



Agenda

Oxford City Council

Court House

TUESDAY, MARCH 2, 2021

EXECUTIVE SESSION

None.

**This meeting is being conducted in accordance with H.B. 404 and the
guidelines set forth by the Ohio Dept. of Health
TUESDAY, MARCH 2, 2021**

1. Roll Call. Mike Smith, Mayor, William Snavely, Vice-Mayor, David Prytherch
Jason Bracken, Glenn Ellerbe, Edna Southard. Chantel Raghu was
excused.

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 – “March for Meals Month”



Proclamation

B. Appointment – Butler County Board of Health.



Request

C. 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 16, 2021 City Council Work Session. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Minutes of the February 16, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

C. Report regarding the February 9, Planning Commission Meeting. (Sam Perry, Community Development Director)



Report

D. Report regarding the February 17, 2021 Board of Zoning Appeals Meeting. (Sam Perry, Community Development Director)



Report

E. Report regarding the February 18, 2021 Recreation Board Meeting. (Casey Wooddell, Parks and Recreation Director)



Report

5. Resolutions.

RESOLUTION
AMTRAK EXPANSION

A Resolution supporting Amtrak's proposed expansion of passenger rail services in Ohio and for congressional actions needed to authorize and appropriate related funds. (David Prytherch, City Councilor)



Staff Report/Resolution

2. A Resolution repealing Resolution No. 7244 adopted December 1, 2020 and adopting a new Resolution authorizing the City Manager to enter into a contract with Patriot Engineering & Environmental, Inc. for the removal of three (3) underground fuel storage tanks and associated contaminated soil located on City owned property under the sidewalk at 110 E. High Street at a cost not to exceed \$35,230.36. (Mike Dreisbach, Service Director)



Staff Report/Resolution

3. A Resolution authorizing the City Manager to enter into a new agreement with Passport Labs, Inc. for the annual software subscription for the City's parking management platforms at a cost not to exceed \$40,914.46 for the first year with an increase of 5% each year thereafter. (John Jones, Police Chief)



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Preliminary Planned Development Application For Heron Pond located along Kehr Road In The City Of Oxford With Conditions. (Sam Perry, Community Development Director)



Staff Report/Ordinance



Supporting Documents

B. Second Reading.

1. An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Preliminary Planned Development Application For Lake Forest Phase One (US 27 & Lake Forest Drive With Conditions. (Sam Perry, Community Development Director) (Tabled)



Staff Report/Ordinance

2. An Ordinance Amending Ordinance No. 3600. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director)



Staff Report/Ordinance

7. A. Announcements & Communications.

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

2. Future Meetings. (Virtual)

WED - Mar 3 Environmental Commission Meeting 7:00 p.m.

MON-Mar 8 Oxford Parking & Transportation Advisory Board Meeting 9:30 a.m.

TUES – Mar 9 Public Arts Commission of Oxford Meeting 4:30 p.m.

TUES – Mar 9 Planning Commission Meeting 7:00 p.m.

WED – Mar 10 Historic and Architectural Preservation Commission Meeting 6:15 p.m.

MON – Mar 15 Housing Advisory Commission Meeting 1:30 p.m.

TUES- Mar 16 City Council Meeting 7:30 p.m.

WED – Mar 17 Board of Zoning Appeals Meeting Cancelled

THUR- Mar 18 Climate Action Steering Committee Meeting 9:00 a.m.

THUR- Mar 18 Recreation Board Meeting 11:30 a.m.

8. Adjourn.

Office of the Mayor

Proclamation

Whereas: on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years of age and older; and

WHEREAS, the observance of the March for Meals campaign provides an opportunity to support Meals on Wheels programs that deliver vital and critical services through donating, volunteering, and raising awareness about senior hunger and isolation; and

WHEREAS, for the past 31 years, Oxford Seniors has delivered Meals on Wheels to Oxford and the surrounding area. In the last ten years, Oxford Seniors has delivered over 126,000 meals to our homebound elderly neighbors; and

WHEREAS, Oxford Seniors delivered over 22,000 meals on wheels in 2020 for clients, resulting in improvement of the lives of the homebound citizens of Oxford, Ohio with continued personal independence; and

WHEREAS, this organization has a volunteer force of over 60 caring individuals who donate their time, vehicles, gasoline, and energy to deliver over 15,000 fresh, nutritious meals annually to the Oxford Seniors Meals on Wheels clients; and

WHEREAS, volunteer drivers are the backbone of the Meals on Wheels Home-Delivered Meals program, not only delivering nutritious meals to homebound seniors, but also providing caring concern and attention to their welfare; and

WHEREAS, Meals on Wheels provides nutritious meals and a powerful socialization opportunity for seniors to help combat loneliness and isolation, and helps them maintain their health and independence, and avoid unnecessary hospitalizations or premature institutionalization.

NOW, THEREFORE, I, Mike Smith, Mayor of the City of Oxford, Ohio, do hereby proclaim March 2021 as:

"MARCH FOR MEALS MONTH"

I urge every citizen to take time this month to honor our Meals on Wheels program, the seniors they serve, and the volunteers who care for them. Our recognition of, and involvement in, the national 2021 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 2nd day of March, 2021.



Mike Smith
MIKE SMITH, MAYOR

Appointment to Board or Commission

March 2, 2021

<i>Current Member Term Expiring</i>	<i>Current Term End Date</i>	<i>Applicants</i>	<i>Appoint</i>	<i>Term Ending Date</i>
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Butler County Board of Health (3 years)

Dr. Molly Emmert	March 1, 2021	Molly Emmert		2024
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Mary Ann Eaton

From: Douglas Elliott
Sent: Thursday, February 25, 2021 10:34 AM
To: Mary Ann Eaton
Cc: Mike Smith
Subject: FW: Oxford appointee to Board of Health

Importance: High

FYI
Doug

From: Jennifer Bailer <bailerj@butlercountyohio.org>
Sent: Thursday, February 25, 2021 9:45 AM
To: Douglas Elliott <delliott@cityofoxford.org>
Cc: Kimberly Geisler <GeislerKJ@butlercountyohio.org>
Subject: Oxford appointee to Board of Health
Importance: High

Doug,

Background in case you do not know: Oxford has a permanent seat on the Board of Health (BOH), and has since 1920 or so. Dr. Emmert was appointed by City Council 3 years ago for Oxford, and for at least maybe 3 terms before that (she has been on the BOH as long as I have been here, 2010, not sure exactly how long before that). She also serves as the required Medical Doctor on the BOH.

Her term is expiring in March, 2021. She has agreed to serve another term and we would be thrilled to have her again. She brings a perspective to the BOH that is valued and appreciated. I believe the citizens of Oxford would be very pleased with the way that she represents them.

