



Agenda

Oxford City Council

Court House

TUESDAY, FEBRUARY 16, 2010

EXECUTIVE SESSION

7:15 P.M.

1. Roll Call. Richard Keebler, Mayor; Ken Bogard, Vice-Mayor; John Harman; Bob Blackburn; Kevin McKeehan; Kate Currie; Greig Rutherford

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Proclamation - African American Read-In Day



Proclamation

B. Presentation - Butler County Regional Transportation Authority - Carla Lakatos

C. Request for Use of Park - Diana Durr - VCB



Memo

D. Appointments to Boards and Commissions

E. Public Comments.

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

4. Consent Agenda.

A. Minutes of the February 2, 2010 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the January 27, 2010 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)



Report

C. Report regarding the January 27, 2010 Environmental Commission Meeting. (Mike Dreisbach, Service Director)



Report

D. Report regarding the February 3, 2010 Historic and Architectural Preservation Commission Meeting. Jung-Han Chen, Community Development Director)



Report

E. A Resolution declaring certain City property no longer needed for any municipal purpose and authorizing its donation to the 911 Cell Phone Bank. (Steve Schwein, Police Chief)



Staff Report/Resolution

- F. A Resolution authorizing the City Manager to enter into an agreement with the Hamilton County Emergency Management Agency on behalf of the Oxford Division of Police for the purpose of obtaining Homeland Security Equipment through a grant. (Steve Schwein, Police Chief)



Staff Report/Resolution

5. Resolutions

- A. A Resolution by Oxford City Council authorizing the continued placement of 67.3760 acres of land owned by EVR Investments, L.L.C. in an agricultural tax district. Said property address being 4160 Oxford Reily Rd., Oxford, Oh 45056 (Parcel No. H4100-132-000-001) in accordance with O.R.C. Chapter 929, The Farmland Preservation Act. (Steve McHugh, Law Director)



Staff Report/Resolution

- B. A Resolution designating public depositories and awarding the deposit of active public funds for a five-year period commencing April 5, 2010. (Joe Newlin, Finance Director)



Staff Report/Resolution

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

- A. First Reading.

1. None.

- B. Second Reading.

1. An Ordinance Approving A Conditional Use Permit To Permit A Place Of Worship In The General Business (GB) District At 5150 College Corner Pike, Oxford, Ohio. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

2. An Ordinance Approving A Conditional Use Permit To Permit A Fraternity House In The Single & Two Family Mile Square Residential (R2MS) District at 220 Tallawanda Road, Oxford, Ohio With Conditions. (Jung-Han Chen, Community Development Director)



Staff Report/Ordinance

3. An Ordinance Approving A Conditional Use Permit To Permit A Place Of Worship In The Uptown (UP) District At 17 N. Poplar Street, Oxford, Ohio. (Jung-Han Chen, Community Development director)



Staff Report/Ordinance

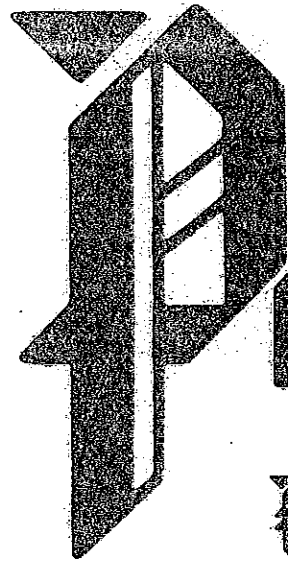
7. Announcements and Communications. The comments expressed by individual members of Council or City staff during the ‘Announcements’ portion of a City Council meeting do not necessarily reflect the views of the City of Oxford, The Oxford City Council, or the City staff.

A. Announcements.

1. Remarks from City Council and City staff. B . Future Meetings (Note: Meetings will be held at the Court House unless otherwise indicated.)

WED - Feb	17	Board of Zoning Appeals 7:30 p.m. - Cancelled
WED - Feb	17	Planning Commission Work Session 6:00 p.m. (Rescheduled from 2/9/10)
WED - Feb	17	Planning Commission Meeting 7:30 p.m. (Rescheduled from 2/9/10)
THUR - Feb	18	Recreation Board Meeting 12:00 p.m. Senior Citizens Center
THUR -Feb	18	Police Advisory Board Meeting 7:00 p.m. Senior Citizens Center
(Rescheduled		
FRI - Feb	19	Community Improvement Corporation Meeting 12:00 p.m. LCNB
MON - Feb	22	Housing Advisory Commission Meeting 7:00 p.m. Municipal Building
WED - Feb	24	Civil Service Commission Meeting 7:00 p.m.
WED - Feb	24	Environmental Commission Meeting 7:00 p.m. Municipal Building
TUES - Mar	2	City Council Meeting 7:30 p.m.
WED - Mar	3	Historical and Architectural Preservation Commission Meeting 7:30 p.m.
TUES - Mar	9	Planning Commission Meeting 7:30 p.m.
THUR - Mar	11	Police Advisory Board Meeting 7:00 p.m. Senior Citizens Center
TUES - Mar	16	City Council Meeting 7:30 p.m.
WED - Mar	17	Board of Zoning Appeals Meeting 7:30 p.m.
THUR - Mar	18	Recreation Board Meeting 12:00 p.m. Senior Citizens Center
FRI - Mar	19	Community Improvement Corporation Meeting 12:00 p.m. LCNB
WED - Mar	24	Civil Service Commission Meeting 7:00 p.m.
WED - Mar	24	Environmental Commission Meeting 7:00 p.m. Municipal Building

8. Adjourn



Office of the Mayor

Proclamation

Whereas: African and African Americans have a long, proud tradition of literacy excellence; and

WHEREAS, the NCTE Black Caucus and the National Council of Teachers of English are sponsoring the 21st Annual African American Read-In with the endorsement of the International Reading Association in order to bring public notice to the importance of reading and of African American writers' contributions to the American literacy tradition; and

WHEREAS, this literacy campaign, having begun in 1990 and continued throughout the decades, stands as one of the longest running, publicly supported literacy campaigns in the nation; and

WHEREAS, this event will take place at the King Library from 1:00 p.m. to 3:00 p.m. on February 22, 2010 with organizers and sponsors, Miami University Libraries, and Honorary Co-Chairs.

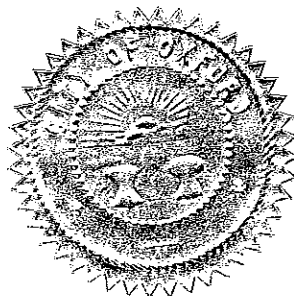
NOW, THEREFORE, I, Kenneth H. Bogard, Vice Mayor of the City of Oxford, Ohio, do hereby proclaim February 22, 2010 as,

'AFRICAN AMERICAN READ-IN DAY'

and urge all citizens of all ethnic groups to support this most worthwhile effort to make the celebration of literacy a traditional part of Black History Month activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 19th day of February 2010.

KENNETH H. BOGARD, VICE MAYOR



**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>JAC</i>	<i>1/29/10</i>

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PLACE OF WORSHIP IN THE UPTOWN (UP) 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 Uptown (UP) 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 Uptown (UP) 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 Uptown (UP) 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

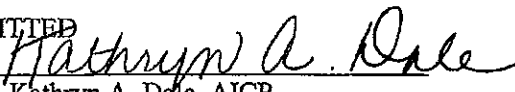
The proposed use is in fact a conditional use in the UP District and appears to satisfy all of the Decision Standards. No specific strategies or objectives are directly accomplished; attributes of the Comprehensive Plan are achieved. There are no modifications to the existing structure and no use affiliated 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:

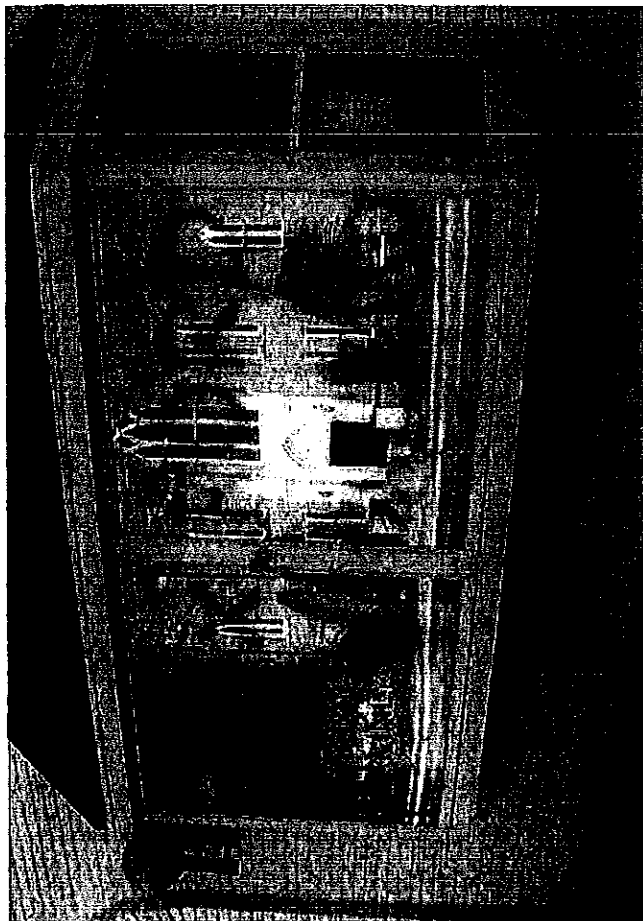
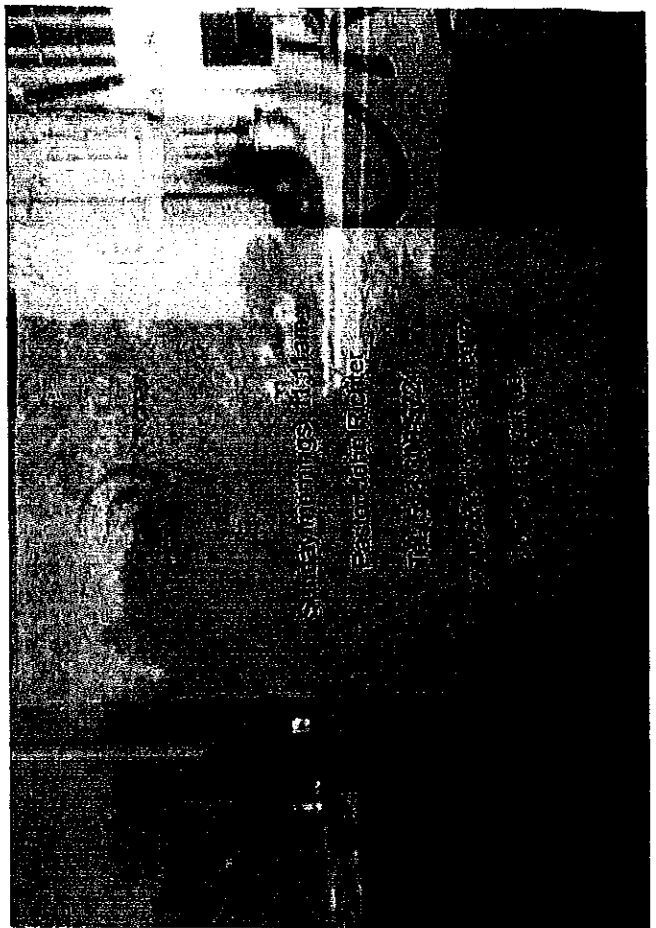
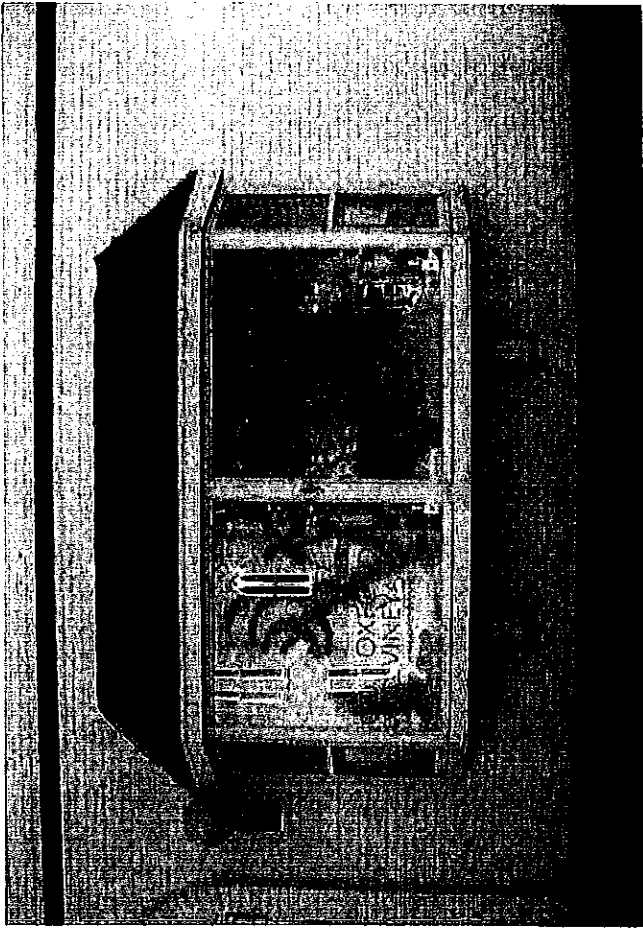
Please be advised that it has come to the attention of the Community Development Department that a place of worship is operating out of the above address. The subject property is in the "UP" Uptown District. Places of worship are considered as a Conditional Use in this district, per Section 1143.10(b)(2)B.4. 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**

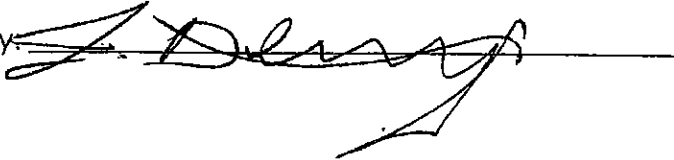
 X Review Revisions Other

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

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Description:

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

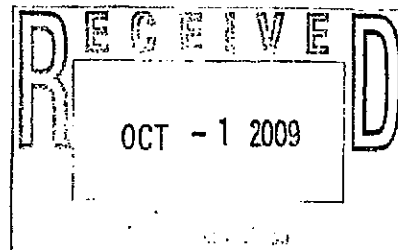
 X Review Revisions Other

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

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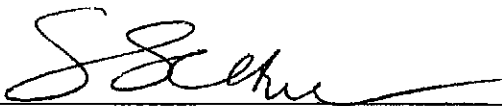
____X____ Review _____ Revisions _____ Other

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

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Description:

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

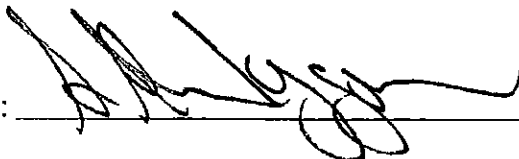
____X____ Review _____ Revisions _____ Other

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
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: 2384 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 Amy Hines Date: Sept. 28, 2009
Signature of Applicant Printed Name

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 tinme. 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 grews, 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.

