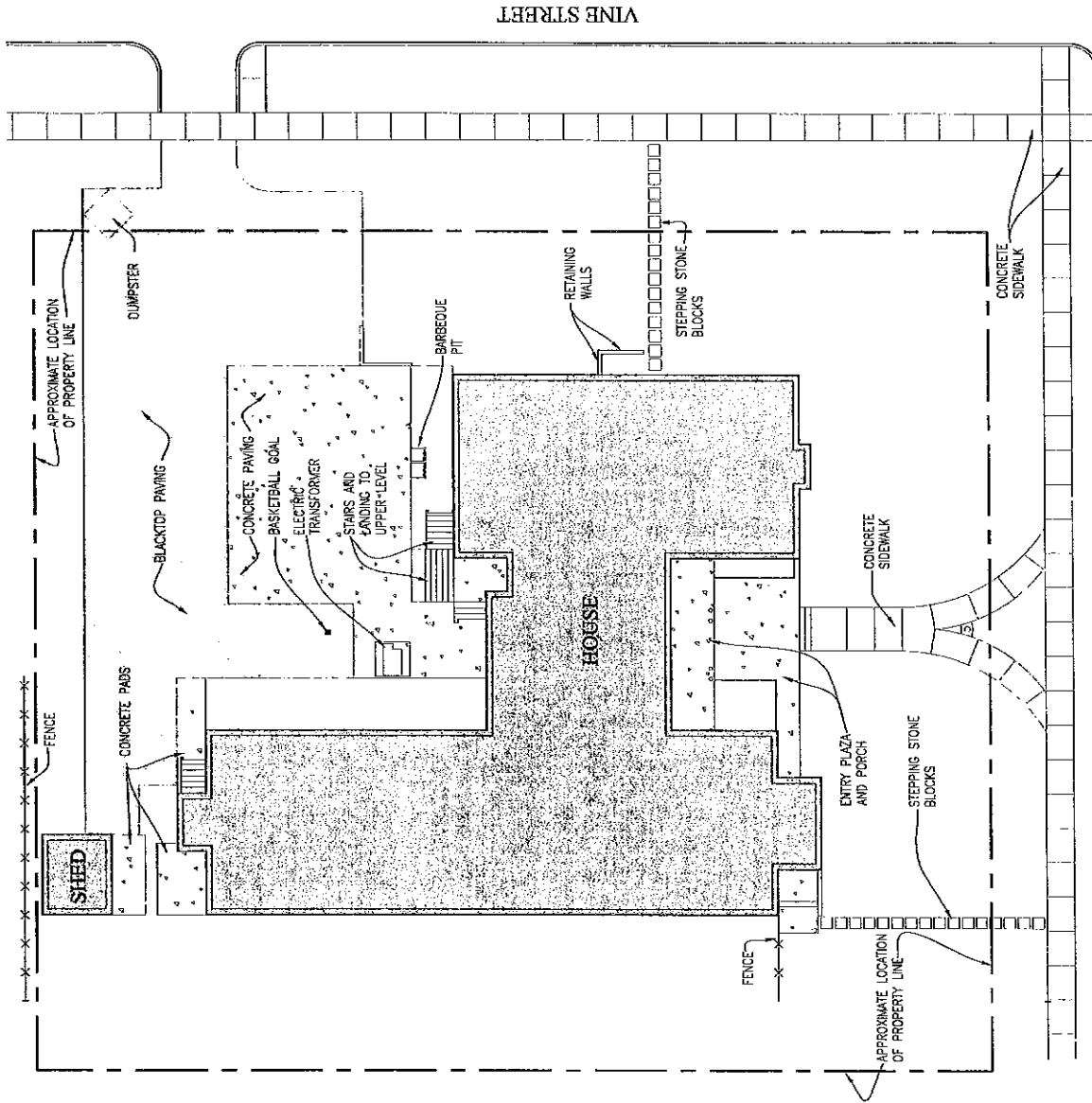
TALLAWANDA

ROAD

66

SEE PAGE 5

13280



SITE PLAN
SCALE: 1" = 20'