The Mayor has to officially appoint the Oxford appointee. Would it be possible to put this on Council's agenda for the next meeting and ask Mayor Mike to appoint Dr. Emmert, or another person of his choosing? I don't know if Council needs to vote on this too or not.

Thanks Doug!



Public Health
Prevent. Promote. Protect.

Butler County
General Health District

Jenny Bailer, RN, MS
Health Commissioner

301 South Third Street
Hamilton, OH 45011
Office: 513.863.1770

health.bcoho.us

A virtual Work Session of the Oxford City Council and the Housing Advisory Commission (HAC) members was called to order by Mayor, Mike Smith on Tuesday, February 16, 2021 at 6:30 p.m. Council members participating were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, Bill Snavelly and Edna Southard. Sherry Lind and Shana Rosenberg from the HAC also participated.

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

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Snavelly seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PURPOSE

The Work Session was scheduled for Mr. Patrick Bowen of Bowen National Research to provide a presentation regarding the Oxford, Ohio Housing Needs Assessment, which was performed by his firm over the last ten - twelve months.

Mr. Patrick Bowen, President, Bowen National Research, provided a PowerPoint with Mr. Perry's assistance and presented an overview of the Oxford, Ohio Housing Needs Assessment, which included information regarding the Established Study Areas, Demographic & Economic Analysis, Housing Supply Analysis, Other Housing Market Factors, Housing Gap Analysis and Conclusions.

DISCUSSION

Mr. Bowen and Mr. Perry addressed comments and questions from Council members and Housing Advisory Commission members.

The entire Oxford, Ohio Housing Needs Assessment 2020 is posted on the City of Oxford's website. www.cityofoxford.org.

ADJOURNMENT

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

NAY: None (0)

ABS: None (0)

A virtual meeting of the Oxford City Council was called to order by Mayor Mike Smith on Tuesday, February 16, 2021 at 7:30 p.m. Members participating were Jason Bracken, Glenn Ellerbe, David Prytherch, Chantel Raghu, William Snavelly and Edna Southard.

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

APPROVAL OF AGENDA

Ms. Southard moved to approve the agenda. Mr. Snavelly seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

PUBLIC PARTICIPATION

PUBLIC COMMENTS

Ms. Barbara Caruso, 6071 Booth Road, advised she was speaking on behalf of the Oxford Citizens for Peace and Justice (OCPJ). Ms. Caruso thanked Council for their part in supporting a cold shelter for homeless people in Oxford. Ms. Caruso informed Council of an emergency project that OCPJ has initiated noting with administration through the Family Resource Center OCPJ was collecting funds to extend the relief offered by the cold shelter, which ends the last day of February through the month of March. Ms. Caruso advised if possible they would also like to add more capacity, which is sorely needed for this month. Ms. Caruso noted the current shelter arrangements have been over subscribed and they are currently over capacity. Ms. Caruso advised the Family Resource Center has been striving to meet needs as they manifest although it was going into their regular funding. Ms. Caruso noted an appeal was sent to OCPJ members and other area citizens yesterday, they were receiving a good response, and welcomed Councilors and others to participate as well. Ms. Caruso advised with the current cold shelter being over subscribed and homelessness in Oxford an increasing problem this is only a stop-gap measure. Ms. Caruso noted this problem needs a larger community response on many levels. Ms. Caruso advised OCPJ appreciates Council's Work Session this evening regarding the Oxford Housing Report noting OCPJ members have read at least the Executive Summary and larger amounts of that report. Ms. Caruso encouraged the City to engage in action on truly affordable housing noting OCPJ would welcome a more permanent and stable multi-purpose shelter for people experiencing a variety of causes that result in their homelessness or displacement. Ms. Caruso advised this engagement is clearly beyond OCPJ's ability to offer a tiny emergency intervention. Ms. Caruso noted privatizing the problem is not a viable long-term solution. Ms. Caruso noted OCPJ was looking

forward to the City's major investment in these housing difficulties.

Ms. Amy Shaiman, 11 Heather Ridge Court, advised she was speaking on behalf of her family. Ms. Shaiman thanked City Council and staff for the excellent efforts in snow removal noting she appreciates members of Council posting on social media about the importance of businesses and citizens shoveling their sidewalks. Ms. Shaiman inquired if it was possible for the snowplows to avoid depositing large amounts of snow in a curb cut in her neighborhood. Ms. Shaiman thanked Council and staff again for keeping people safe during winter weather conditions.

Ms. Abby Bammerlin, advised she was a reporter for the Miami Student noting she has followed Council for the last year. Ms. Bammerlin thanked Council for helping her this past year and advised she will be passing the reins over to a new writer, Sean Scott.

CONSENT AGENDA

Minutes of the February 2, 2021 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

Report regarding the February 3, 2021 Environmental Commission Meeting. (Mike Dreisbach, Service Director)

Mr. Snavelly requested removal of item A. Minutes of the February 2, 2021 City Council Meeting to address the issue of recusal.

Mr. Snavelly moved to approve the Consent Agenda with the exception of item A. Ms. Southard seconded. The motion passed by the following roll call:

AYE: Mr. Snavelly, Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu,

Mayor Smith (7)

NAY: None (0)

ABS: None (0)

Mr. Snavelly advised the reason he recused himself from the Planned Development discussion at the last meeting was because he hired a representative for the petitioner to do a task for him which should be complete by June.

Mr. Snavelly moved to approve the minutes with the correction as stated above. Mr. Prytherch seconded. The motion passed by the following roll call:

AYE: Ms. Southard, Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly,

Mayor Smith (7)

NAY: None (0)

ABS: None (0)

RESOLUTIONS

RESOLUTION

AGREEMENT WITH DUKE ENERGY

A Resolution No. 7261 authorizing the City Manager to enter into an agreement with Duke Energy of Ohio for the conversion of street lighting to LED technology at a cost of \$324,450.17 plus a contingency in the amount of \$25,549.83 for a total cost not to exceed \$350,000.00. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City currently has \$350,000 in the 2021 Capital Improvement Budget to convert old technology street lighting to LED technology. Mr. Dreisbach noted the City currently has 707 street lights operated by Duke Energy and advised the City pays a monthly fee to maintain the lights and purchase electricity for them. Mr. Dreisbach noted LED lights can generate a savings of up to 75% on the City's electric charges and will produce the same brightness as what the City has currently. Mr. Dreisbach addressed the issue of light pollution noting it can be mitigated. Mr. Dreisbach advised staff chose the 3,000 or lower Kelvin temperature for the lighting, which is the same as the Community Park and Uptown Parks. Mr. Dreisbach noted the lights are easy to install and maintain and advised the City expected a payback for the initial expense within 7 years. Mr. Dreisbach offered to answer any questions.

There were no comments from the public.