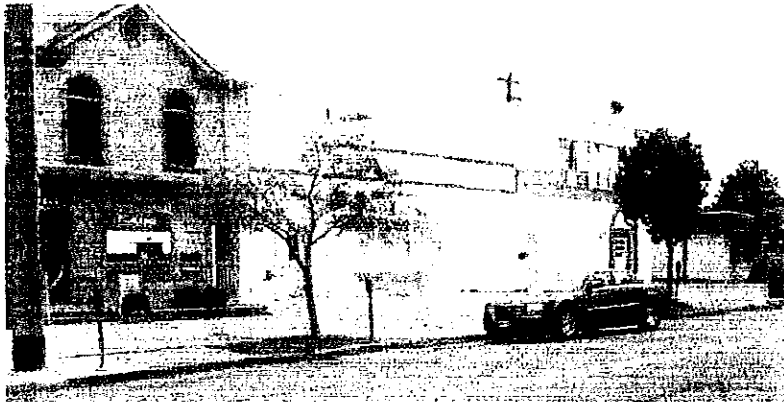
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.***

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



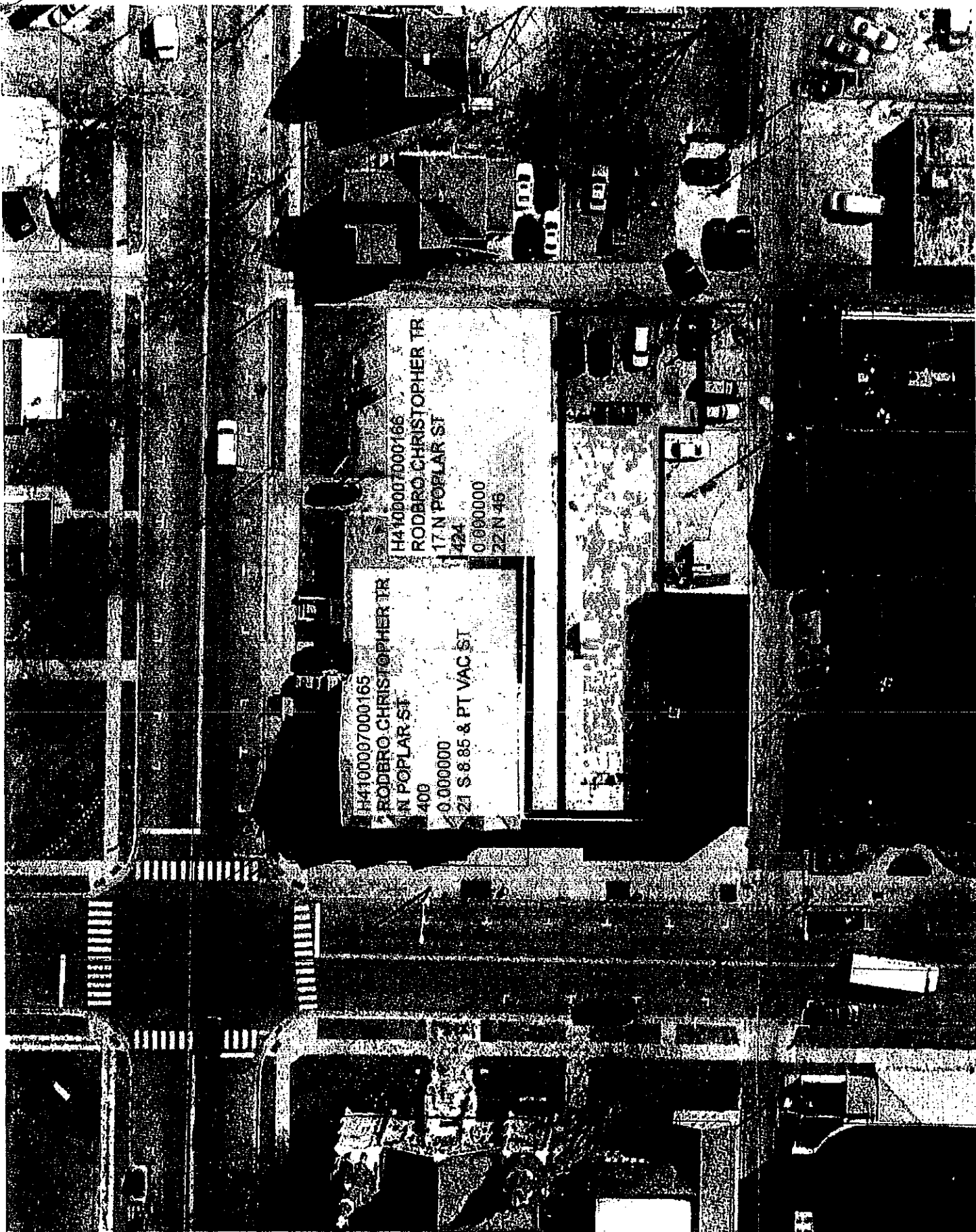
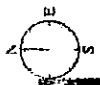
17 N. Poplar – building in center with bay window



Brick Street – bar southwest of subject property



Methodist Church across Poplar to the west of subject property



Scale: 1 inch = 41 feet

Copyright ©2007 Pictometry International Corp.



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 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
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Discussion:

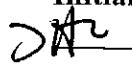
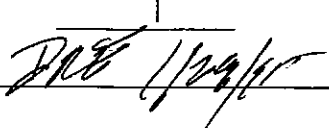
The Planning Commission held a Public Hearing for this Conditional Use application to allow for a fraternity house in an R2MS (Single- and Two-Family Mile Square Residential) District. The Applicant wishes to re-occupy the existing fraternity house. The fraternity was suspended in 2000 and was not recognized 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.

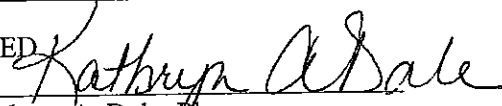
The proposed use is in fact a conditional use in the "R2MS" Single and Two-Family Mile Square Residential Zoning District and appears to satisfy all of the Decision Standards. No specific strategies or objectives are directly accomplished of the Comprehensive Plan; however this request would be an alleviation 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**

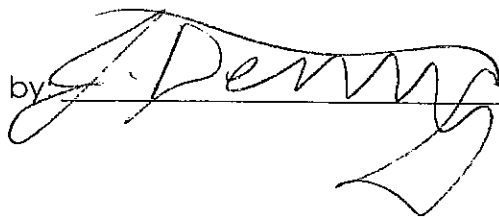
 X Review Revisions Other

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

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 X Review Revisions Other

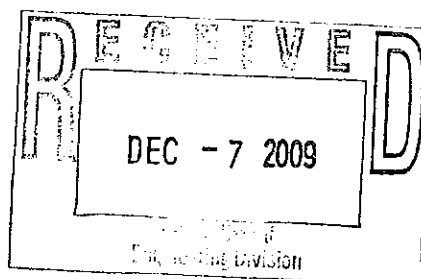
Comments or status update requested by: Lynn Taylor

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

Drawings are being submitted to you for the following:

Case #: PC-01-2010

Description:

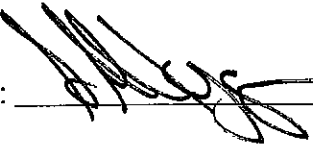
PC-01-2010 **CONDITIONAL USE**, 220 Tallawanda, Gamma Upsilon Housing Association,
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Residential) District, **Robert Carmean, Applicant, Agent**

 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: 

"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





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 dark ink, appearing to read "Steven Sutermeister", is written over a horizontal line.

Steven Sutermeister
President, Gamma Upsilon Housing Association
Property Owner

A handwritten date "11/23/09" is 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

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 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

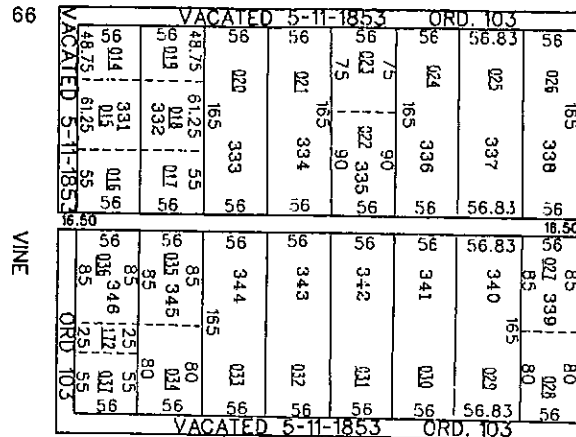
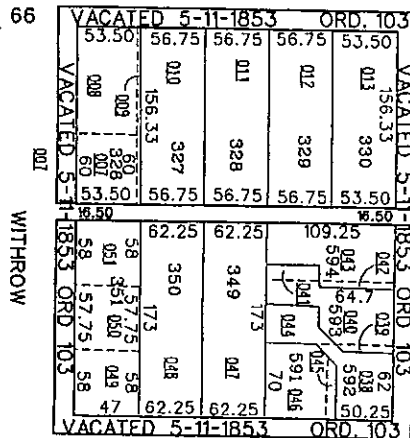
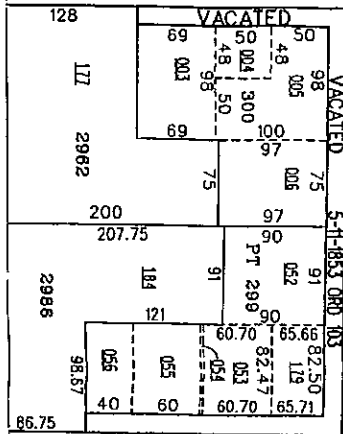
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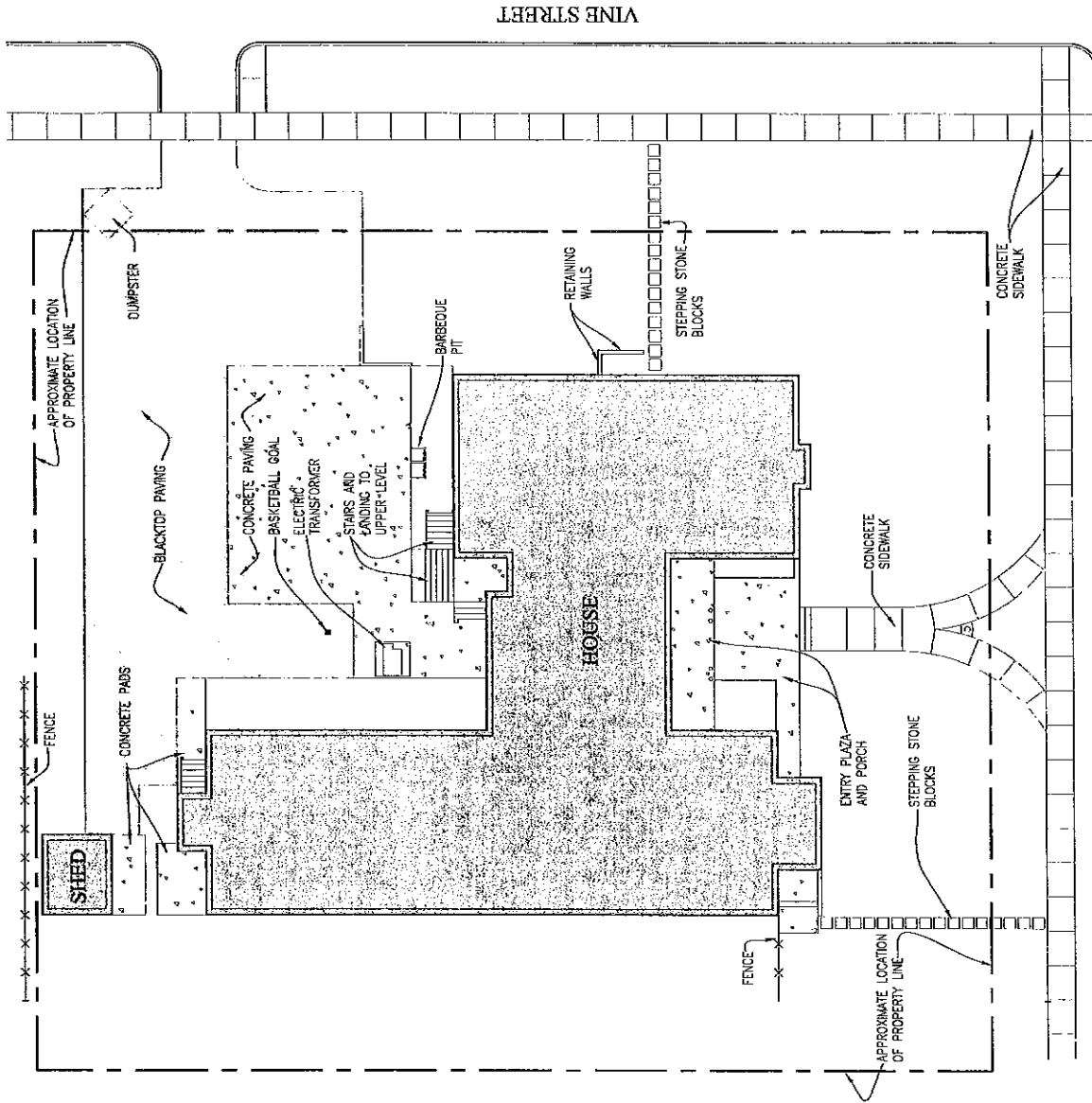
VACATED 5-11-1853 ORD. 103

CAMPUS

AVENUE

CAMPL





SITE PLAN
SCALE: 1" = 20'