TALLAWANDA ROAD DELTA TAU DELTA

OXFORD, OHIO

DATE: 11/2/06

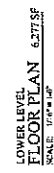
CONCRETE, LLC
Cleveland, Ohio 44115
Tel: 216.464.4400
Fax: 216.464.4400

ARCHITECTURE

OXFORD, OHIO

LOG DATE: 03/07/01 2004-07-07 AM

FILENAME: floor plans.dwg



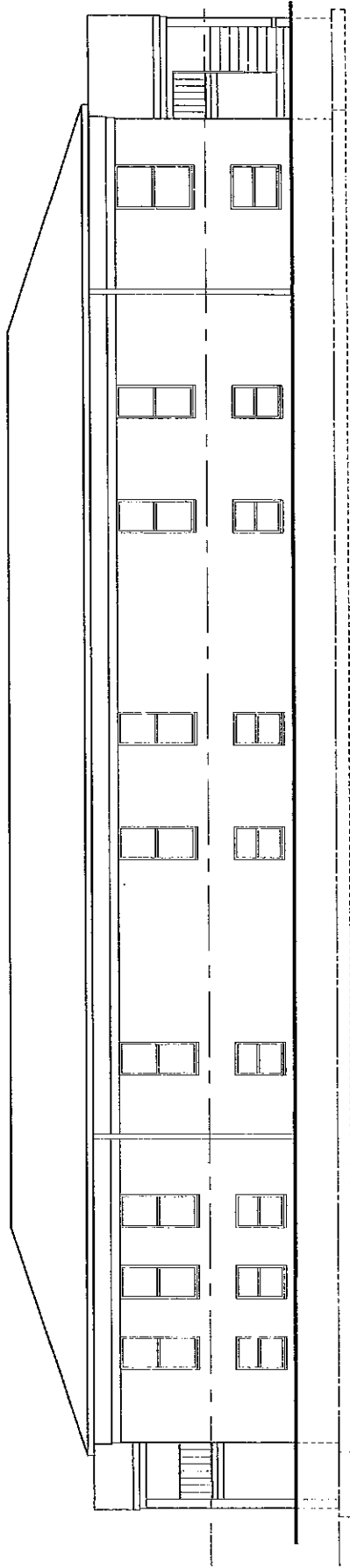


K&A ARCHITECTURAL, LLC
180 East Street
Oxford, Ohio 45050
Tel: 513.465.5000
Fax: 513.465.5008