Mr. Prytherch thanked staff for pursuing this initiative and listening to Council's priorities. Mr. Prytherch noted he felt the fact the City can reduce its carbon footprint while saving money with a payback period of 7 years was awesome.

Ms. Southard noted she appreciated everything staff took into account in making this balance in addition to the benefits to the environment. Ms. Southard advised she felt a 7-year return of the investment was excellent.

Mr. Snavelly advised he was very much in favor of the proposal noting it supports one of Council's goals and it was another way for Oxford to be more environmentally sustainable as well as economically frugal.

Mr. Bracken agreed with the other comments and inquired how long the average life span was of the LED light. Mr. Dreisbach advised the lights would last for tens of thousands of hours.

Mr. Snavely moved to adopt Resolution No. 7261. Mr. Prytherch seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Bracken, Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavely, Ms. Southard,

Mayor Smith (7)

NAY: None (0)

ABS: None (0)

RESOLUTION
CURB, GUTTER & SIDEWALK IMPROVEMENTS

A Resolution No. 7262 declaring that it is necessary to improve those portions of certain properties as shown on Exhibit "A" attached hereto in the City of Oxford, Ohio, by re-paving, re-curb, and repairing the sidewalks, curbs, and gutters. (Mike Dreisbach, Service Director)

Mr. Dreisbach advised the City has used this procedure for many years for special assessments to help residents get curb, gutter and sidewalk back into acceptable standards in the City. Mr. Dreisbach noted the City has sent courtesy notices to property owners based on the approved budget for 2021. Mr. Dreisbach advised once staff knows what the funding will be staff can estimate how many streets can be repaved and trigger the process of letting people know their curb, gutter and sidewalk must be improved. Mr. Dreisbach noted the repairs will extend the life of the street the City is investing in. Mr. Dreisbach advised four pieces of legislation are required for this process as outlined in the Ohio Revised Code Chapter 729. Mr. Dreisbach noted this Resolution of necessity will allow staff to send certified notification to property owners of the deficiencies and the requirement to improve the curb, gutter and sidewalk. Mr. Dreisbach advised this Resolution will be followed by a Resolution to contract for construction for those who do not perform the work, followed by a Resolution of actual costs for each property once the work is completed and then an Ordinance levying the costs to the property tax bill. Mr. Dreisbach noted if at any point an owner does not want the assessment they can pay the actual value of the City's work.

There were no comments from the public.

Mayor Smith advised Council was very familiar with this process.

Ms. Southard noted her neighbors had many questions about this process and she appreciated the answers given by Mr. Dreisbach and Mr. Elliott to those questions. Ms. Southard advised many people did not realize that the gutters and curbs are their responsibility.

Mr. Snavelly moved to adopt resolution No. 7262. Mr. Prytherch seconded. The Resolution was adopted by the following roll call:

AYE: Mr. Ellerbe, Mr. Prytherch, Ms. Raghu, Mr. Snavelly, Ms. Southard, Mr. Bracken,

Mayor Smith (7)

NAY: None (0)

ABS: None (0)

RESOLUTION **ODNR GRANT**

A Resolution No. 7263 of Council authorizing the City Manager to submit a grant application to the Ohio Department of Natural Resources requesting funding in the amount of \$500,000.00 from the Clean Ohio Trails Fund as a matching grant to the OKI funding received for Phase III and IV of the Oxford Area Trail and authorizing the City Manager to utilize funds raised by the OATS property tax levy to fund a 20% local match for this grant if awarded. (Jessica Greene, Assistant City Manager)

Ms. Greene advised in 2022 Phase III and Phase IV of the Oxford Area Trail will be constructed concurrently and the cost will be just over 4.2 million dollars. Ms. Greene noted the City has just over 1.9 million in existing grants, which means 3 million dollars would have to come from the tax levy. Ms. Greene advised her goal with the proposed grant was to offset the City's local match and to stretch the levy funds further.

Ms. Amy Shaiman, 11 Heatheridge Court, advised she appreciated all that Ms. Greene and City Council does for the trails to get everyone out into nature.

Mr. Prytherch noted the more grant dollars the City can have relative to the local match the better and advised he appreciated Ms. Greene's efforts to stretch the levy dollars.

Mr. Snavelly moved to adopt Resolution No. 7263. Ms. Southard seconded. The Resolution was adopted by the following roll call:

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

NAY: None (0)

ABS: None (0)

ORDINANCE
FIRST READING

ORDINANCE
SUPPLEMENTAL BUDGET

An Ordinance Amending Ordinance No. 3600. Supplemental Budget Ordinance Number 2 To Make Supplemental Appropriations For Fiscal Year 2021. (Joe Newlin, Finance Director)

Mr. Newlin addressed his staff report as presented on page 40 of Council's packet noting the Supplemental Budget was for the purchase of additional road salt. Mr. Newlin noted the street crew has done a great job of plowing the streets and thanked them for their service.

There were no comments from the public.

Ms. Southard inquired if the price of salt was affecting this purchase. Ms. Southard noted she appreciated that the Service Department balances road safety with the environmental issue of using too much salt. Mr. Dreisbach advised the City partners with the Butler County Engineer's Office and 15-20 other communities to leverage the buying power. Mr. Dreisbach noted the City has a fixed price contract for the entire year.

Mayor Smith advised Council would see this again in two weeks.

ORDINANCE
SECOND READING

ORDINANCE
PRELIMINARY PLANNED DEVELOPMENT

An Ordinance Accepting The Recommendation Of The Planning Commission And Approving The Preliminary Planned Development Application For Lake Forest Phase One (US 27 & Lake Forest Drive With Conditions. (Sam Perry, Community Development Director)

Mayor Smith asked for a motion to table the proposed Ordinance as staff is working with the developer and is making some progress on some of the issues related to the conditions for approval.

Mr. Snavelly recused himself as he has hired a representative for the petitioner to perform a task for him.

Mr. Prytherch moved to table the proposed Ordinance. Mr. Bracken seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)

ANNOUNCEMENTS & COMMUNICATIONS

Mr. Elliott advised the City's Deer Management program ended February 7 noting it was the 12th year for the program. Mr. Elliott advised 9 deer were harvested this year with 8 of them being donated to the Community Meal Center in Hamilton. Mr. Elliott noted over the 12 years 1.6 tons of venison has been donated to the Community Meal Center.

Mr. Elliott reminded everyone the City is conducting a Police Services Survey provided by the independent research firm Polco. Mr. Elliott encouraged those who received a postcard in the mail to complete the survey.

Mr. Elliott provided an update on Covid-19 statistics.

Mr. Dreisbach thanked employees of the Service Department for their snow removal efforts noting they have done an excellent job. Mr. Dreisbach thanked the Police Division for their efforts in getting the snow routes cleared of parked vehicles.