TALLAWANDA ROAD **DELTA TAU DELTA**

OXFORD, OHIO

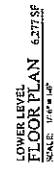
DATE 11/2/06

CONTEMPORARY LLC
Cleveland, Ohio 44115
Tel: 216.464.4444
Fax: 216.464.4444

ARCHITECTURE

OXFORD, OHIO

FILE LOCATION: X:\2000 Projects\K13\J1311\J1311.dwg FILE NAME: floor plans.dwg



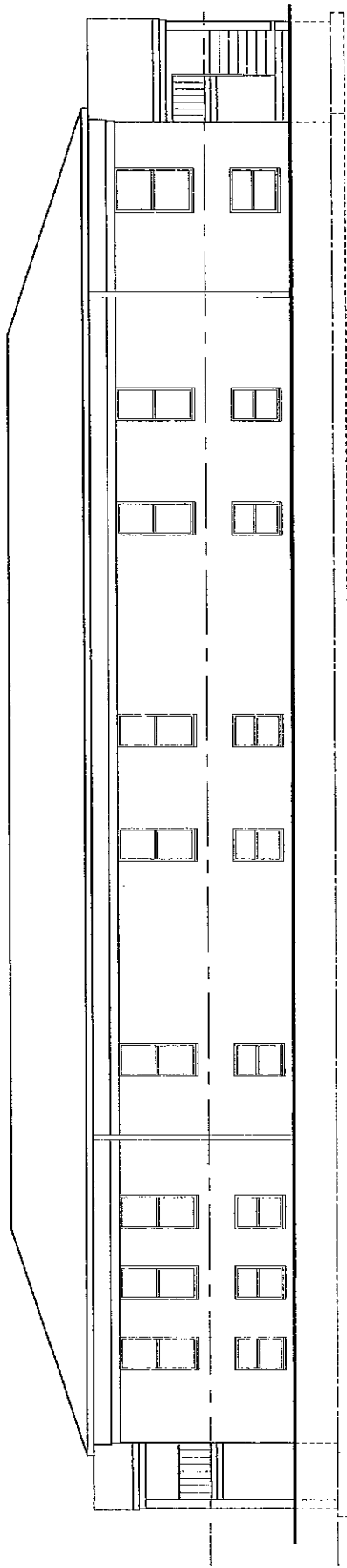


Delta Tau Delta Fraternity, Inc.
11/20/09
11/20/09
11/20/09
11/20/09

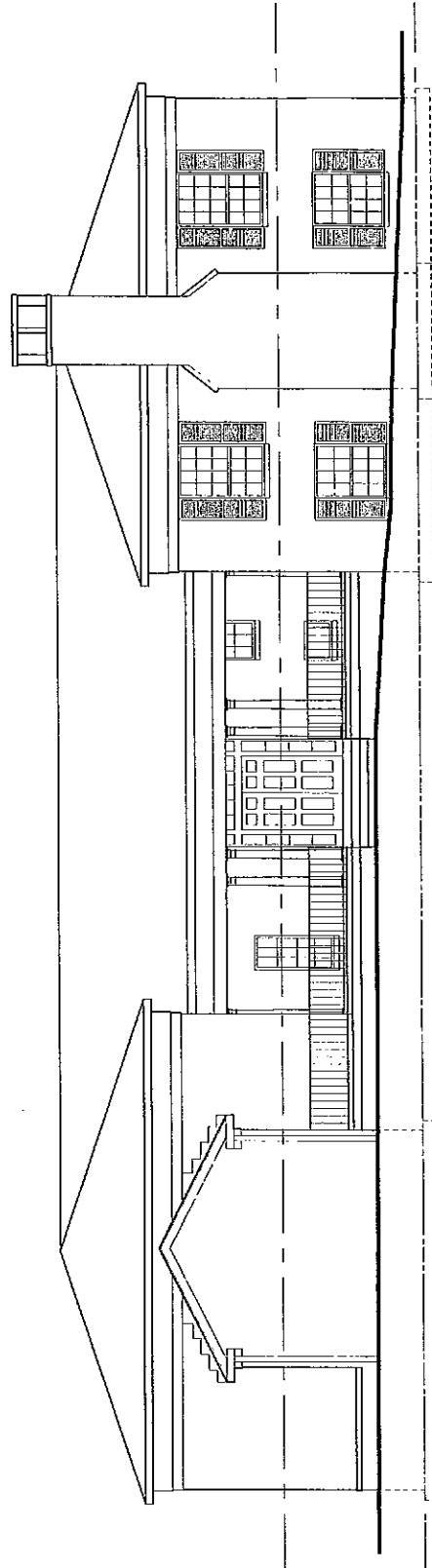
DATE: 11/20/09

DELTA TAU DELTA FRATERNITY

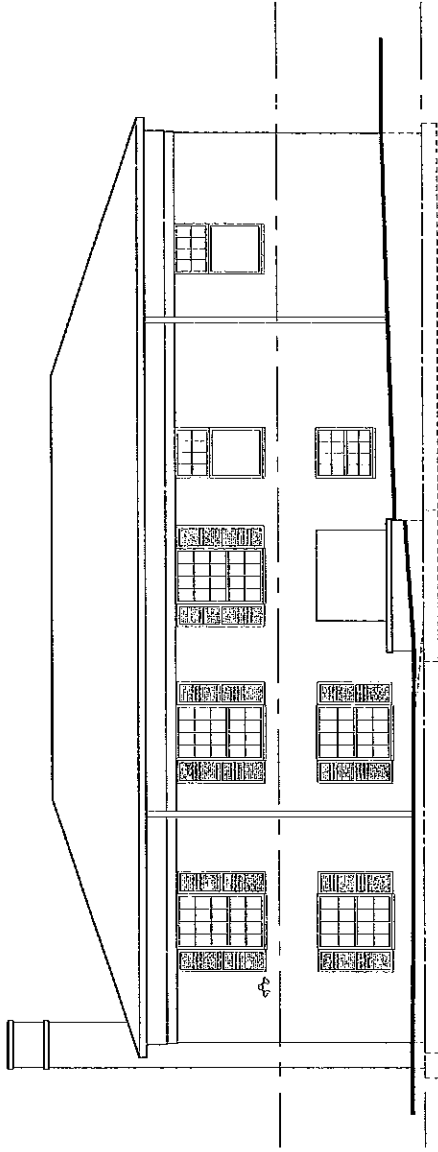
OXFORD, OHIO



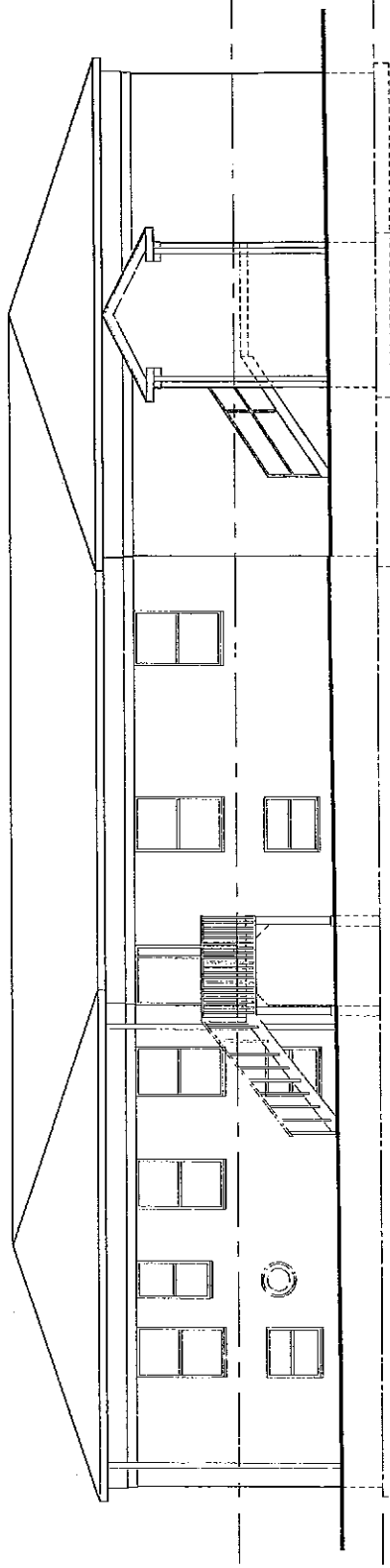
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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

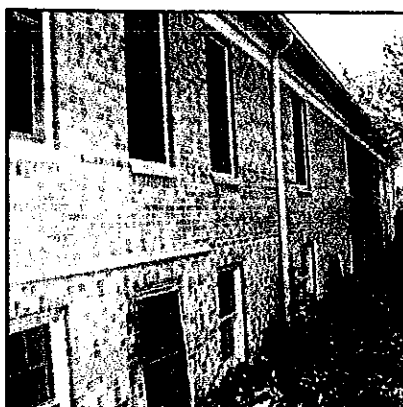
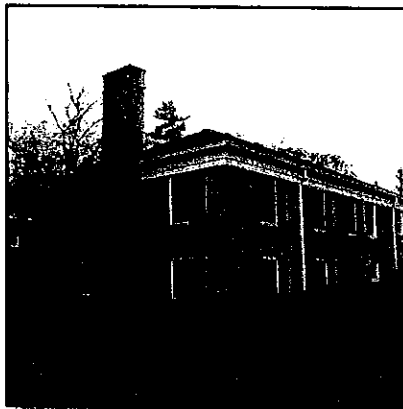
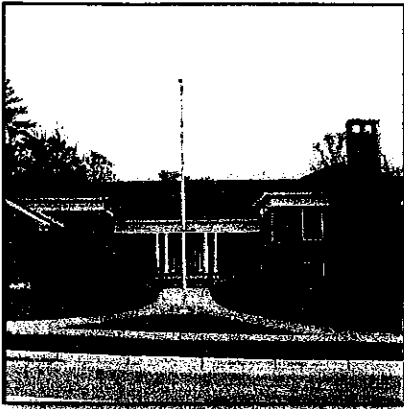
LOCATIONS: 11/20/05
FILENAME: floor plan.dwg

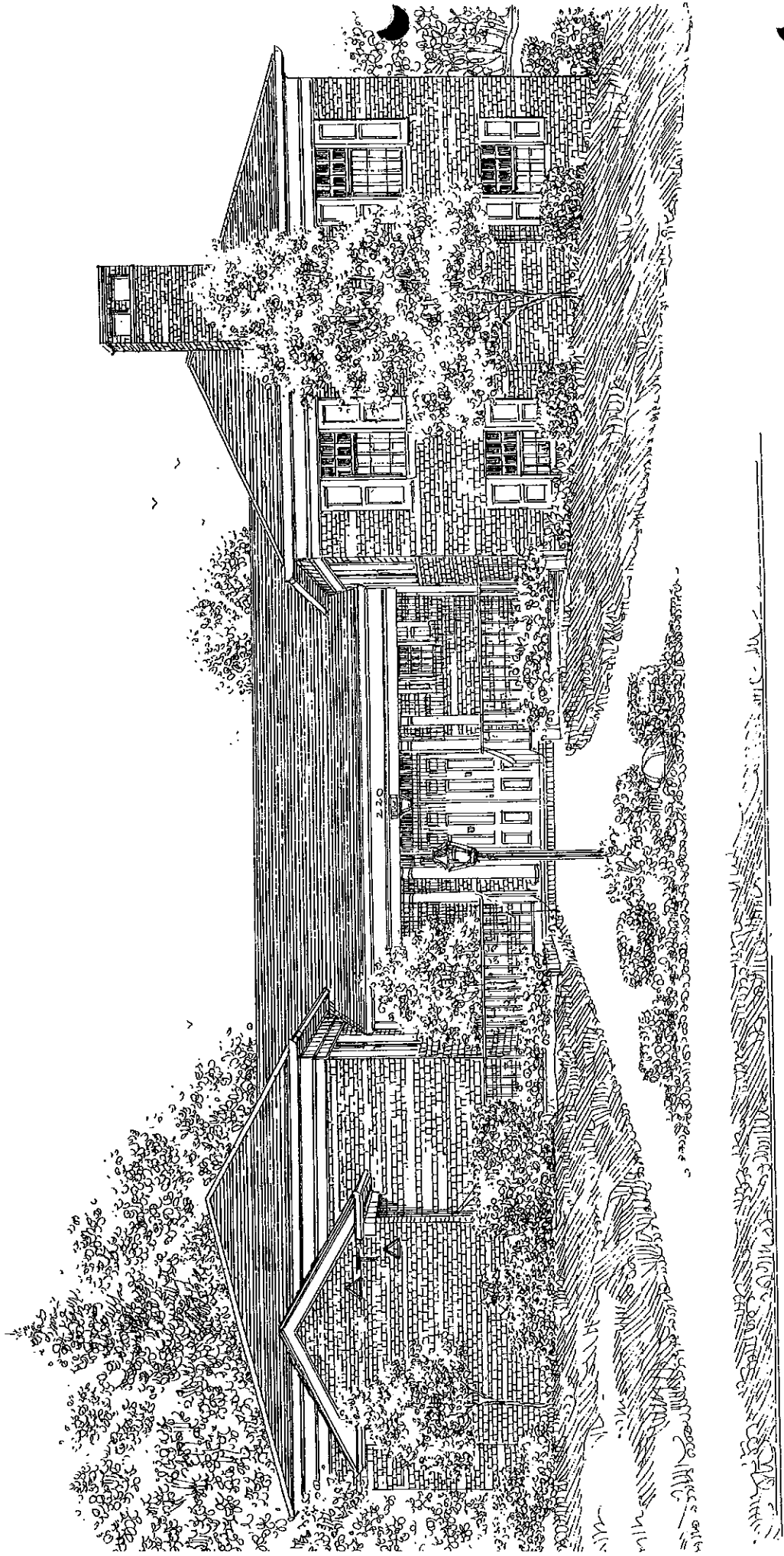
MANUFACTURE, LLC
500 West Street
Oxford, Ohio 45050
Tel: 614.455.0000
Fax: 614.455.0000

ARCHITECTURE

APPENDIX

Exterior Photos





DELTA TAU DELTA
GAMMA UPSILON CHAPTER
MIAMI UNIVERSITY
OXFORD, OHIO

M. JAYNE MOORE · ©

**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
----------------------	--

Recommendation:	Approval
------------------------	-----------------

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:

Department Head:

City Attorney:

City Manager:

Initial Date

JHC | 1/15/10

DNE / 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

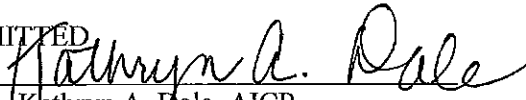
A copy of the Zoning Code Conditional Use Decision Standards is attached.

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

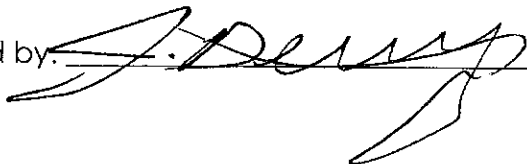
 X Review Revisions Other

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

*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:

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 X Review Revisions Other

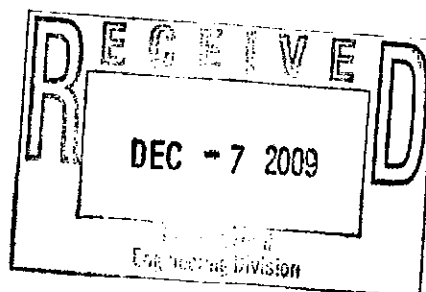
Comments or status update requested by: Lynn Taylor

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

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.

3.