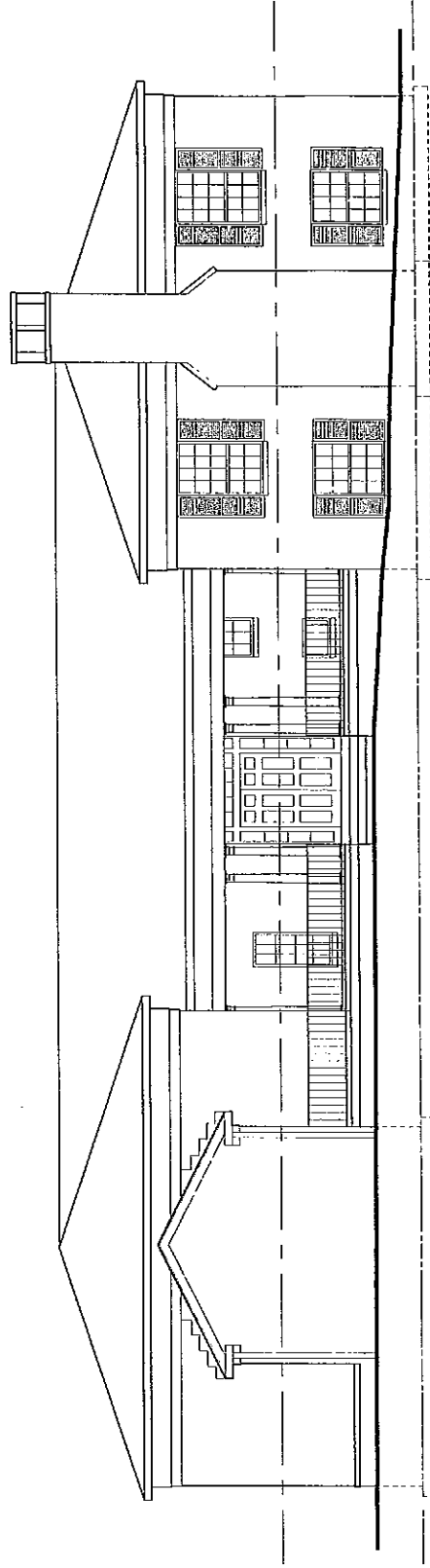
DATE: 11/20/09

DELTA TAU DELTA FRATERNITY

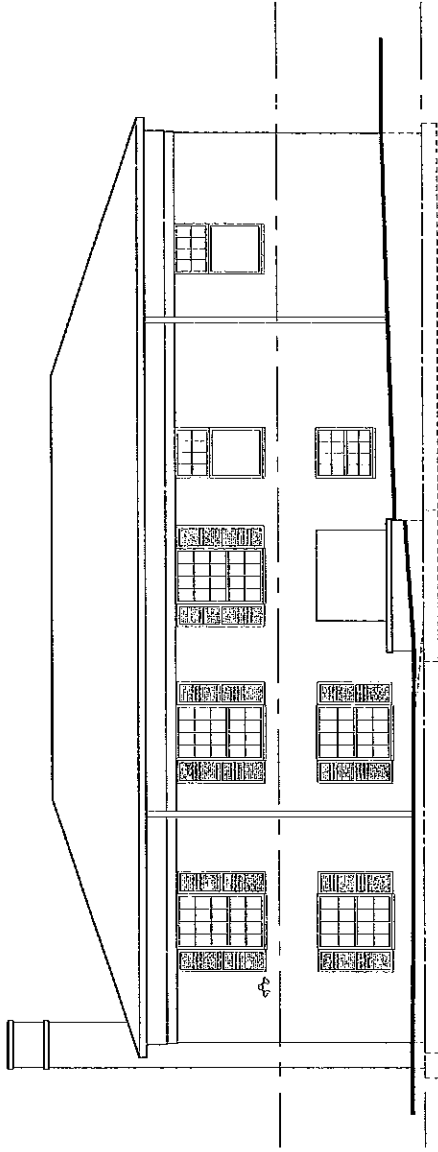
OXFORD, OHIO



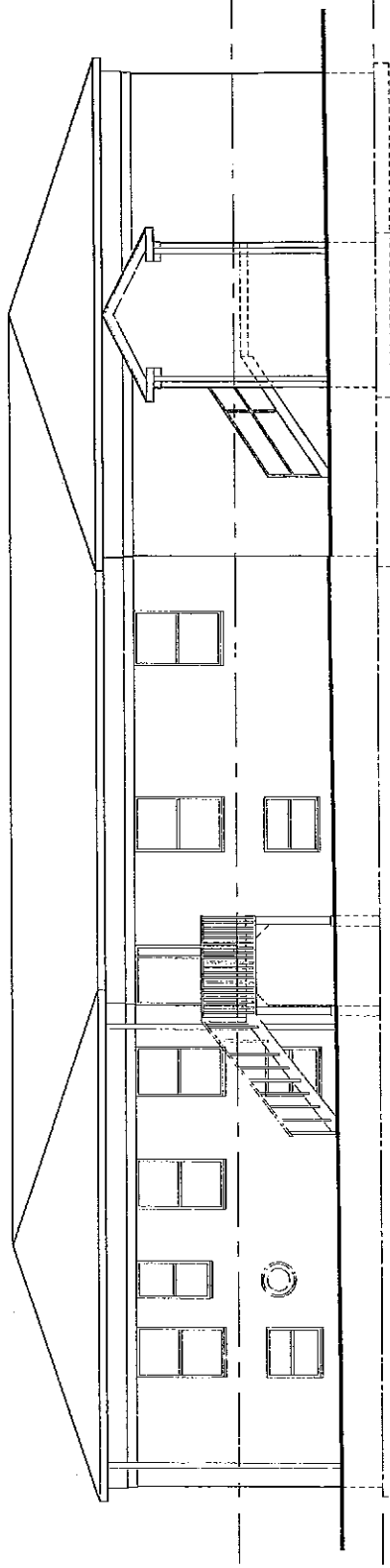
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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