Chief Jones advised 39 cars were towed from snow routes, which was considerably less than the prior snow event when OPD ticketed 216 cars for snow route violations. Chief Jones noted OPD worked diligently on their messaging about snow route regulations using social media resources and cooperating with Miami University.

Ms. Greene advised the City's annual report has been published on the city's website and on social media and encouraged everyone to share it far and wide. Ms. Greene noted printed copies would be placed in various public places around town.

Ms. Greene advised staff is working on a new website for the City noting her hope it will be ready in June. Ms. Greene advised as part of that she would like Councilors to have a headshot taken for the website and noted she would reach out to them in March to schedule those.

Mr. Perry advised staff was working on a limited version of the popular event ShareFest that will take place this year during the student move-out period.

Mr. Perry noted staff has an RFP out to establish the best route for the OATS trail to cover the gap between the Community Park and the covered bridge and advised Council would hear more about that over the next few weeks.

Mr. Conard thanked Chief Jones and OPD for allowing him to use their conference room yesterday while his daughter participated in the District Dive Meet at Miami University. Mr. Conard thanked the university for allowing the high school students to have the competition at Miami University. Mr. Conard noted this was a reflection of what a wonderful place the City of Oxford is to everyone.

Ms. Raghu provided a renewable energy update noting since Council's last meeting the number of homeowners that have signed up to try to get solar panels on their homes has more than doubled. Ms. Raghu advised 22 homeowners in Oxford are in the process of getting quotes or waiting to sign contracts.

Ms. Raghu thanked Mr. Dreisbach for providing information to her regarding the Wastewater Treatment Plant. Ms. Raghu advised she had a meeting scheduled with an engineer who is a co-author for Carbon Capture and Utilization for Renewable Energy at Wastewater Treatment Plants. Ms. Raghu noted she was excited to share the information the City's Wastewater Treatment Plant already has and see how to keep the renewable energy train going.

Mr. Ellerbe referred to the recent weather events and reminded everyone 4-wheel drive does not mean 4-wheel stop. Mr. Ellerbe encouraged drivers to give each other extra space and extra time noting he wanted to ensure everyone stays safe.

Mr. Snavelly expressed his thanks and appreciation to Mr. Dreisbach and his crews noting they did a fabulous job with the recent snow removal.

Ms. Southard encouraged everyone to fill out the Butler County Board of Health survey regarding the Covid-19 vaccination noting they will contact people to let them know when they are eligible for the vaccine. Ms. Southard advised when people are vaccinated they are not given a second appointment and many residents were concerned about that. Ms. Southard noted the Butler County Board of Health contacted people yesterday to inform them of another event at the fairgrounds which people could sign-up for. Ms. Southard encouraged everyone to get their vaccine when they become eligible.

Mr. Bracken advised the vaccines are safe and effective and encouraged everyone to get theirs when it is their turn for themselves, their family and for the community.

Mr. Bracken thanked the Oxford Citizens for Peace and Justice and all of the community members that generously donated to extending the City's cold shelter transitional housing program. Mr. Bracken asked the City to step up as much as possible to expand that and to sustain it going forward since these are the most vulnerable members of the community. Mr. Bracken advised he felt the City needed to find a way to provide this service consistently.

Mr. Prytherch advised he felt the Service Department did an amazing job with the snow removal noting it was a team effort with OPD, the Dispatchers and the Public Safety Assistants. Mr. Prytherch advised he was impressed by the voluntary snow shoveling done by residents on the sidewalks although he felt there was some intractability that Council needs to work on before everyone forgets about the snow event. Mr. Prytherch noted some of the businesses do a terrible job of keeping sidewalks and parking lots clear of snow.

Mr. Prytherch advised he would like to have a conversation with the City Manager and the Law Director about what the City can do when voluntary compliance is not good enough and the City is left with those who refuse to keep their properties free of snow.

Mayor Smith thanked those who shoveled their sidewalks over the past few weeks noting some businesses Uptown did not take care of their sidewalks, which sets a bad example. Mayor Smith thanked Ms. Raghu for shoveling at her home on the walking route to Kramer School noting he was dismayed that the walking routes to the elementary school were not completely clear.

ADJOURNMENT

Mr. Snavelly moved to adjourn at 8:22 p.m. Ms. Southard seconded. The motion passed by the following roll call:

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

NAY: None (0)

ABS: None (0)



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

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	February 24, 2021
COUNCIL MEETING DATE:	March 2, 2021
AGENDA TITLE:	February 9, 2021 Planning Commission Summary (Virtual Meeting)
CITY MANAGER/DEPT HEAD APPROVAL:	<i>Sam Perry</i> DRE 2/26/21

Due to recent membership changes, a new Vice-Chair was elected, Ms. Shana Rosenberg.

The Commission approved the meeting agenda and the amended January meeting minutes.

There were no comments from the public on items not on the agenda.

Board and Committee designees provided updates on ongoing work.

Mr. Perry announced that a Comprehensive Plan revision is underway, and ShareFest is scheduled to occur this year. Mr. Perry also shared that general reminders were being put out to the public that snow and ice removal from sidewalks is a private owner responsibility. Mr. Moore shared that text amendments recently adopted by City Council were set to become effective on February 18.

Ms. Blackmar shared that a webinar on Universal Design was scheduled to occur soon.

PC-2021-01 MINOR AMENDMENT CONDITIONAL USE, 321 W Spring, addition of a drive-thru window, Allen Ansorg, Applicant/Agent

Mr. Moore presented the staff report. Spring Street Treats had submitted a Building Permit to construct a second drive-thru window on the existing building, thus modifying the current operation of the drive-thru lane. Staff, in conjunction with Chairman Watt, determined the request to be a Minor Amendment to a Conditional Use previously approved in 2012, and should be brought before the Commission for input. Ms. Amy Ansorg, wife of applicant Allen Ansorg, spoke on behalf of the application and presented a proposal for opening up the second drive-thru lane, including installation of wayfinding signage and pavement striping. The Commission heard feedback from Police Chief Jones. After discussion and questions, Mr. Perry advised Mr. Watt that enough feedback had been absorbed that the agenda may move forward without taking an informal poll of Commission members.





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

PC-2020-17, PRELIMINARY PLANNED DEVELOPMENT, 4147 Kehr Road, 4.49 acres, 15 single-family residential condominiums, **HPCT Properties, Inc., Applicant/Agent**

Mr. Moore presented the staff report, recommending approval subject to 16 conditions. The Commission heard from the applicant, as well as nearby resident Mike Rudolph who is involved in the South Farm Owners Association. The applicant objected to 4 of staff's conditions. The Commission asked questions of both staff and the applicant with regard to those conditions. With assistance from staff in revising wording on the 4 conditions, Mr. Keebler made a motion to approve. Mr. Prytherch made a motion to amend by reverting back to original wording on a condition related to sidewalk construction along both the new private street and along the west side of Kehr Road. Mr. Prytherch's amendment passed by a 5-2-0 vote, followed by Mr. Keebler's amended motion passing by a 7-0-0 vote. In summary, the Planning Commission recommended approval of the proposal to City Council, subject to a total of 15 conditions.