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

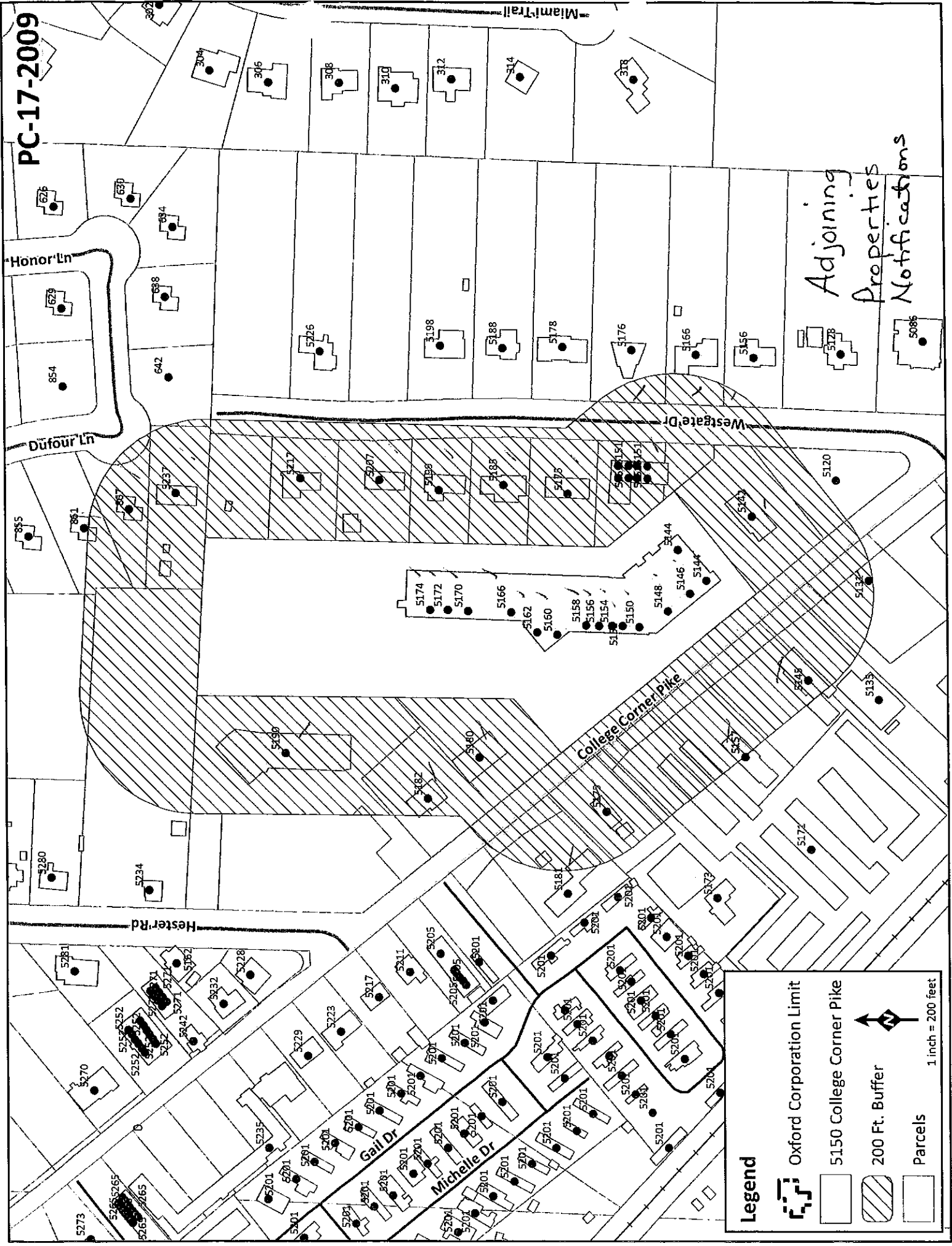
☒ Review ☐ Revisions ☐ Other

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: _____



Adjoining
Properties
Notifications

Legend

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

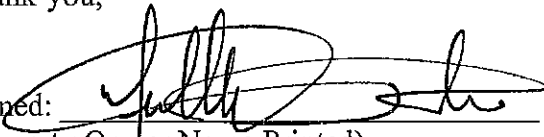
1 inch = 200 feet

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.

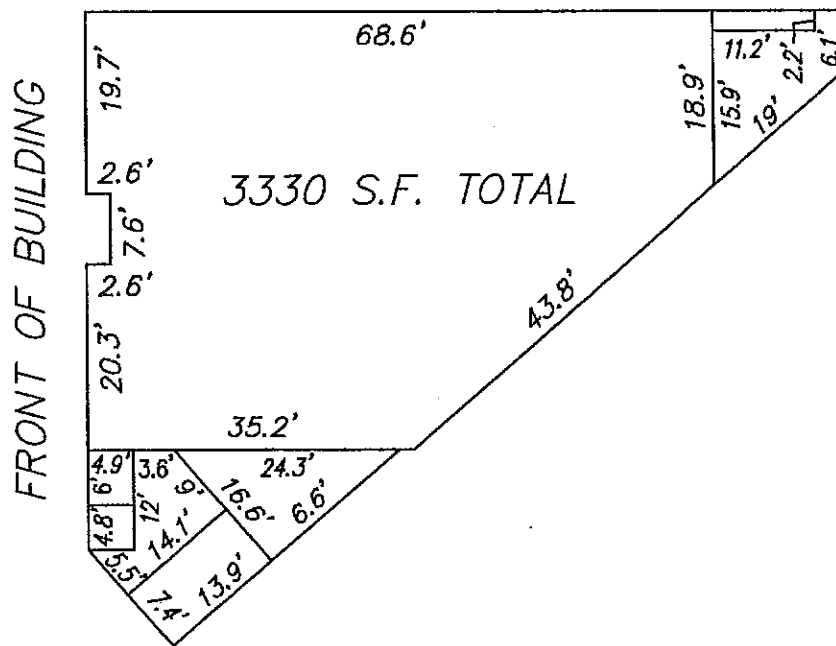
- A. The proposed use is a conditional use in the zoning district in which it is proposed.
- B. The GB district is intended to provide service establishments and to satisfy the needs of the community. The applicant church is providing a service to the community.
- C. This is an existing site. The use 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

Finance

Originating Department

Council Meeting Of: 02/16/10

Joe Newlin

Account Code No. #: NA

Prepared By

Budgeted Amount: NA

02/11/10

Date Prepared

Agenda Title: **BANKING DEPOSITORY RESOLUTION**

Recommendation: **Approve**

Discussion:

BACKGROUND

The five-year agreement for banking depository services with the current bank depository will expire on April 2, 2010. The Request for Proposals for bank depository services for next five years was issued in November to all institutions with branches in Oxford, and was due by 2:00 p.m., January 29, 2010. Four local banks responded to the depository section of the RFP with JP Morgan Chase declined. Proposals were received by the following banks:

Fifth Third Bank
U S Bank N.A.
LCNB National Bank
First Financial Bank

BASIS FOR DECISION

The basis for the decision, as stated in item 15 in the RFP, "The City will choose it services based on the combination of the best service package and lowest service cost....It is our intent for you to receive a competitive return for the depository services rendered, while at the same time maximizing the cost savings and investment earnings of the City's funds."

Based on our qualitative review of the proposals received (see attached Exhibit A: Highlight Review of Depository Services), we are recommending First Financial Bank as the depository for City of Oxford funds.

Approved By:

Department Head:
City Manager:

Initial Date

[Signature] 2/11/10
[Signature] 2/12/10

RESOLUTION NO.

RESOLUTION DESIGNATING PUBLIC DEPOSITORIES AND AWARDING THE DEPOSIT OF ACTIVE PUBLIC FUNDS FOR A FIVE-YEAR PERIOD COMMENCING APRIL 5, 2010.

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

SECTION 1: Applications for active deposits of the City of Oxford have been received from:

The Fifth Third Bank
U.S. Bank N.A.
LCNB National Bank
First Financial Bank

each of which has proposed to accept all or any part of the City of Oxford active deposits insofar as they are permitted by law to do so.

SECTION 2: The active deposits of the City of Oxford are hereby awarded to First Financial Bank, as provided for in Chapter 135 of the Ohio Revised Code for the five year period commencing April 3, 2010, and ending April 5, 2015. The amounts of such active deposits to be awarded to said bank as determined in accordance with the provisions of Ohio Revised Code Section 135.04, shall exclude the parking meter coin funds.

A depository account will be retained with LCNB National Bank for the convenience by proximity for the deposit of parking meter coins collected.

The City Auditor shall determine the dollar amounts to be deposited as said funds become available pursuant to law.

SECTION 3: Interest earned through pooled investments or individual investments shall be allocated to the participating funds in accordance with generally accepted accounting procedures. Interest may be earned by funds which derive a substantial portion of funding assistance from subsidies from another fund. In such cases, interest earned shall be credited to the fund contributing the subsidy. Interest shall be apportioned and credited to new funds as they are created.

SECTION 4: The City Manager and Finance Director are hereby authorized to take all steps necessary to execute all documents necessary to effectuate the terms of this Resolution.

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)

Exhibit A: Highlight Review of Depository Services

	<u>LCBN</u>		<u>First</u>		<u>Fifth</u>		<u>US Bank</u>	<u>JP Morgan Chase</u>
	<u>National Bank</u>		<u>Financial Bank</u>		<u>Third Bank</u>			
Interest	.25% of 93% of daily balance (7% FDIC assessment)	.15% of daily balance (.35% Public Fund Money Market)	.05% daily Star Ohio Rate (.40% ECR)	.40% ECR				N/A
Monthly Fees	\$ 7,441.94	\$ 7,187.95	\$ 16,065.16	\$ 28,240.79				N/A
	\$ 2,028.86 (\$1 Million daily balance)			\$ 19,738.31 After correction				
ACH Cutoff	1:00 PM	4:00 PM	4:00 PM	8:00 PM				N/A
Coin Rolling	Coin Machine with city personal present. Free of charge.	Not in Oxford.	Yes	Will provide wrappers.				N/A
Online Banking Security	Multi-Factor Authorization Two log in screens	Login plus Security Token Or Trusted ID	Login plus Security Token	Login plus Security Token				N/A
FDIC Assessment	.25% of 93% of daily balance (7% FDIC assessment)	Considering for future.	None	\$.1095 per thousand (average collected balance)				N/A
Public Fund Relationship Manager	Branch Manager	Yes Branch Manager	Yes Branch Manager	Yes Branch Manager				N/A

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Originating Department

Council Meeting Of: February 16, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 9, 2010

Date Prepared

Agenda Title: A Resolution by Oxford City Council authorizing the continued placement of 67.3760 acres of land owned by EVR Investments, L.L.C. in an agricultural tax district, said property address being 4160 Oxford Reily Rd., Oxford Ohio 45056.

Recommendation: Adopt the Resolution

Discussion:

An agricultural district provides protection against nuisance suits over farm operations, deferment of tax assessments on land to build sewer and water lines, and allows for additional review if land is taken by eminent domain for a public purpose.

Applications for placing land in an agricultural district are available from each county auditor's office. Landowners with farms located within municipalities must file with the county auditor and also with the clerk of the municipality. The legislative body of the municipality must then have a public hearing on the application within 30 days. The municipal legislative body may approve, approve with modifications, or reject the application. If the legislative body modifies or rejects an application they must be able to demonstrate that having the land placed in an agricultural district would create a substantial adverse effect on:

1. The provision of municipal services within the municipal corporation;
2. Efficient use of land within the municipal corporation;
3. The orderly growth and development of the municipal Corporation;
4. The public health, safety or welfare (ORC 929.02 [B])

If an applicant has been denied a request for being in an agriculture district or has had an application modified, the decision of the legislative body and the county auditor may be appealed to the court of common pleas (ORC 929.02[A][2] and [B]).

In February of 2005 an initial application was made for placement of farmland (3 parcels) in an agricultural district in accordance with the Farmland Preservation Act. The incorporated parcel was overlooked and the City was not notified of the initial application. An agricultural district expires in 5 years and the City was notified of the filing of the renewal application.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

[Signature] 2/12/10

RESOLUTION NO. _____

A RESOLUTION BY OXFORD CITY COUNCIL AUTHORIZING THE CONTINUED PLACEMENT OF 67.3760 ACRES OF LAND OWNED BY EVR INVESTMENTS, L.L.C. IN AN AGRICULTURAL TAX DISTRICT, SAID PROPERTY ADDRESS BEING 4160 OXFORD REILY RD., OXFORD, OH 45056 (PARCEL NO. H4100-132-000-001) IN ACCORDANCE WITH O.R.C. CHAPTER 929, THE FARMLAND PRESERVATION ACT.

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

SECTION 1. The Farmland Preservation Act, approved by the Ohio General Assembly in 1982, provides that farmland may be placed in an agricultural tax district, in accordance with O.R.C. Chapter 929.

SECTION 2. The City of Oxford has received a renewal application from EVR Investments, L.L.C. for continued placement of the property consisting of 67.3760 acres, in such agricultural tax district.

SECTION 3. The Council for the City of Oxford held this date a public hearing on said application as provided by law.

SECTION 4. City Council hereby approves the renewal application for continued placement of the property owned by EVR Investments, L.L.C., 67.3760 acres as described in the application filed with the City, in accordance with the Farmland Preservation Act which provides a farm owner the following:

- (1) Deferment of water, sewer and electrical assessments.
- (2) Limited protection for lawsuits alleging nuisance.
- (3) Limited protection from eminent domain proceedings.

SECTION 5. The placement of real property in an agricultural tax district does not change the current zoning of the property.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

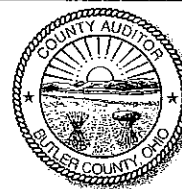
PREPARED BY: LAW (STAFF)

**ROGER
REYNOLDS**
BUTLER COUNTY AUDITOR CPA

Office Phone: 513-887-3154

Office Fax: 513-887-3149

130 High Street
Hamilton, Ohio 45011



RECEIVED
JAN 25 2010
City of Oxford

January 20, 2010

Mary Ann Eaton
Clerk of Council
101 E.High St.
Oxford, OH. 45056

Dear Ms. Eaton:

Please find enclosed an application for the Placement of Farm Land in an Agricultural District. This application requires action by your legislative body. Please refer to part "F" on the back of the application for instructions and time frames.

I would appreciate your attention to this matter. If you have any questions, you can contact me at 513-887-3146. Thank You.

Yours very truly,

Roger Reynolds, CPA
Butler County Auditor

Harold Baxter
By: Harold Baxter
Deputy Auditor
Real Estate

APPLICATION FOR PLACEMENT OF FARMLAND
IN AN AGRICULTURAL DISTRICT (R.C. Section 929.02)
(See Reverse Side for Instructions Before Completing Application)

New Application _____
Renewal Application ☒

A. Owner's Name: EVR Investments LLC
Owner's Address: 847 S. State Rd. 101 Liberty, TN. 37353
Description of Land as Shown on Property Tax Statement: 1534 PT LOT 5 ; 2664 ENT
Location of Property 4100 DIXIE HWY RD , Benton
Street or Road County

TAX DISTRICT(S)
OXFORD TAZ DL
OXFORD TAZ DL
OXFORD CORP TAZ DL

PARCEL NUMBER(S)
H3610-037-000-011
H3610-037-000-012
H4100-132-000-001

Total Number of Acres 182.321

B. Does any of the land lie within a municipal corporation limit? Yes ☒ No _____

C. Is the Land presently being taxed at its current agricultural use valuation under Section 5713.31 R.C.? Yes ☒ No _____

1. If "NO" show the following evidence of land use:

	LAST YEAR Acres	TWO YEARS AGO Acres	THREE YEARS AGO Acres
Cropland			
Permanent Pasture			
Woodland			
Land Retirement or Conservation Program			
Building Areas			
Roads and Waste			
Total Acres			

D. If the land for which application is being made is less than 10 acres then:

1. Attach evidence of the gross income for each of the past 3 years, or
2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred dollars or more, evidence must be attached showing the anticipated gross income.

By signing this application, I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct report.