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



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

DELTA TAU DELTA FRATERNITY

OXFORD, OHIO

DATE: 11/20/05

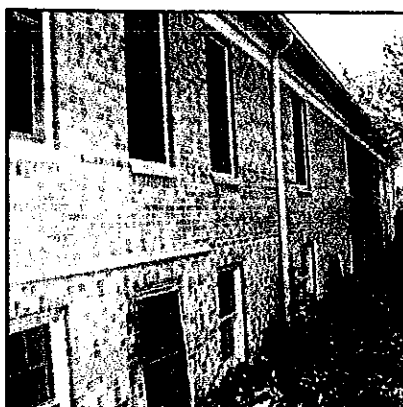
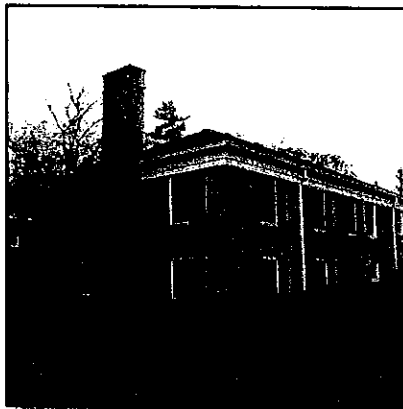
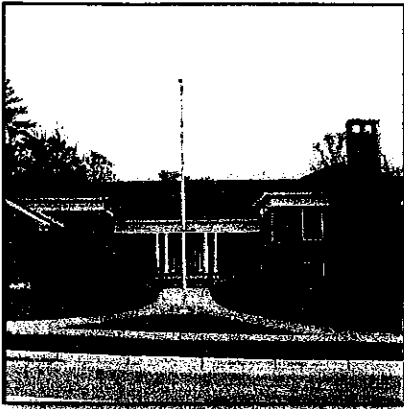
LOCATIONS: STATIONING AND ELEVATION FOR ROADWAY DESIGN
FILENAME: floor plan.dwg

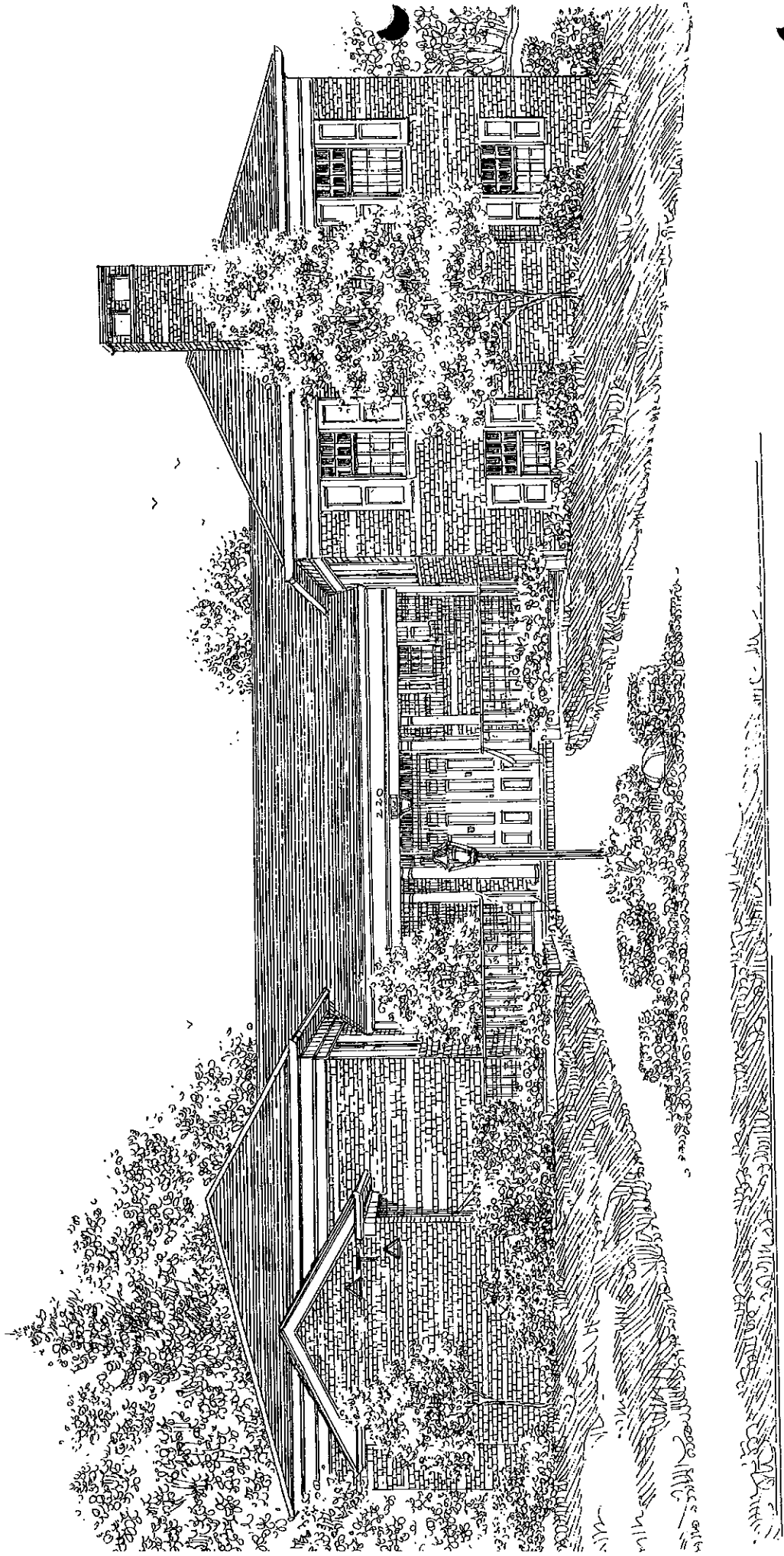
MANUFACTURE, LLC
500 West Street
Oxford, Ohio 45050
Tel: 614.455.0000
Fax: 614.455.0000