PC-2020-18, PRELIMINARY SUBDIVISION, 1983 Lake Forest Drive, 17.97 Acres, 21 single family lots, **4 Leaf Development LLC Applicant**

Mr. Moore presented the staff report, recommending approval subject to 14 conditions. The Commission heard from the applicant, who objected to the following 3 conditions: (1) requirement for a vegetated buffer along Lots 17-21 to produce an additional screening effect (desiring to eliminate condition entirely); (2) prohibition of all private driveways from accessing US 27 or Lake Forest Drive (desiring Lot 16 to access from Lake Forest); and (3) reducing required connectivity index from 1.2 to 1 on condition a stub street be provided (desiring to reduce to 0.5 and eliminate stub). The Commission then heard from Mr. Jacob Schulte and Ms. Sandy Burger, who are nearby residents on Woodruff Road in Oxford Township to the east. Concerns were expressed about the future stub street, drainage leading down toward Lick Run and impacting the junction with Four Mile Creek, and potential removal of trees along the eastern edge of the development property.

The main subjects of discussion following presentations and comments were: (1) provision of a buffer along Lake Forest Drive for Lots 17-21; (2) the question of Lot 16 being a suitable site for a dwelling unit, due to close proximity to the Lake Forest/US 27 intersection; (3) the provision of a stub street or an alternate method of potential future access; and (4) the validity of the prior traffic study's assumptions (in terms of maximum number of dwelling units possible) in planning for possible improvements and/or signalization at Lake Forest Drive and US 27.

A significant portion of the discussion focused on an appropriate mechanism for achieving compliance with the spirit and intent of the City's latest adopted Tree Ordinance. The direction of the conversation shifted from the applicant's originally requested option to defer surveying to the Building Permit, more toward applying a conservation easement or restriction of some kind. Staff suggested an alternate agreement may be reached by providing an increased rear yard setback and having the setback apply to all uses, not just principal dwellings. In response, Mr. Keebler suggested the matter be tabled. Mr. Conard inquired of the applicant (Ms. Reed) whether she was accepting of a tabling. Ms. Reed responded she did not want to be tabled, but also understood the situation and that an agreement likely wouldn't be reached that night. Mr. Keebler made a motion to table the case, seconded by Mr. Dana, and approved by the Commission 7-0-0.



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15 S. College Ave.
Oxford, OH 45056

PC-2021-02 LOT SPLIT, Entire Lot #1532 1.23 acres, split part lot 0.704 acres, and part lot 0.459 acres, northwest of intersection of W. Sycamore Street & Morning Sun Road, **H&P Properties, Inc.**

Mr. Perry reported that this lot split was previously approved last year, but never recorded. So the owner needed to apply again in order for the split to occur.



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

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	February 22, 2021
COUNCIL MEETING DATE:	March 2, 2021
AGENDA TITLE:	February 17, 2021 Board of Zoning Appeals Summary (Virtual Meeting)
CITY MANAGER/DEPT HEAD APPROVAL:	<i>Sam Perry</i> DRE 2-26-21

Chair Michael Schnipper ran the virtual meeting, with Planner Zachary Moore providing primary staff reporting. All five BZA members attended. Director Sam Perry was also in attendance. Attorney Ben Mazer provided legal support.

BZA-2021-01, 300 S Locust, variance to Section 1151.05(a)(3) allowed number of signage per site, Atlantic Sign Company, Appellant

The applicant requested a variance to install an additional permanent wall sign on the exterior façade of the Kroger grocery store, for the purpose of advertising The Little Clinic inside the store. A total of 4 permanent wall signs already exist on the building, going from north to south: (1) “Starbucks Coffee”; (2) “Kroger”; (3) “Pharmacy”; and (4) “RX Drive-Thru” as were allowed by a previous BZA approval in November 2008.

The board heard from staff and the applicant. There were no comments from the public. The Board posed questions concerning the distinction of enforcement and standards between permanent signage and temporary signage. Temporary relief is currently afforded to the enforcement of temporary sign standards, following the COVID-19 Policy initially established on April 24, 2020. The Board approved the request 5-0-0, allowing sign installation to move forward.

BZA-2021-02, 407 N Campus, variances to Section 1143.07(c) maximum lot coverage, and Section 1149.03(i) required parking spaces, Scott Webb, Appellant



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The applicant requested two variances in order to effectively demolish an existing deteriorated three-family structure located at the southeast corner of N Campus Avenue and Homestead Avenue, and replace with a new three-family structure. The two variances were as follows: (1) maximum lot coverage of 45%, increasing to 55.2%; and (2) minimum of 8 required parking spaces, reducing to 4. The Board heard testimony that effective February 18, the number of required spaces would actually be 6. Also documented in the proposal was the acquisition of a 4-foot wide strip of land from the adjoining neighbor to the south for the purpose of increasing the total lot area to meet the minimum 8,000 square feet required to establish a new three-family. The current lot size is 7,433 square feet.

The Board heard from staff and the applicant. No comments were heard from the public, but staff did read aloud a comment letter received from a nearby owner expressing opposition to the request. Staff also advised the BZA they may condition the approval of the variances on the successful split and consolidation of the 4-foot wide strip of land. The Board inquired as to the whether a two-family use was allowed by-right (which it was), the effect on the property to the south, the relationship to the previous up-zoning of the Mile Square, and the number of bedrooms inside the structure currently. It was further found that the proposed parking configuration would be an improvement from existing conditions. In consideration of the decision standards, the Board approved the request by a 5-0-0 vote, contingent on successful completion of the proposed split, thus allowing the project to move forward.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation

Originating Department

Council Meeting Of: March 2, 2021

Account Code No. #: N/A

Prepared By: Casey D. Wooddell

Budgeted Amount: N/A

Date Prepared: Feb. 23, 2021

Agenda Title: Oxford Recreation Board Feb. 18, 2021

Recommendation: Approve *DRE 2-26-21*

Attendance: Rec Board: Mayor Mike Smith, Kevin Ackley, Craig Bennett, Wes Cole, and
Chairperson Ken Bogard
OPRD: Casey Wooddell, Deanna Barbour

The Oxford Recreation Board met via Zoom on Thursday, Feb. 18 at 11:30am. This meeting was rescheduled from Thursday, Feb. 11.