Signature of Owner EVR Investments LLC by
Managing member Date: 1/18/2010

BELOW THIS LINE FOR OFFICIAL USE ONLY

Filed with County Auditor JAN 20 2010
County Auditor's Signature Harold Batten - Deputy
Date Filed (if required) with Clerk of Municipal Corporation _____
Clerk's Signature _____

Action of Legislative Body of Municipal Corporation

Application Approved _____, Approved with Modifications _____, * Rejected _____ *
Date of Legislative Action _____, Clerk's Signature _____

*IF MODIFIED OR REJECTED, ATTACH SPECIFIC REASONS FOR MODIFICATION OR REJECTION

INSTRUCTIONS AND INFORMATION
FOR COMPLETING APPLICATION FORM

A. WHO MAY FILE?

Any owner of land used for agricultural production may file an application to have the land placed in an agricultural district.

B. WHAT IS LAND USED FOR AGRICULTURAL PRODUCTION?

Land is devoted to agricultural production when it is used for commercial, agriculture, animal husbandry, poultry husbandry; the production for commercial purposes of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs and trees; flowers or sod; or any combination of such husbandry or production including, but not limited to, the processing, drying, storage and marketing of agricultural products.

C. WHAT DOES "TRACTS, LOTS, OR PARCELS OF LAND" MEAN?

Tracts, lots, or parcels mean distinct portions of pieces of land (not necessarily contiguous) where the title is held by one owner, as listed on the tax list and duplicate of the county, is in agricultural production and conforms with the requirements of either D1, D2, or D3.

D. ARE THERE ANY OTHER REQUIREMENTS?

1. The land for which the application is made must have been used exclusively for agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with a federal agency for the three consecutive calendar years prior to the year in which application is made. Evidence must be shown on the application. If the land contains timber which is not being grown for commercial purposes, the land on which the timber is growing must be contiguous to or part of a parcel under common ownership that is otherwise devoted exclusively to agricultural use.
2. If the total amount of land for which application is made is less than 10 acres, there is an additional requirement that the applicant submit evidence with his application that the activities conducted on the land have produced an average yearly gross income of at least twenty-five hundred dollars over the three years immediately preceding the year in which application is made or that the land will produce an anticipated annual gross income of that amount.
3. Evidence of annual gross income may be satisfied by attaching to the application form a short statement stating the number of animals by species and anticipated market value, number of acres of crops to be grown, their expected yield and price per bushel or similar specific information.

E. INSTRUCTIONS FOR COMPLETING APPLICATION.

Print or type all entries.

List description of land as shown on the most recent tax statement or statements. Show total number of acres.

Describe location of property by roads, etc., and taxing district where located.

State whether any portion of land lies within a municipal corporation.

For land to be taxed at current agricultural use valuation, an initial application must be submitted to and approved by the county auditor and a renewal application must be submitted each year thereafter for land to be continued in the CAUV program.

If the acreage totals 10 acres or more, do not complete Part D.

If the acreage totals less than 10 acres, complete either D (1) or (2).

Do not use space at the bottom of form below double line.

F. WHERE TO FILE

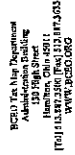
The completed application must be filed with the auditor of the county where the land is located. The applicant will be notified of action taken by the county auditor within 30 days of the filing of the application if the land is not within a municipal corporation or an annexation petition has not been filed. If the land for which an application has been made lies within a municipal corporation limit or if an annexation petition that includes the land has been filed with the Board of County Commissioners under Section 709.03 of the Revised Code, the application must also be filed with the Clerk of the legislative body of the municipal corporation. The legislative body is required to conduct a public hearing on the application within 30 days after the application has been filed with the Clerk. Within 30 days of the hearing, the legislative body may approve the application, modify and approve the application as modified, or reject the application.

G. WHEN TO FILE

The original application may be filed at any time for placement of land in an agricultural district for a five year period. If at the end of five years, the owner decides to keep some or all of his land in a district, he shall re-apply and must meet the same land requirements and use the same application process as the original application. The renewal application may be filed at any time after the first Monday in January and prior to the first Monday in March of the year during which an agricultural district terminates, for a period of time ending on the first Monday in April of the fifth year following the renewal application.

H. APPEAL OF APPLICATION

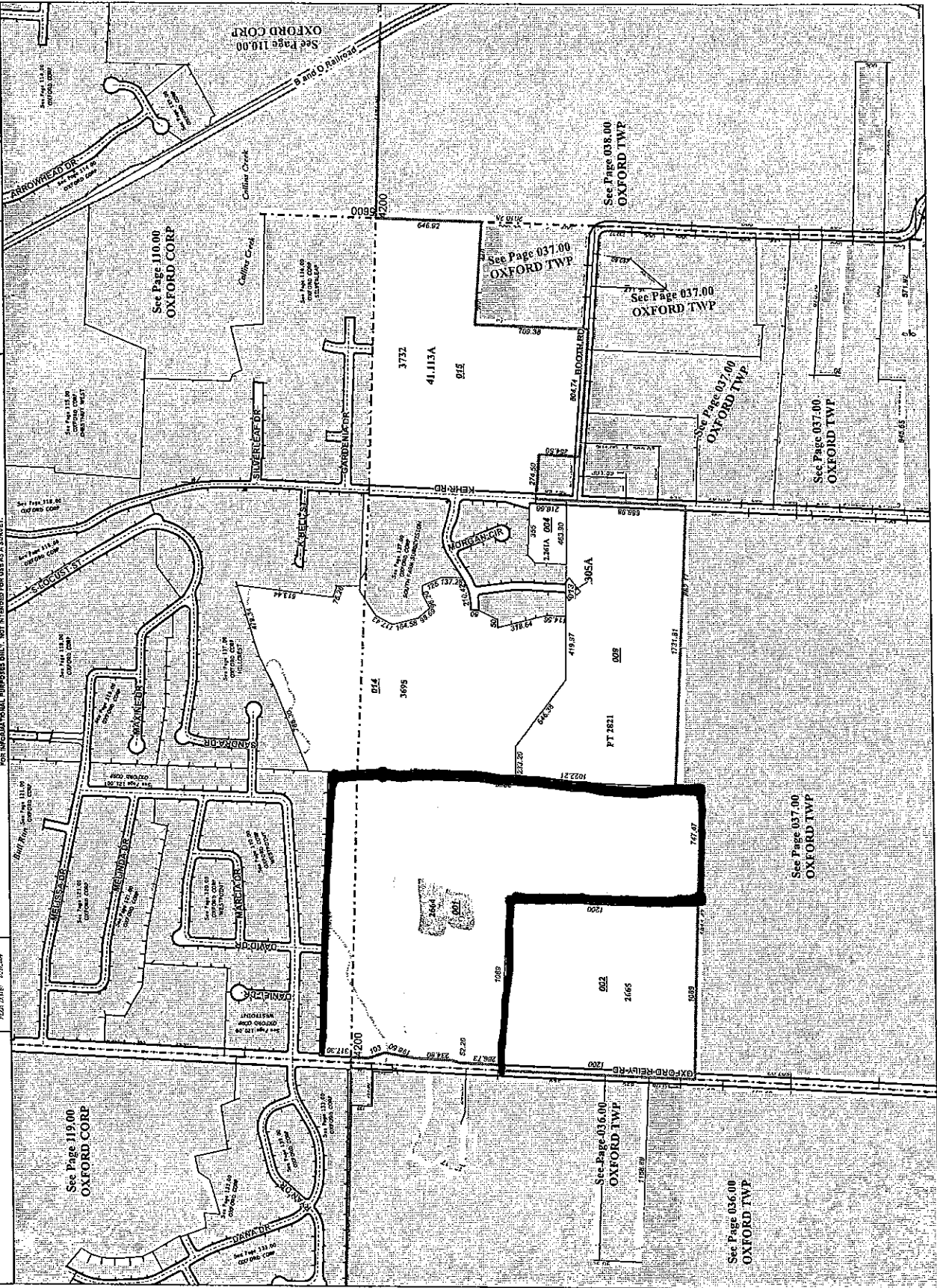
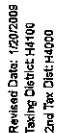
The applicant may appeal the denial of the application to the Court of Common Pleas of the county to which the application was filed within thirty days of the receipt of the notice denying the application. When the land lies within a municipality, the applicant may also appeal a decision to modify or reject an application to the court of common pleas of the county in which the application was filed within thirty days of the receipt of the notice of modification or rejection. In addition, the applicant may withdraw an application modified by a legislative body if he disapproves of the modifications.



BUTLER COUNTY, OHIO

FOR INFORMATIONAL PURPOSES ONLY. NOT INTENDED FOR USE AS A SURVEY.

132000



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: February 16, 2010

Steve Schwein

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 8, 2010

Date Prepared

Agenda Title: A Resolution authorizing the City Manager to enter into an agreement with the Hamilton County Emergency Management Agency on behalf of the Oxford Division of Police for the purpose of obtaining Homeland Security Equipment through a grant.

Recommendation: Adopt the Resolution.

Discussion: The Division of Police has been offered the opportunity to receive an LPR package through a grant administered by the Hamilton County EMA. The equipment requested is listed on Exhibit A. This LPR will be linked to Hamilton County's data base and will alert the operator to vehicles in our area that may be operated by persons on known Terrorist Watch Lists. This data base will also access information from the State of Ohio Law Enforcement Automated Data System which will alert the operator to vehicles that are stolen, whose operators are wanted for various crimes, or vehicles which may be involved in Amber Alert situations. Finally, our own parking scofflaw data may be entered into this LPR's data base making it another set of eyes and ears for our Parking Unit.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

DNB / *2/2/10*

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE HAMILTON COUNTY EMERGENCY MANAGEMENT AGENCY ON BEHALF OF THE OXFORD DIVISION OF POLICE FOR THE PURPOSE OF OBTAINING HOMELAND SECURITY EQUIPMENT THROUGH A GRANT.

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

SECTION 1: The Hamilton County Emergency Management Agency has received grant funds for the purpose of preparation, response intervention and management needs in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism, and natural disasters.

SECTION 2: The goal of the Oxford Division of Police and the Hamilton County Emergency Management Agency is to develop a coordinated mutual aid response that will enable the urban area jurisdiction to appropriately respond to and minimize the effects of threats or acts of terrorism, and natural disasters.

SECTION 3: The City Manager and Police Chief recommend the City enter into an agreement with the Hamilton County Emergency Management Agency on behalf of the Oxford Division of Police for the purpose of obtaining Homeland Security Equipment through a grant and to achieve their operational goals.

SECTION 4: Council accepts the recommendation of the City Manager and the Police Chief and hereby authorizes the City Manager to enter into an agreement with the Hamilton County Emergency Management Agency on behalf of the Oxford Division of Police for the purpose of obtaining Homeland Security Equipment through a grant and to achieve their operational goals.

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)

License Plate Recognition (LPR) Package

The following is included for each grant awarded LPR system

- Three (3) Slate LPR Cameras
- Camera Cables at specified length
- Superex Processor for the trunk
- Brackets for mounting to the light bar
- USB thumbdrive
- All associated software

The system includes a two (2) year warranty from the LPR manufacture. At the conclusion of two years from the install date, any warranty extension is the responsibility of the agency.

Depending on the current vehicle configuration, the following may be included as well

- Trunk circulation fan
- Pull out tray mount
- Docking station supporting Ethernet RJ-45 port
- Aircard and Broadband Service
- Monitor Screen

Data Collection/Retention/Release

Collection

All data collected by LPR systems provided through the grant must be transferred to the Region 6 BOSS server. Data is prohibited from being entered into any other database or system. Data is also prohibited from being distributed to any other agency, consultant, or vendor.

Retention

LPR data will be kept in the BOSS live database for ninety (90) days. After that period, data will be archived to backup databases and will be able to be retrievable at the request of the agency to the Regional LPR team. At this time there is no set data retention laws for LPR data. We will continue to monitor the progress of the development of these standards and will adhere to any final recommendations set forth by the International Association of Chiefs of Police or any other governing body.

Release

Similar to data retention laws, there is no set precedent to laws protecting LPR data from Freedom of Information Act (FOIA) requests. There is vigorous work being done to protect LPR data on a national and state level from such request. Should an agency receive a FOIA request, they must notify the Regional LPR team immediately. We will continue to monitor the progress of these protections and will adhere to any final recommendations set forth by the IACP or any other governing body.

Reporting

The reporting system is currently in development. The goal is to have a standard report that will be distributed to each participating agency bi-weekly starting after the initial deployment. After three months, reporting will move into a monthly report.

Exhibit A

Custom report requests will be evaluated by the Regional LPR team for capability and staffing capacity. Each agency will be able to run basic reports using the BOSS software.

Agency Single Point of Contact (SPOC)

Each agency will designate a SPOC for first line issues and trouble shooting. Duties include but are not limited to:

- Installing client software on in office PCs
- Camera display issues, no cameras, no connection to superex
- MDC swap and replacement and software configuration
- Thumbdrive issues
- Internal agency firewall and network issues
- Username and password creation and resets
- Physical camera/installation issues
- Agency hotlist management

Agency SPOCs will be provided training and a troubleshooting guide. All BOSS server issues will be handled by the Regional LPR Team. Individual officers should notify the Agency SPOC of any issues. Those issues that cannot be handled will be escalated to the Regional LPR Team. Individual officers should not contact the Regional LPR team directly.

IT Requirements

Monitoring Screen

Those agencies who do not have a MDC or Laptop will be provided a touch screen monitor from which to run the software. This is a monitor attached to the processor in the trunk and will not be able to run any additional software (CAD, Reporting, etc)

MDC (Laptop)

If your agency has an MDC/Laptop it must meet the following minimum requirements.

Software:

Windows XP SP2
.NET 1.1 SP1

Hardware:

Minimum 1.0GHz P4, 256MB RAM, 10MB disk space recommended
SVGA display @ 800 x 600 or higher
Keyboard & mouse or touchscreen
1 x Ethernet RJ-45 port (open, accessible, and not interfering with the driver area)
USB (open, accessible, and not interfering with the driver area)

LAN Firewall (to Superex processor in the trunk):

TCP in port 9000
TCP in port 9001
TCP in port 10000
TCP in port 10005
UDP in/out port 10010
TCP out port 32023-32028

IT Requirements (cont.)

Software

The PAGIS LPR software is loaded through a flat file copy. The MDC or Laptop must have user rights to allow a folder copy and creation of a desktop shortcut.

Client software is required on a small number of PCs at each agency to facilitate the data transfer to and from the server.

Each user wishing to search/query the database will need the capability to install a small Active X control and web-based thin client.

The grant will cover the cost of the concurrent licensing fees for the BOSS query software. The region is limited to a number of users. Time out and administrative disconnects can be applied if all licenses are being utilized. The number of user accounts per agency is still being determined.

Docking Station

Vehicles that have an upright dock mount (Ledco CF-18) do not have an accessible Ethernet port or an accessible USB port. Vehicles with this dock configuration or other insufficient dock configurations will have the docks replaced and installed. These costs will be covered by the grant.