ARCHITECTURE

APPENDIX

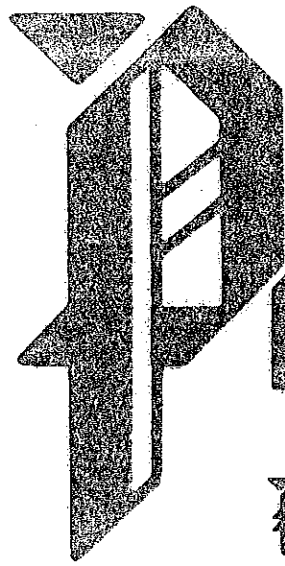
Exterior Photos





DELTA TAU DELTA
GAMMA UPSILON CHAPTER
MIAMI UNIVERSITY
OXFORD, OHIO

M. JAYNE MOORE · ©



Office of the Mayor

Proclamation

Whereas:

the Oxford Unit of the NAACP will host the Annual Freedom Fund Banquet at the Miami University Shriver Center Multi-Purpose Room and the theme is 'Transforming Our Community Through A Shared Vision, Equality for All Americans...Bold Dreams, Big Victories'; and

WHEREAS, the Banquet has grown over the years to become one of the most highly attended functions in the Oxford community; and

WHEREAS, the attendees of the Banquet represent all walks of life in the greater Oxford community; and

WHEREAS, since 1909 the NAACP's efforts have proved successful in historic legislative victories, and progressive changes that have affected our entire nation; and

WHEREAS, the NAACP focuses on challenging issues that are foremost in our changing society; and

WHEREAS, the Oxford Unit of the NAACP raises funds during this event to award scholarships to graduates of Talawanda High School; and

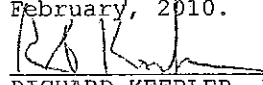
WHEREAS, this event will take place Monday, February 15, 2010 at 6:30 P.M. and the Keynote Speaker will be Cliff Frazier, who is a national and international peace advocate and Emmy award winning producer/director; and

NOW, THEREFORE, I, Richard Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim February 15th through the 19th as:

'FREEDOM FUND BANQUET WEEK'

and encourage all citizens to strive toward making positive changes in the community, especially during this week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 2nd day of February, 2010.


RICHARD KEEBLER, MAYOR