The Oxford Recreation Board welcomed a guest speaker, Mr. Ross Olson. Mr. Olson presented information to the board members about a potential use of Merry Day Park. This would include native plantings, such as wildflowers, shrubs and trees, which are beneficial to the local wildlife, insects, etc. Mr. Olson highlighted some potential locations within the park for these plantings. The board members were receptive to this potential use, but no official decisions were made and more information has been requested. The board members did mention wanting to maintain an adequate amount of green space as well as working to ensure these plantings and their locations were cohesive with the potential of the OATS trail coming through Merry Day Park in the future. This was just an introductory meeting to follow up on a similar presentation provided to the Environmental Commission.

Parks and Recreation Director Casey Wooddell reviewed a recommendation letter that was approved by the Board back in August 2020. This letter was a recommendation to City Council to update the Parks and Recreation Master Plan, which has not been updated since 1997. Mr. Wooddell informed the Recreation Board members about the Talawanda Recreation, Inc. (TRI) board members also wanting to sign their approval onto this recommendation letter, as an updated Master Plan would greatly benefit the TRI organization also. The Oxford Recreation Board voted to approve the addition of the TRI Board member names onto the letter, and submit to City Council. One important piece of information noted in this letter is that the current 2008 City Comprehensive Plan specifically lists *Update the Parks and Recreation Master Plan* as one of the objectives to complete.

Director Wooddell then provided updates on the following projects: pickle ball and tennis courts at the TRI, a Miami class working on plans for a future dog park in Oxford, a potential grant to fund a dirt pump track on the TRI property, and additional work on the Field 5 baseball field project at Oxford Community Park.

Meeting was adjourned at 12:32pm. Next meeting scheduled for Thursday, March 11 at 11:30am, via Zoom.

Approved By

Initial Date

Department Head:

CDW

\ 2/23/2021

City Manager



The City of Oxford
(513) 524-5200
15 S. College Ave.
Oxford, OH 45215

STAFF REPORT

ORIGINATING DEPARTMENT:	City Council
PREPARED BY:	David Prytherch
DATE PREPARED:	February 22, 2021
COUNCIL MEETING DATE:	March 2, 2021
AGENDA TITLE:	Supporting Amtrak's proposed expansion.
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 2/26/21

DISCUSSION:

As requested by Councilor Prytherch.



RESOLUTION NO.

A RESOLUTION SUPPORTING PROPOSED EXPANSION OF AMTRAK PASSENGER RAIL SERVICES TO CONNECT OXFORD, OHIO, AND THE MIDWEST, AS WELL AS CONGRESSIONAL ACTIONS NEEDED TO AUTHORIZE AND APPROPRIATE RELATED FUNDS.

WHEREAS, the economic vitality and livability of Ohio communities like Oxford depends on connectivity with other places across the region; and

WHEREAS, passenger rail will be essential to multi-modal transport systems of the future, providing connectivity to small towns like Oxford that lack interstate access; and

WHEREAS, Oxford, Ohio -- home to Miami University -- is located on one of the Midwest's primary rail corridors linking Cincinnati to Chicago, and is engaged in station planning and platform design as part of a new multi-modal transport facility; and

WHEREAS, safe, fast, modern, convenient passenger rail offers time-savings and productivity benefits of all-weather transportation, making Ohio more attractive to live, work, or visit; and

WHEREAS, Ohio is currently served by only three Amtrak routes -- two confined mostly to the northern edge of the state -- with only 32 passenger trains crossing the state per week. It has far fewer intercity or regional passenger rail services than any of its neighbors except Kentucky; and

WHEREAS, Ohio is the most populous state in the nation without any ongoing passenger rail development or operating program as it has no funds budgeted for passenger rail development in the currently proposed Ohio Department of Transportation biennial budget; and

WHEREAS, Ohio's industrial legacy includes America's fifth-highest railroad industrial supplier employment (according to the Ohio Department of Transportation), yet limited passenger service means lower Amtrak purchasing and employment than in our neighboring industrial states; and

WHEREAS, the employment multiplier for transportation sector jobs is 3.76 according to the Economic Policy Institute, meaning that for every Amtrak job added another 2.76 jobs are created among suppliers and in communities where employees live and work; and

WHEREAS, Amtrak proposes to increase the number of passenger trains in Ohio by 572% from 32 trains per week to 215 trains per week and the number of stations by 214% from seven existing to potentially 22 stations by 2035 suggests an approximate corollary increase in Ohio employment from 52 to 300 permanent Amtrak jobs and 828 induced permanent jobs; and

WHEREAS, Amtrak proposes to increase the number of weekly train arrivals and departures at Cincinnati from six to 104 trains per week, at Cleveland from 28 to 154 weekly, at Columbus and Dayton from zero to 42 per week, and at Toledo from 28 to 70 weekly; and

WHEREAS, Oxford's connection to enhanced passenger rail service would be catalytic to the development of our local community, Miami University, and southwestern Ohio.

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

SECTION 1: We respectfully ask Senators Brown and Portman, as well as Congressman Warren Davidson, for their support and assistance in establishing an Amtrak stop in Oxford to serve Miami University, the City of Oxford, and surrounding communities.

SECTION 2: We respectfully ask Ohio Senators Sherrod Brown and Robert Portman, as well as Congressman Warren Davidson, to support a renewal of the five-year federal Surface Transportation Reauthorization in 2021 that includes Amtrak's proposed Corridors Development Program authorized at \$25 billion for capital improvements and \$300 million for operations over five years; and

SECTION 3: We respectfully ask Ohio Senators Brown and Portman, as well as Congressman Warren Davidson, to provide in the upcoming Transportation and Housing Urban Development appropriations bill \$5 billion for capital improvements and \$60 million for operations to fund Amtrak's Corridor Development Program; and

SECTION 4: Copies of this resolution will be transmitted to the Washington DC offices of Senators Brown and Portman, Congressman Warren Davidson, and to Derrick James, Senior Government Affairs Officer, Amtrak, 500 W. Jackson Blvd., Chicago, IL 60661.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



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

STAFF REPORT

ORIGINATING DEPARTMENT:	Service Department
PREPARED BY:	Michael Dreisbach
DATE PREPARED:	February 18, 2021
COUNCIL MEETING DATE:	March 2, 2021
AGENDA TITLE:	Patriot Engineering & Environmental, Inc. Agreement Amendment for the Removal of Underground Storage Tanks in the High St. Right of Way
BUDGETED AMOUNT:	\$33,510 was encumbered in 2020
ACCOUNT CODE:	110.490.52340
RECOMMENDATION:	Approve
CITY MANAGER/DEPT HEAD APPROVAL:	DRE 2-24-21 MBD 2/18/21

Discussion:

The Oxford City Council previously approved a contract with Patriot Engineering & Environmental, Inc. (Patriot) for the removal of three underground petroleum storage tanks and associated fuel, contaminated water, and contaminated soil associated with the tanks in the ROW at 110 E. High Street. Council approved Resolution No. 7244 on Dec. 1, 2020 with a contract value not to exceed \$33,600.00.