Transfer of Data to/from Server

All agencies will be provided a USB thumb drive to transfer data to and from the vehicles and the server using a PC in the office. Ultimately, the goal is to run each system using a wireless broadband card to transmit the data directly to and from the server. The infrastructure is not fully in place for all agencies. Where possible, air cards will be provided to those agencies that do not already have broadband service. The cost will be covered by the grant for any new air card and service for the term of the grant. Beyond the term of the grant any broadband/aircard cost will be covered by the agency.

Hotlists

The following hotlists will automatically be loaded on to the BOSS server and made available to vehicles as each agency designates

- Ohio LEADS
- NCIC
- Hamilton County RCIC Warrants
- Hamilton County RCIC Stolen Vehicles
- Regional Wanted For Investigation

County hotlists will be developed by a SPOC for each county. Individual agencies will be responsible for creating, maintaining, and loading their hotlists. The step by step process is being developed.

Installation

Initial Installation

All systems will be installed by the trained staff at both Cincinnati Police Department's Fleet Services or the Hamilton County Sheriff's Municipal Garage. The choice of install location will be determined by the Regional LPR Team. The initial installation and calibration cost is covered under the grant.

If your fleet systems do not allow for drilling into the roof, the cables can be run down the edge of the front or back windshield depending on the vehicle. This preference must be noted in advance on the customer questionnaire form so that proper cable length can be ordered.

If needed, additional items such as circulation fans, tray mounts, and docks will be installed. This will depend on the current vehicle configuration.

Repairs/Transfers

Any physical repairs deemed necessary by the Agency SPOC and or the Regional LPR team must utilize the facilities listed above. Warranty repairs will be at no cost. Any other repair due to damage, misuse, etc. will be at the cost of the agency.

Should an agency need to transfer the system to another vehicle, in order to maintain a valid warranty, only the facilities listed above may be utilized. The cost is the responsibility of the agency.

Usage

It is strongly suggested that LPR vehicles cover at least two (2) shifts or sixteen (16) hours per day.

On each resulting hit the operating officer is required to enter a disposition indicating the action taken or not taken on the hit.

Only trained officers who have signed the End User Agreement may operate the LPR system. Username and passwords are not to be shared.

Training

In-car system training

The Regional LPR team will conduct training in-car LPR sessions for all agencies. These training sessions will be offered at multiple times to facilitate for off days, shifts, etc. It is recommended that each agency designate 2-3 power users to send to the initial training. After formally being trained, these power users may train additional officers with in each agency.

Investigative Training

Exhibit A

After the initial installation and deployment, investigative training sessions will be held to train users on the BOSS query system. These training sessions will be open to any SOSINK agency wishing to utilize the LPR query software.

Revised 6/30/2009

**AGREEMENT BETWEEN
THE HAMILTON COUNTY EMERGENCY MANAGEMENT
AGENCY AND THE CITY OF OXFORD POLICE DEPARTMENT**

This agreement is entered into this _____ day of _____, 2010 by and between the Hamilton County Emergency Management Agency and the City of Oxford Police Department.

RECITALS

The Hamilton County Emergency Management Agency has received grant funds for the purpose of preparation, response intervention and management needs in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism, and natural disasters.

The goal of the Hamilton County Emergency Management Agency and the City of Oxford Police Department is to develop a coordinated mutual aid response that will enable the Urban Area jurisdiction to appropriately respond to and minimize the effects of weapons of mass destruction/terrorism incidents and natural disaster events.

Equipment purchased with the grant funds will be deployed in this effort, in a manner that will enable Hamilton County Emergency Management Agency and the City of Oxford Police Department to achieve its operational goals.

The purpose of this agreement is to institutionalize the disposition of equipment that has been purchased with Grant Funds.

AGREEMENT

I. Terms

In order to facilitate insurance, maintenance, replacement and other audit and accountability considerations, mandated by both State of Ohio and Federal laws and directives, Hamilton County Emergency Management Agency agrees to transfer ownership including if applicable State of Ohio title documentation from the Hamilton County Emergency Management Agency to the City of Oxford Police Department. This equipment, described in greater detail on the Asset Transfer Form, shall be set forth in an Inventory Document transmitted to the Hamilton County Emergency Management Agency, prior to being placed in service by the City of Oxford Police Department.

II. Maintenance

It is the responsibility of the City of Oxford Police Department to fully maintain the equipment set forth in the Asset Transfer Form, while in their possession and under their control. The equipment must be maintained in good working order and accordance with the manufacturer's specifications.

III. **Risk of Loss**

In return for the Hamilton County Emergency Management Agency agreement to transfer title to the equipment set forth on the Asset Transfer Form, the City of Oxford Police Department shall assume full risk of loss or damage to equipment. To protect against such loss or damage, each agency must procure and maintain insurance, at its expense, unless it is self-insured under the laws of R.C 2744.081. The City of Oxford Police Department shall provide for all fuel, maintenance, housing and repair costs.

IV. **Inspection of Equipment**

The City of Oxford Police Department shall permit inspection of the equipment upon reasonable notice by the Hamilton County Emergency Management Agency.

V. **Improper Use of Equipment**

Equipment shall be used in accordance with Title 28, Part 66.32 of the Code of Federal Regulations. Equipment not properly used or properly maintained may be reassigned by the Hamilton County Emergency Management Agency.

VI. **Default and Termination**

The City of Oxford Police Department agrees to appear before the Hamilton County Emergency Management Agency if an alleged violation of this agreement occurs. Parties will meet to discuss a mutually agreeable resolution of any such violation.

VII. **Inventory and Transfer**

The City of Oxford Police Department shall maintain a current inventory of all equipment under their control pursuant to this agreement and shall provide an annual inventory report covering equipment under this Agreement to the Hamilton County Emergency Management Agency that is accurate as of December 31st. The annual inventory of equipment under this Agreement shall be submitted to Hamilton County Emergency Management Agency by January 31st of each calendar year. Under OMB Circular A-133, Hamilton County Emergency Management Agency may audit the equipment under this Agreement pursuant to OMB Circular A-133, but shall not have the right to audit any other equipment or finances of the City of Oxford Police Department.

No equipment purchased with grant funds may be transferred or otherwise disposed of by the City of Oxford Police Department without written authorization from the Hamilton County Emergency Management Agency.

VIII. **Entire Agreement**

This agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind, preceding this shall not be binding, except for the extent incorporated in this agreement.

IX. **Modification or Agreement**

Any modification, addendum or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced in writing signed by each party or an authorized representative to each party.

In Witness Whereof, the parties agreed to have set their signatures on this _____ day of _____, 2010.

CITY OF OXFORD POLICE DEPARTMENT

By: _____

Title

Signature

Hamilton County Emergency Management Agency

By: _____

Title

Signature



DATE: January 29, 2010
TO: City of Oxford
FROM: Diana Durr, Executive Director
RE: Porsches2Oxford Friday Night Event

Date: Friday, July 30, 2010

Event Time: 6:00-9:00PM

Location: Oxford Memorial Park Only, No Request For Street Closings, Request 8 (Eight) Parking Spots
Adjacent to the Park on East Park Place for Event Loading/Unloading

Description: Food and entertainment to be coordinated by the Lions Club/Oxford. All food and beverage sales would go directly to this organization which will in turn provide benefits to the Oxford community. Food would be a "Brats and Beer" slogan. The Lions Club would either prepare or work with local restaurants and food suppliers to supply the food. If the food is prepared by them, they recognize that they must follow the Butler County Health Department guidelines. For the beverages, the Lions Club will contract with a local or non-local beer company. All applicable security and alcohol laws will be coordinated with the Oxford Chief of Police. The Lion Club will take the necessary measures to secure the area and provide liability event coverage. The Lions Club will work with the Oxford Chief of Police to discuss liquor control guidelines and training. For the entertainment, the Lions Club will work with the Oxford Visitors Bureau to comply with standard operating procedures similar to the Thursday night music festival and would agree to the City of Oxford sound ordinances. This is a Porsche event specifically limited to event participants and their guests. Take down will occur immediately after the event.

Economic Impact Report for the greater Oxford area is approximately \$350,000 annually (encompasses food sales, general merchandise sales, overnight stay, etc.)

14 W. Park Place, Suite C · Oxford, Ohio 45056
Phone: (513) 523-8687 Fax: (513) 523-2927
info@enjoyoxford.org ~ www.enjoyoxford.org

A Regular meeting of the Oxford City Council was called to order by Mayor Richard Keebler on Tuesday, February 2, 2010 at 7:30 p.m. Those members present were Ken Bogard, Kate Currie, Greig Rutherford, Bob Blackburn, John Harman and Kevin McKeehan.

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

ADJOURN TO EXECUTIVE SESSION

Mr. McKeehan moved to adjourn to Executive Session at 6:30 p.m. in accordance with Ohio Revised Code Section 121.22 (G) for the purpose of discussing 2. The sale of property. Mr. Bogard seconded. The motion passed by the following roll call:

AYE: Mr. Bogard, Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Blackburn, Mr. Keebler (6)

NAY: None (0)

ABS: None (0)

RETURN FROM EXECUTIVE SESSION

Mr. Blackburn moved to return from Executive session at 7:29 p.m. Ms. Currie seconded. The motion passed by the following roll call:

AYE: Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

PLEDGE OF ALLEGIANCE

Mayor Keebler called for the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Keebler advised the requestor for the Use of Park asked that the item be removed from the agenda.

Mr. Bogard moved to approve the agenda with the removal of Item 3. B. Request for Use of Park. Mr. McKeehan seconded. The motion passed 7-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **FREEDOM FUND** **BANQUET WEEK**

Mayor Keebler read the Proclamation regarding the annual NAACP Freedom Fund Banquet which would take place February 15, 2010 at 6:30 p.m. at the Shriver Center.

PUBLIC COMMENTS

Ms. Mary Glasmeier, Vice President, Oxford Dog Owners Group, noted Council received the Dog Park Guidelines the group had drafted and inquired if there were any questions regarding them.

Mr. Bogard advised the Recreation Board reviewed the guidelines and made some changes which were incorporated in the document. Mr. Bogard noted the Recreation Board recommended acceptance of the guidelines.

Ms. Currie inquired if safety was the reason children under 7 years old would not be permitted in the park and Ms. Galsmeier advised yes, noting these were guidelines and not rules.

Ms. Glasmeier advised the Oxford Dog Owners Group was almost half way towards reaching their goal of raising \$16,500 to have Phase I of the Dog Park complete for this year. Ms. Glasmeier noted a fundraiser would take place at Kona Bistro next Wednesday evening where she would be a guest bartender and all tips would go towards the Dog Park project.

CONSENT AGENDA

MINUTES

Minutes of the January 19, 2010 City Council Meeting (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the January 12, 2010 Planning Commission Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 20, 2010 Board of Zoning Appeals Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the January 21, 2010 Recreation Board Meeting. (Gail Brahier, Parks and Recreation Director)

RESOLUTION
TRADE OR DISPOSE
WEAPONS

A Resolution No. 4507 declaring certain City property no longer needed for any municipal purpose and authorizing its disposal or trade to a federally licensed firearms dealer. (Steve Schwein, Police Chief)

Mr. Blackburn moved to approve the Consent Agenda. Mr. Bogard seconded. The motion passed 7-0-0.

RESOLUTIONS

RESOLUTION
AGREEMENT
WITH ODOT

A Resolution No. 4508 authorizing the City Manager to sign final legislation and to enter into an agreement with the Ohio Department of Transportation (ODOT) 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. (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on page 29 of the agenda noting Council had already approved the preliminary legislation for the project.

Mr. Bogard noted this was the beginning of the multi-use path that had been envisioned for many years.

Mr. Rutherford asked Mr. Dreisbach to clarify the funding and the contingency fee which Mr. Dreisbach addressed.

Mr. Bogard moved to adopt Resolution No. 4508. Mr. Rutherford seconded. The motion passed 7-0-0.

RESOLUTION
AGREEMENT
WITH ODOT

A Resolution No. 4509 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) (Mike Dreisbach, Service Director)

Mr. Dreisbach addressed his staff report as presented on page 39 of the agenda.

Mr. Bogard inquired if the curb and gutter repair project on State Route 732 was going smoothly and Mr. Dreisbach advised yes, noting it would be complete before ODOT began the paving project.

Mayor Keebler noted it was unfortunate that the cost estimates from ODOT kept increasing and advised it may be necessary to budget additional funds for those projects in the future.

Mr. Rutherford noted the bidding environment for infrastructure projects was escalating because there was legislated opportunity for those projects.

Mr. Bogard moved to adopt Resolution No. 4509. Mr. Blackburn seconded. The motion passed 7-0-0.

RESOLUTION
FEDERAL DIRECTED
SPENDING REQUEST

A Resolution No. 4510 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. (Doug Elliott, City Manager)

Mr. Elliott addressed his staff report as presented on page 47 of the agenda. Mr. Elliott noted if the City was unable to obtain additional funding for the US-27 South project the scope of the project would be reduced to include only the portion which was inside the City of Oxford. Mr. Elliott advised letters of support were needed to submit with the request to congress and he would work with Miami University officials as well as other state/local officials to obtain those.

Mr. Bogard noted this was about safety and he hoped the City would do well with the request to congress.

Mr. McKeehan inquired if the letters of support were cursory and if Mr. Elliott thought there would be any problems in obtaining them. Mr. Elliott noted the letters of support were mandatory and there were many stakeholders who he felt would support the initiative.

Mr. Rutherford encouraged the citizens of Oxford and surrounding townships to write to state and federal officials to encourage action on the proposed request. Mr. Rutherford noted this would not be a wasteful earmark as it was about the safety of the citizens.

Mr. Rutherford moved to adopt Resolution No. 4510. Mr. Bogard seconded. The motion passed 7-0-0.

ORDINANCES
FIRST READING

ORDINANCE
CONDITIONAL USE PERMIT

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. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 49 of the agenda. Mr. Chen noted the Planning Commission had no objections to the proposed use and recommended approval of the Conditional Use Permit Application. Mr. Chen advised the applicant was in attendance to answer any questions.

Mr. Tim Eaton, advised he was a resident of Oxford and a Professor at Miami University. Mr. Eaton noted he was a volunteer at Berean Bible Church where he served as pastor and agent for the church. Mr. Eaton advised their desire was to be beneficial and work with the community. Mr. Eaton noted the property had been vacant for quite some time and the landlord had provided extensive renovations and the church members painted and installed new flooring. Mr. Eaton noted the congregation was happy to occupy the vacant space and hoped they would be an organization that would serve Oxford well.

Mayor Keebler advised the Planning Commission reviewed the Decision Standards and felt the application met all of them and approved the request by a vote of 6-0-0. Mayor Keebler noted it was nice to see the vacant space occupied.

Mr. Rutherford noted there could be an issue with parking a bus on the property and Mr. Eaton advised the church had no intentions of using a bus.

ORDINANCE
CONDITIONAL USE PERMIT

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. (Jung-Han Chen, Community Development Director)

Mr. Chen addressed his staff report as presented on page 71 of the agenda and noted the Planning Commission reviewed the Decision Standards and voted 6-0-0 to recommend approval of the conditional Use Permit Application to Council with three conditions. Mr. Chen noted the applicant was in attendance to answer any questions.

Mr. Robert Carmean, 149 Stonecreek Drive, advised he served as Treasurer of the Gamma Upsilon Housing Association and their objective was to provide housing for approximately 12 members of the Delta Tau Delta Fraternity next fall at 220 Tallawanda Road. Mr. Carmean advised the three conditions would be met and they looked forward to occupying the property.

Mr. Blackburn inquired if the residence would be a Living Learning Center and Mr. Carmean advised yes. Mr. Blackburn inquired if the residence would be alcohol free and Mr. Carmean advised only those of legal age could consume alcohol in their rooms.

Mayor Keebler advised the Planning Commission reviewed the current Zoning Code and Decision Standards and recommended approval of the application with the conditions as listed on pages 71 and 72 of the agenda.

Mr. Rutherford noted concern that the lot coverage may exceed 40% and advised a variance may be necessary. Mr. Rutherford noted Council could not grant a Conditional Use Permit application if a variance was needed. Mr. Rutherford referred to Chapter 1137.01 and 1137.07 of the Zoning Code and noted concern with reinstating a non-conforming land use.

Mr. McHugh advised the proposed Ordinance could move to the second reading and Mr. Chen could address the lot coverage issue.

Mayor Keebler noted he felt there was a difference between non-conformities and non-conforming uses and requested an opinion on the matter prior to the second reading of the proposed Ordinance.

Ms. Currie noted she was delighted that the fraternity wished to relocate to this property. Ms. Currie referred to page 88 of the agenda and noted her hope the property maintenance would be up to par since in 2008 a Feasibility Study was conducted with alumni whose feedback was to tear down the existing structure and build a new structure.

Mr. McKeehan inquired how long the fraternity had operated on E. Spring Street and if they had received any violations. Mr. Carmean advised they operated on E. Spring this academic year and had no violations.

ORDINANCE **CONDITIONAL USE PERMIT**

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. (Jung-Han Chen, Community Development Director)

Mr. Chen noted a typographical error in the proposed Ordinance and advised the location was in the Uptown (UP) District.

Mr. Chen addressed his staff report as presented on page 100 of the agenda and noted the Planning Commission had no concerns with the application and recommended its approval by Council. Mr. Chen advised the applicant was in attendance to answer any questions.

Mr. John Richter, advised he was the volunteer Pastor for the Oxford Vineyard Church which recently moved to Oxford from Hanover Township. Mr. Richter advised the congregation consisted of 65 members and their intent was to establish a place of worship especially for students who walked to the church. Mr. Richter noted they planned to do some housekeeping improvements to the building but had no plans for major changes.

Mr. Rutherford encouraged Mr. Richter to be cognizant of the Historic and Architectural Preservation Commission's regulations.

Mayor Keebler asked for a motion to amend the proposed Ordinance.

Mr. McKeehan moved to amend the proposed Ordinance by replacing General Business (GB) District with Uptown (UP) District. Mr. Rutherford seconded. The motion passed 7-0-0.

ORDINANCES **SECOND READING**

ORDINANCE **AMENDING** **SECTION 1159.09**

An Ordinance No. 3102 amending Section 1159.09 Of The Codified Ordinance Of The City Of Oxford, Ohio Entitled Definitions (Beginning With The Letter ("H")). (Jung-Han Chen, Community Development Director)

Mr. Chen advised he had no new information since the first reading of the proposed Ordinance and encouraged Council to adopt the legislation to reconcile discrepancies between chapters of the Zoning Code.

Mr. Blackburn moved to adopt Ordinance No. 3102. Mr. Harman seconded. The Ordinance was adopted by the following roll call:

AYE: Ms. Currie, Mr. Harman, Mr. McKeehan, Mr. Rutherford, Mr. Blackburn, Mr. Bogard, Mr. Keebler (7)

NAY: None (0)

ABS: None (0)

**ANNOUNCEMENTS AND
COMMUNICATIONS**

DISCUSSION
WESTERN KNOLLS PROPERTY

Mr. Harman advised he was a real estate licensed individual and would recused himself from any listings on City properties. Mr. Harman noted he was gathering information on the Western Knolls property and invited individuals from the real estate industry to provide their thoughts, feelings and ideas on the issue. Mr. Harman also invited input from other citizens in attendance.

Mr. Coe Potter, advised he was a local real estate broker and Ken Thacker from Century 21, Kelly Umbstead from Coldwell Banker and Ken Hormel from ReMax were also in attendance. Mr. Potter noted the City had some experience and background relative to staff and Council working with professionals in the real estate community when property for the Community Park was acquired. Mr. Potter advised he and others in attendance advocated that the City would at a minimum put forth a RFP to the real estate community to see if in Council's opinion they could offer services in concert with staff and Council which would bring about a resolution to the situation relative to the acreage the City owned in Western Knolls. Mr. Potter noted the RFP could include a disposition of the property in pieces or in whole, how it could be marketed, the charges for marketing, potential uses and land plans. Mr. Potter reiterated that the real estate community would like to see Council request a proposal from professionals to see if they could assist the City in resolving the issue.

Mayor Keebler advised Council would be concerned about choosing one local firm over another and noted Council would gather more information over the next few weeks to develop a strategy. Mr. Potter noted the real estate community competed everyday and it would be a level playing field. Mr. Potter noted regional and national firms could respond to the RFP.

Mayor Keebler asked Mr. Elliott to provide some background information regarding the matter.

Mr. Elliott advised the City took possession of the property in December of 2008 at a cost of 3.75 million dollars. Mr. Elliott noted he and Mr. Kyger had worked on marketing strategies and had discussions with some developers to gather information. Mr. Elliott noted Council would schedule a Work Session in the near future and they would need to decide what they were willing to accept for the parcel. Mr. Elliott advised due diligence would be undertaken as the property belonged to the public and Council and staff would do the best they could to obtain the best price for the best project for the site. Mr. Elliott noted Council and staff valued the input of the local real estate community and would be willing to develop a RFP with their input.

Mr. Harman inquired what the advantages were of using a Multiple Listing Service and Mr. Potter advised exposure and access to other links. Mr. Thacker provided some statistics regarding the use of Multiple Listing Services.

ANNOUNCEMENTS

Mr. Elliott updated Council with regard to local projects which were submitted to OKI in anticipation of a jobs bill passing in the senate. Mr. Elliott updated Council with regard to ODOT projects scheduled for State Route 73 and 177 and State Route 73 and 127 noting construction should begin in 2011. Mr. Elliott discussed the upcoming Census and encouraged everyone residing in the City of Oxford to participate.

Mr. Newlin advised on March 10, 2010 from 11:00 a.m. to 3:00 p.m. a representative from the Regional Income Tax Agency would be at the Municipal Building to assist the public with their taxes.

Mr. Chen noted in December former Mayor Dana and Bethany Bower came to Council for their endorsement of the Your Town workshop proposal. Mr. Chen advised unfortunately, the project was not selected. Mr. Chen thanked Ms. Dana and Ms. Bower for their outstanding effort in developing a strong case for the City of Oxford.

Mr. Kyger advised the CIC discussed proposals for a demographic marketing study and noted he would let them know how the project was moving forward. Mr. Kyger commended the owner of the Westgate Shopping Center for revitalizing the area and noted only one empty storefront remained. Mr. Kyger noted he and Mr. Chen were working on language to clarify the Codified Ordinance regarding 'Temporary Vendors'.

Mr. Bogard advised Oxford was in first place again in the recycling initiative at 19.42% and noted the City would receive \$21,050 from the Butler County Solid Waste District. Mayor Keebler noted Miami University did a great job of recycling and their numbers were not included in the 19.42%.

Mr. Rutherford advised the Environmental Commission would seek Council's direction in the near future as to what their priorities should be for 2010.

Mayor Keebler reminded everyone that the Freedom Fund Banquet would take place Monday, February 15, 2010 and the next Council Meeting would take place Tuesday, February 16, 2010.

ADJOURNMENT

Ms. Currie moved to adjourn at 8:42 p.m. Mr. Harman seconded. The motion passed 7-0-0.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: February 16, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 10, 2010

Date Prepared

Agenda Title: Report regarding the January 27, 2010 Civil Service Commission Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, January 27, 2010. Those members present were: Phil Russo, Chair; Susan Lipnickey and Karen Martino. Charles Crain was excused. Donna Heck, Human Resources Director and Mary Ann Eaton, Recording Secretary were in attendance for the City.

Also present were Don Gabbard, Shaunna Tafelski and Linda Wendt from the Talawanda School District.

The Commission elected Phil Russo as Chair of the Commission for 2010 and Susan Lipnickey as Vice Chair for 2010.

The Commission reviewed and approved two proposed job descriptions for the Talawanda School District with amendments.

The Commission adjourned to Executive Session and reviewed two proposed Civil Service examinations for the Talawanda School District. The Commission tabled the requests for approval of the examinations and provided direction to the Talawanda staff to develop a more appropriate testing methodology.

The next meeting is scheduled for February 24, 2010.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

DJE 2/11/10

DAB 2/12/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: February 16, 2010

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

February 1, 2010
Date Prepared

Agenda Title: Environmental Commission Meeting of January 27, 2010

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, January 27, 2010 meeting were: Chair, Mr. Charlie Ford; Vice-Chair, Mr. Wright Gwyn; City Council Representative, Mr. Greig Rutherford; Ms. Kelly Church; and Mr. Kevin Armitage. A quorum was present. Secretary, Ms. Heidi Schran and Planning Commission Representative, Mr. Ted Wong had scheduling conflicts with this meeting.

Minutes from the October 28, and December 2, 2009 meetings were unanimously accepted as presented.

Commissioners unanimously agreed to postpone officer elections until the June, 2010 meeting. Previous discussions had Ms. Kelly Church and Mr. Kevin Armitage intending to run for officer positions after their first full year on the Environmental Commission.

The open space cluster residential development summary that Chair Mr. Charlie Ford and Vice-Chair Mr. Wright Gwyn prepared was reviewed. The summary was intended to apprise City Council and the Planning Commission of the Environmental Commission's views on the advantages of open space cluster developments. Commissioners offered several edits to the summary which Mr. Wright Gwyn was to make on the document and distribute for review. A copy of the revised summary (entitled "Residential Subdivision Development by Cluster Design") incorporating the Commissioner's comments is attached.

Staff was requested to inquire with the Community Development Department regarding scheduling a joint meeting or work session of the Planning and Environmental Commissions to discuss open space cluster residential developments. The Community Development Director was subsequently informed of the Commission's request which is to be brought to the attention of the Planning Commission's Chair.

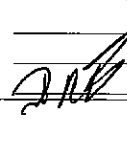
Commissioners discussed topics for the Environmental Commission to potentially undertake in 2010. Commissioners requested that Chair, Mr. Charlie Ford, prepare a memo to City Council presenting relevant topics from Oxford's Comprehensive Plan and the recent Energy Audit/Carbon Footprint public service project by Miami University Institute of Environmental Science graduate students. The Commission would like to request City Council's guidance as to where the Commission should direct its efforts in 2010. A copy of the memo (entitled "Proposed Topics for Action by the Environmental Commission") is attached.

The Commission adjourned at 8:30 p.m. The next Commission meeting is tentatively scheduled for Wednesday, February 24, 2010 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial / Date

 / 2/12/10

Memo to: Oxford City Council

Re: Proposed Topics for Action by the Environmental Commission

The City of Oxford's Environmental Commission is currently staffed with very knowledgeable and dedicated residents who are enthusiastic at the prospect of assisting in the analysis and implementation of environmentally sound practices and programs for the City. Some possible topics for consideration are identified in the recommendations detailed in the Comprehensive Plan for the city and the Energy Audit/Carbon Footprint analysis provided by the Institute of Environmental Science at Miami University. In order to maximize our efficiency and ensure that there is consistency between City Council strategic priorities and the actual projects taken on by the Commission, we would ask the Council to review the recommendations of both referenced documents and give direction to the Commission as to the priorities of Council.

Recommendations from the Comprehensive Plan appropriate for the Environmental Commission:

1. Open space cluster residential development
2. Agricultural zoning districts within the City and coordination with adjacent jurisdictions for agricultural zoning
3. Green building standards
4. Incentives for developers/builders to incorporate green design
5. Improving the energy efficiency of the existing stock of City structures
6. Connectivity in the context of transportation, alternate transportation, and accessibility
7. Alternative transportation
8. High density residential development
9. Protection of natural areas
10. Expanded recycling
11. Environmental education for all ages
12. Coordination of litter control
13. Encouraging backyard habitats

Recommendations from the Institute of Environmental Science:

I.) Leadership and Workforce Culture:

The culture and actions of any organization are dependent to some degree on the words, actions, and emphasis that originate with those in leadership positions. There are opportunities at present for the leadership of the City of Oxford to push the municipality aggressively towards a leading position as a small community effectively dealing with the future of carbon constraint. The following bulleted points reflect some of those opportunities:

A.) Strategic Action Items:

- Oxford should move immediately to **ensure the Mayor signs the Mayor's Climate Protection Agreement**. This agreement is a programmatic extension of the United States Conference of Mayors and has the support of some 965 signatories to date. The overall goal of this support is to reduce the emissions of their cities to below 1990 levels. (Low Cost / Easy)
- The City should continue to **build on the impressive historical precedent of proactive efforts** as documented in this report. (Low Cost / Easy)
- **Set goals for and facilitate the changes necessary to reduce the energy consumption and greenhouse gas (GHG) emissions from employee's daily work commute** with ideas such as car pooling and condensed work weeks. (Medium Cost / More Difficult)
- **Adopt legislation requiring the City to consistently invest in new vehicles** for the City fleet that are at the forefront of technology to reduce emissions and energy use. (Medium Cost / More Difficult)
- **Adopt legislation requiring the City to meet Leadership in Energy and Environmental Design (LEED) Gold standards** as a minimum threshold for the upgrading, replacement, or construction of new City buildings. (High Cost / Difficult)
 - Transition to the LEED Platinum standards within five years as the threshold for new City construction.
- **Incorporate energy use and carbon emission reductions as twin goals in order to position Oxford** as a 21st century community that is at the leading edge of sustainable practices to enhance the property values of all citizens and encourage an image as a green and sustainable city. (High Cost / Difficult)
- **Plan for and seek ways to incentivize the use of alternative and mass transportation or car pooling by employees and citizens.** (High Cost / Difficult)

B.) Tactical Action Items:

- **City managers, employees, and citizen volunteers should be encouraged to use web based opportunities** in lieu of travel to ensure minimal energy consumption and corresponding GHG emissions when conducting City business. (Low Cost / Easy)
- **Use the Hamilton County Climate Initiative's "Green Guides" to generate continuous improvement ideas** and projects within the municipality. (Low Cost / Easy)
- **Aggressively pursue the retrofitting of existing street lamps to more energy efficient models** in a cooperative effort with Duke Energy, as identified by the City in the departmental meetings that provided information for this analysis. (High Cost / Difficult)

II.) City Owned Spaces and Parks:

The ability of the City to reduce its carbon footprint is constrained ultimately by the technological, organizational, and cultural realities within which organizations operate. However, cities generally have the ability to offset their energy consumption and GHG emission activities because ultimately they own land in the form of public areas and parks. The conversion of these public spaces away from the norm of large mowed lawns and intensive gardening spaces to more natural landscapes can help to offset associated externalities from activities such as transportation and the heating and cooling of buildings, while also lowering the maintenance costs of the public spaces.