The scope of work with Patriot has been completed and accepted by the City. Once excavation was completed after removal of the UST tanks, soil contamination was slightly more significant than anticipated by boring reports. Extra work was authorized so the project could be completed in a timely fashion, and sidewalk restoration work by the City could proceed. The additional work for removal and disposal of contaminated soil resulted in extra costs of \$1,630.36.

It is Staff's recommendation that the City Council approve a new Resolution with a contract amount not to exceed \$35,230.36. The additional funds will be appropriated through a supplemental appropriation.

RESOLUTION NO.

A RESOLUTION REPEALING RESOLUTION NO. 7244 ADOPTED DECEMBER 1, 2020 AND ADOPTING A NEW RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PATRIOT ENGINEERING AND ENVIRONMENTAL, INC. FOR THE REMOVAL OF THREE (3) UNDERGROUND FUEL STORAGE TANKS AND ASSOCIATED CONTAMINATED SOIL LOCATED ON CITY OWNED PROPERTY UNDER THE SIDEWALK AT 110 E. HIGH STREET AT A COST NOT TO EXCEED \$35,230.36.

WHEREAS, the former Follett's Bookstore and City owned property (sidewalk) required environmental remediation, which included the removal of underground fuel storage tanks and contaminated soil; and

WHEREAS, the scope of work with Patriot Engineering & Environmental, Inc. is complete. Soil contamination was more significant than anticipated by boring reports and extra work was authorized to complete the project.

WHEREAS, the City Manager and the Service Director recommend City Council repeal Resolution No. 7244 adopted December 1, 2020 and authorize the City Manager to enter into a new contract with Patriot Engineering and Environmental, Inc. for the removal of three (3) underground fuel storage tanks and associated contaminated soil located on City owned property under the sidewalk at 110 E. High Street at a cost not to exceed \$35,230.36.

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

SECTION 1: City Council hereby accepts the recommendation of the City Manager and the Service Director and repeals Resolution No. 7244 adopted December 1, 2020. Council further authorizes the City Manager to enter into a new contract with Patriot Engineering and Environmental, Inc. for the removal of three (3) underground fuel storage tanks and associated contaminated soil located on City owned property under the sidewalk at 110 E. High Street at a cost not to exceed \$35,230.36.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

RESOLUTION NO. 7244

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PATRIOT ENGINEERING AND ENVIRONMENTAL, INC. FOR THE REMOVAL OF THREE (3) UNDERGROUND FUEL STORAGE TANKS AND ASSOCIATED CONTAMINATED SOIL LOCATED ON CITY OWNED PROPERTY UNDER THE SIDEWALK AT 110 E. HIGH STREET AT A COST OF \$27,658.00 PLUS A CONTINGENCY IN THE AMOUNT OF \$5,942.00 FOR A TOTAL COST NOT TO EXCEED \$33,600.00.

WHEREAS, the former Follett's Bookstore and City owned property (sidewalk) requires environmental remediation, which includes the removal of any underground fuel storage tanks and contaminated soil; and

WHEREAS, the City Manager recommends City Council accept the proposal of Patriot Engineering and Environmental, Inc. and authorize the City Manager to enter into a contract with Patriot Engineering and Environmental, Inc. for the removal of three (3) underground fuel storage tanks and associated contaminated soil located on City owned property under the sidewalk at 110 E. High Street at a cost of \$27,568.00 plus a contingency in the amount of \$5,942.00 for a total cost not to exceed \$33,600.00.

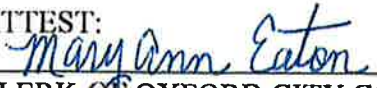
THE COUNCIL OF THE CITY OF OXFORD, OHIO, HEREBY RESOLVES THAT:

SECTION 1: City Council hereby accepts the proposal of Patriot Engineering and Environmental, Inc. and the recommendation of the City Manager and further authorizes the City Manager to enter into a contract with Patriot Engineering and Environmental, Inc. for the removal of three (3) underground fuel storage tanks and associated contaminated soil located on City owned property under the sidewalk at 110 E. High Street at a cost of \$27,568.00 plus a contingency in the amount of \$5,942.00 for a total cost not to exceed \$33,600.00.

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


MAYOR

ADOPTED: December 1, 2020

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)



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

STAFF REPORT

ORIGINATING DEPARTMENT:	Parking
PREPARED BY:	Chief John Jones
DATE PREPARED:	2/23/2021
COUNCIL MEETING DATE:	3/2/2021
AGENDA TITLE:	Passport Software License and Service Agreement
BUDGETED AMOUNT:	\$40914.46
ACCOUNT CODE:	130.710.52340.000
RECOMMENDATION:	Approve the resolution.
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 2-26-21</i>

DISCUSSION:

OPD purchased new parking software in 2018 in order to continue to improve the necessary operations of the Parking Unit. This resolution will authorize the City Manager to enter into an agreement with Passport, Inc. for the annual software subscription for the Citation Management Platform, the Digital Permits for Parking Platform, the License Plate Recognition Platform, and the Mobile Application License fee at a cost not to exceed \$40,914.46 the first year and an increase 5% each year hereafter.

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW AGREEMENT WITH PASSPORT LABS, INC. FOR THE ANNUAL SOFTWARE SUBSCRIPTION FOR THE CITY'S PARKING MANAGEMENT PLATFORMS AT A COST NOT TO EXCEED \$40,914.46 FOR THE FIRST YEAR WITH AN INCREASE OF 5% EACH YEAR THEREAFTER.

WHEREAS, the 2021 Police Operating Budget includes \$40,914.46 for the annual software subscription for the Citation Management Platform, the Digital Permits for Parking Platform, the License Plate Recognition Platform and the Mobile Application License fee; and

WHEREAS, the City Manager and the Police Chief recommend Council authorize the City Manager to enter into a new agreement a copy of which is attached hereto as Exhibit "A" with Passport Labs, Inc. for the annual software subscription for the City's Parking Management Platforms at a cost of \$40,914.46 for the first year with an increase of 5% each year thereafter.

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

SECTION 1: Council accepts the recommendation of the City Manager and the Police Chief and authorizes the City Manager to enter into a new agreement a copy of which is attached hereto as Exhibit "A" with Passport Labs, Inc. for the annual software subscription for the City's Parking Management Platforms at a cost of \$40,914.46 for the first year with an increase of 5% each year thereafter.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

SOFTWARE LICENSE AND SERVICE AGREEMENT

This Software License and Service Agreement is effective as of January 29, 2021 (the "Effective Date") and entered into by and between Passport Labs, Inc., a Delaware corporation ("Passport"), and the City of Oxford, OH ("Customer"). Passport and Customer are each a "Party" and collectively the "Parties."