- **Reduce maintenance costs, encourage biodiversity, and simultaneously sequester carbon** by transitioning to the planting of native trees and related cover when possible on City owned property, prairie gardens, wetlands, and rain gardens are examples of carbon dense systems that provide various ecosystem services. (Low Cost / Easy)
- **Forested and natural areas of the Oxford Community Park and other properties in the City park system should be expanded.** The parks are presently a mix of a variety of amenities from traditional sports fields and courts to natural areas. Most of the parks are maintained in large open areas of grass that requires regular maintenance. By expanding the natural areas of the park system, the City can reduce maintenance costs, increase biodiversity, increase the educational opportunities at the various facilities, and sequester carbon to offset emissions by necessary City operations. (Medium Cost / More Difficult)

III.) Facilitate Citizen Action:

Ultimately, the citizens of any municipality represent a great reservoir of ideas and actions for any cause. The reduction of energy use and GHG emissions are no different in this regard. The City's ability to involve the citizens in the ongoing effort to achieve a reduced carbon footprint is an important consideration as elected officials, administrators, and employees seek ways and means to reduce energy consumption and conserve resources.

- Create a high profile environmental award to recognize the efforts of individuals and businesses, who strive to reduce energy consumption, reduce GHG emissions, and conserve natural resources within the City, similar to the more traditional "Citizen of the Year" award. (Low Cost / Easy)

- Continue the present recycling program and **seek means to create incentives for citizens and businesses to reduce landfill waste and increase recycling and composting.** (Low Cost / Easy)
- Work with business and local citizen groups to determine prospects for development of alternative and mass transportation that reduces carbon emissions, ease traffic congestions, and facilitate the ability to access local businesses by reducing the strain on the limited parking space presently available to the citizens. (High Cost / Difficult)

We look forward to receiving your input and would welcome the opportunity to work hand-in-hand with City Council on these important issues.

Residential Subdivision Development by Cluster Design

1. What is Cluster Design?

Cluster development is a method to protect sensitive environmental resources and rural character by grouping structures and reserving the remaining available land as guarded open spaces.

2. How does “clustering” work?

Cluster design focuses on minimizing lot size, set-backs, and frontage distances so that one portion of the site may be more densely developed while the remaining portion is left available for green space.

3. What do Cluster developments achieve?

Typically, cluster development accomplishes the following:

- A. Preserves open space
- B. Protects wildlife habitat
- C. Retains agricultural use of land

4. Why does this type of design need to be considered by the Oxford community?

The City of Oxford has recently revised its Comprehensive Plan. In developing this plan, several community meetings were held. Residents were encouraged to express their opinions as to what they considered as important over the long-term. These opinions are listed below and are included in the final version of Oxford’s Comprehensive Plan.

- Pursue open space cluster residential developments
- Consider higher density residential developments
- Protect natural areas
- Encourage backyard habitat areas

5. What are the advantages of incorporating “cluster” design as a tool to maintaining and preserving those goals set forth in the City’s Comprehensive Plan.

There are many advantages. In fact, there are specific advantages for everyone involved – City, Residents, and Developer.

- City:
- * Maintains rural character of land
 - * Provides open space for community members
 - * Preserves critical land qualities
 - * Meets market need for low-maintenance housing
 - * Reduces impact of development on the watershed
 - * Reduces costs on road maintenance, snow clearing, and for utility infrastructure
 - * Reduces the need for public money to acquire open space
 - * Encourages “greenway” corridors within and between cluster communities
 - * Maximizes natural stormwater management by incorporating plants/landforms to slow, hold, and treat runoff from new developments
 - * Reduces carbon emissions from lawn maintenance by maintaining open space as natural area

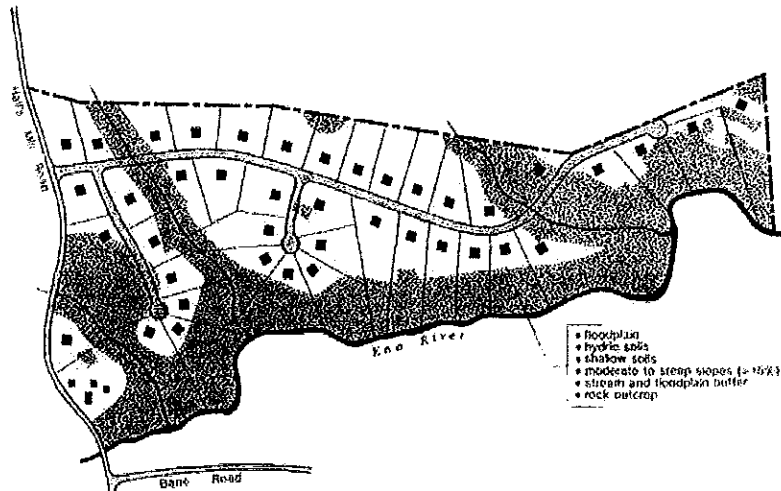
Resident:

- * Provides sense of community for members
- * Provides open space for community members
- * Avoids penalizing the rural landowner
- * Reduces infrastructure maintenance and costs to the home buyers
- * Enhances the value of homes as a result of the protected open space

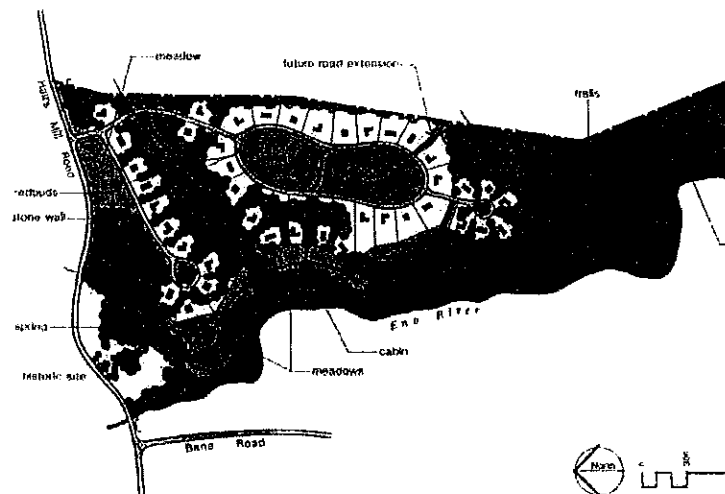
Developer:

- * Reduces development costs – less road, streetlights, water/sewer infrastructure needed
- * Increases market price for individual plots
- * Increases the development potential through established “density bonuses.”
- * Allows flexibility in site design
- * Gains a special market with housing “views” and open space free of future development.

6. Visual comparisons between traditional and cluster subdivision design.



Traditional Subdivision Design



Cluster Subdivision Design

Preserving Rural Character:

Planning for the Future of Licking Township, OH

<http://www.lickingtwpohio.us/Preserving%20Rural%20Character.htm>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: February 16, 2010

Kathryn A. Dale
Prepared By

Account Code No. #:

Budgeted Amount:

February 4, 2010
Date Prepared

Agenda Title: HAPC Meeting Report – February 3, 2010
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DISCUSSION:

Requests for Review:

HAPC-04-2010 *23 E. High Street, Oxford Women's Care Center, signage Christopher Owens, Applicant/Agent.*

The Applicant sought a COA for a new 3' x 3' sign. The Oxford Pregnancy Care Center has changed their name to the Oxford Women's Care Center. The Center formerly had a sign on the corner of the building to the west of Jimmy John's, due to Redskin Realty having a sign above the door. Redskin Realty has since removed the sign and the Women's Center is now proposing to use that space. The sign material consists of a plastic core base with an aluminum sign face. According to the Applicant, the same lettering style and heart logo interwoven into the sign design would remain, but the sign would include their telephone number. The former sign did not include a telephone number.

Some members felt the phone number presented last month by Mr. Smith for administrative consideration was much larger and prominent; however, the revised sign being presented was much more appropriate. The Applicant and the Commission discussed other signs Uptown displaying telephone numbers on the main sign. One Commission member stated that they did not recall the HAPC ever approving a phone number in the signage and those that do exist were probably grandfathered. There was some discussion about if content on the sign could be regulated. Another member stated that they thought the sign should be approved because this group did not have a ground floor retail space that could utilize window space to provide phone numbers or other information regarding their hours. This member also thought that the phone number would be appropriate for someone going through a difficult time in their life and would be able to readily view the phone number for assistance.

The HAPC voted 5-0-0 to **APPROVE** the COA for the sign as presented.

Correspondence and Announcements:

Many of the members referred to the new Alliance Newsletter included in their mailing and found interesting the items regarding signage. This turned into a topic of discussion regarding signage in the Uptown District and whether the Commission should consider allowing the old styled signs which hang from the sides of buildings next to the doorways and allowing alley businesses to have directional signage on the light post or painted on the corner of a building. The Commission also discussed ideas of having signs at the edge of the historic district identifying the district and if the City would ever have to replace the banners if new one's could be ordered that say Uptown Historic District.

Old Business:

Ms. Henderson asked if anyone had any questions regarding Legal Counsel's letter regarding the "State Sovereign Immunity from Municipal Zoning Regulations" and that from what she understood the University should make a good faith effort to report projects to the City and if the City does not agree with a project it could potentially go to arbitration. Ms. Dale explained that if there is a project in one of the HAPC's historic

districts they could as a Commission provide their comments to City Council, either in opposition or support but from that point, City Council is the policy maker and would have to pursue any legal involvement. Mr. Smith commented that he truly hoped the University shared the housing study with the City. Mr. Harman stated that he felt there to be more dialog between the City and this City Council than there have been in years past. Ms. Dale asked if the Commission felt there was a need to have a work session with Mr. McHugh to further discuss. All members present said they did not feel there was a need and that their questions were answered with the letter.

New Business:

Mr. Smith shared that the Historic Open House would be held May 13, 2010 at the Oxford Community Arts Center. Ms. Dale shared that an organizational meeting with those providing exhibit tables would have to be scheduled before March 29th.

Administrative Findings / Approvals:

Mr. Smith shared that the final light fixture details for BTO Yogurt were approved as the Commission directed him to do and the sign was modified so as not to project outward from the building as far. The original 3-D sign presented will be more 2-D which the Commission voiced was their preference.

Other Business:

Mr. Smith shared that the Historic Marker Workshop at the Smith Library was well attended and there were approximately 6 properties represented. Ms. Henderson said she had heard from one of the interested parties and they have decided to wait until next year to turn in their nomination form.

Ms. Dale distributed a draft of some goals the HAPC discussed for 2010. The commission spent a lot of time discussing and brainstorming on ideas to assist people in the historic district as well as how to make the processes easier and to bring awareness about the historic district.

The next regular HAPC meeting is scheduled for March 3, 2010.

Approved By:

Department Head:

City Attorney:

City Manager:

Initials Date

JHC / 2/9/10

[Signature] / 2/12/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: February 16, 2010

Steve Schwein

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

February 8, 2010

Date Prepared

Agenda Title: A Resolution authorizing the Division of Police to donate 37 cell phones which are either found property which have not been claimed or phones which the owner indicated they no longer wanted to the 911 Cell Phone Bank.

Recommendation: Adopt the Resolution.

Discussion: The 911 Cell Phone Bank is a not-for-profit agency that takes donated cell phones, reconditions ones that are useable, and distributes them free of charge to senior citizens and victims of abuse throughout the country. The phones carry free 911 usage to the user, and, OPD Officers are encouraged to submit to the 911 Cell Phone Bank the names of individuals living within our jurisdiction who we believe are deserving of such a phone. Once we agree to participate in the program through our first donation, the Division of Police Property Officers will post information at the Oxford Senior Citizen Center regarding the program and who to contact if a phone is desired. See "Exhibit A" for a list of phones to be donated.

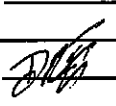
Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

 2/12/10

RESOLUTION NO. 4507

A RESOLUTION DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING ITS DONATION TO THE 911 CELL PHONE BANK.

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 cell phones are hereby declared of no evidentiary value and no longer needed for any municipal purpose, and the same may be donated to the 911 Cell Phone Bank as allowed by Oxford Codified Ordinances, Section 127.11 (D)(6). The items are those as set forth on Attachment 'A' incorporated herein.

SECTION 2: Council hereby authorizes the donation of those items listed on Attachment 'A' to the 911 Cell Phone Bank.

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)

Memo

Exhibit A

To: Chief S. Schwein
From: Property Officer Ron Brooks
Property Technician Mike O'Leary
Subject: Cell phones to be donated
Date: 15 January 2010

The following (37) cell phones are in the possession the Oxford Police Department. Some have been turned in as "found property" and have not been claimed. In other cases the cell phones are no longer wanted by the owner or no response received from the last known owner. We recommend that the property items be donated to the 911 Cell Phone Bank to be used for free emergency calls for senior citizens and victims of abuse.

PROPERTY #	MAKE	MODEL	SERIAL #
7060	Samsung	X426M	R4YY655666X
8054	Samsung	A-660	04003520440
8714	Kyocera	KX414	06901752864
9478-007	Motorola	V3C	SJUG2864AA
10452	Motorola	V3	352510010355149
10542	Nokia	N73-1	661Z-RM133
10750-004	Nokia	5185	218/15108244
10750-005	Motorola	H62	364YEGHX79
10750-006	Motorola	X40	919TBWBQZM
10750-007	Motorola	H29	831UCJ1ZR7
10750-009	Motorola	H65	364KFU4R00
10750-010	Motorola	H80	364VGL7RBW
10750-011	Motorola	H62	364YEG0NN8
10750-012	Motorola	H65	364TGC9MB2
10750-013	Samsung	A660	03207517433
10750-014	AudioVox	8910	45230105

10750-015	LG	VX5200	605KPDT4355538
10750-016	Nokia	2610	661AB-RH87
10963	Motorola	L7	23755 93401
11231-004	Nokia	6010	65289471M28TZ
11378	LG	CG225	610CQUK616598
11485-010	Motorola	L7	23755 93401
11565-002	Motorola	TFC139	F32GHUJCQQ
	Motorola	V3	E23GHQQGR7
	LG	VX8100	51002502916853
11713	Nokia	2610	0538432B023A1
12154	Samsung	X427	R1UX530379Z
12170	Samsung	U410	A1000000429921
12183	Samsung	U620	01212287947
12421	LG	C2000	610CQTB367833
12673	Samsung	U410	01415551880
12739	Motorola	176B	P159703488
12968	Motorola	C1681	M5A760HPZC
13109	Samsung	R430	270113177704511276
13492	Motorola	1090	80058B7F
13492-001	LG	CG180	808CQKJ277645
13543	LG	VX8550A	805KPSL0480030