Passport is in the business of providing, and Customer desires to obtain from Passport, certain parking- or transit-related software, hardware, and/or related services. This Agreement establishes the master terms and conditions that will apply to Customer's purchase from Passport of the products and services under this Agreement and Passport's delivery of the same to Customer. In consideration of the mutual promises and covenants contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. DEFINITIONS.

For purposes of this Agreement, the following terms shall have the meaning set forth below (or as otherwise defined in the Agreement):

1.1. "Agreement" means this Software License and Service Agreement, the Product-Specific Terms, the Order Form(s), the Statement(s) of Work, and all other attachments, exhibits, and schedules hereto.

1.2. "Confidential Information" means all information of either Party ("Disclosing Party") which is disclosed to the other Party ("Receiving Party") pursuant or in relation to this Agreement (a) if in written form, that is marked "Confidential," "Proprietary," or with words of similar import; and (b) if in written form, but not marked "Confidential," "Proprietary," or with words of similar import, or if disclosed verbally that a reasonable person would regard such information as confidential under the circumstances of disclosure or in view of the nature of the information. Confidential Information includes, by way of illustration and not limitation, this Agreement, the Passport System and all components thereof, the Intellectual Property, and all non-public know-how, inventions, techniques, processes, algorithms, software programs, schematics, designs, contracts, customer lists, financial information, pricing information, marketing information, and product plans.

1.3. "Customer" is the entity specified in the preamble and includes any entity directly or indirectly controlling, controlled by, or under common control with Customer including, without limitation, any subsidiary, affiliate, or parent of Customer on the Effective Date of this Agreement.

1.4. "Documentation" means the technical documentation for the Passport System provided by Passport to Customer, including all updates and versions thereof, whether in the form of electronic or printed materials, magnetic media, or machine-readable format.

1.5. "End User" means any individual who uses any component of the Passport System to transact for any Product.

1.6. "Go-Live Date" means the date on which the Passport System, or any individual Product thereof if more than one Product is purchased under this Agreement, is launched and begins to be utilized by Customer.

1.7. "Initial Term" means a period of thirty-six (36) months from the Go-Live Date, unless otherwise indicated in an Order Form.

1.8. "Intellectual Property" means all tangible and intangible property of Passport or its third-party vendors provided to Customer pursuant to this Agreement that is embodied in or used in connection with the Passport System, including, without limitation, trade names, source code, trademarks, copyrights, patents, and trade secrets, and/or which is protected or is protectable under copyright, patent, trade secret, service mark, trademark, or other intellectual property laws and/or regulations.

1.9. "License Fees" means the fees owed to Passport in consideration of providing Customer the Passport System pursuant to this Agreement as memorialized in the Order Form or elsewhere in the Agreement.

1.10. "Licensed Hardware" means the Passport hardware and any Third Party Hardware as more particularly set forth in an Order Form.

1.11. "Licensed Software" means the Passport software and any Third Party Software as more particularly set forth in an Order Form.

1.12. "Order Form" means that certain form bearing the same caption on which the Products, Third Party Products, and any other software, hardware, products, or services ordered by Customer under this Agreement, among other things, are specified.

1.13. "Passport System" means collectively the Licensed Software, Licensed Hardware, Documentation, and any Third Party Products licensed or sold under this Agreement by Passport to Customer.

1.14. "Product" means any product offered by Passport, including a mobile payments for parking platform, a citation issuance and management platform, a digital permits platform, a mobile payments for transit platform, a micromobility management platform, and a unified platform for the management and distribution of parking rates and business rules, as well as any other product identified in an Order Form.

1.15. "Product-Specific Terms" means those separate legal terms appended to this Agreement that apply to each Product purchased by Customer under this Agreement.

1.16. "Renewal Term" means a period of twelve months following the Initial Term, unless otherwise indicated in an Order Form.

1.17. "Statement of Work" or "SOW" means a statement of work agreed upon by the parties with reference to each Product purchased under this Agreement and appended to this Agreement or to an Order Form. Any variation to a Statement of Work must be memorialized in a change order that is agreed upon and signed by the parties.

1.18. "Substantial Completion Date" means the date that Passport has completed configuring the Passport System, or any individual Product thereof if more than one Product is purchased under this Agreement, to the specifications as set forth in the applicable SOW and is ready to be launched and utilized by Customer. Passport will notify Customer when it has achieved the Substantial Completion Date for each Product.

1.19. "Term" means the Initial Term and any Renewal Term(s).

1.20. "Third Party Hardware" means the hardware (and any related software embedded in or distributed with the hardware by the manufacturer of such hardware) manufactured by third parties and resold and/or sublicensed by Passport to Customer.

1.21. "Third Party Products" means Third Party Hardware and Third Party Software.

1.22. "Third Party Software" means all software owned by third parties, sublicensed by Passport to Customer and integrated into or interfaced by Passport into the Passport System.

2. SERVICES

2.1. Performance. Passport shall perform the services and deliver the software and products under this Agreement in a competent, professional, and workmanlike manner consistent with industry practices. Passport will maintain all permits, certificates and licenses required by applicable law and Passport's

employees performing the services will be qualified to perform the services and licensed as required. Passport will at all times during the Term be duly organized, validly existing and in good standing under the laws of the state of Delaware.

2.2. Order Forms. The Order Form shall set forth what Passport is to provide to Customer under this Agreement. To the extent Customer wishes to procure, and Passport wishes to provide, any additional products or services, the parties shall enter into one or more additional Order Forms as applicable that shall each form a part of and be subject to this Agreement.

2.3. Products. As of the Effective Date, Passport provides the Products (as defined above) in the marketplace (as well as related Third Party Products). Customer may request the addition of any Products and related services to the extent not provided by Passport to Customer as of the Effective Date and any additional software or platforms developed by Passport from and after the Effective Date, which shall be memorialized in a subsequent Order Form along with any additional terms (if applicable).

3. COMPLIANCE WITH LAW

3.1. In providing the services under this Agreement, Passport will comply at its sole cost and expense with all applicable federal, state, provincial, county, and municipal laws, statutes, rules, regulations and ordinances.

4. LICENSE; SERVICES

4.1. License Grant. Subject to the terms and conditions of this Agreement and all Third Party Software licenses, including, without limitation, the payment of all applicable License Fees, Passport hereby grants Customer a revocable, non-exclusive, nontransferable, non-subleaseable, and non-assignable license to use the Passport System during the Term for Customer's own internal operations in accordance with the terms of, and subject to the restrictions contained in, this Agreement.

4.2. License Restrictions. As a condition to the license set forth in Section 4.1, Customer shall not, directly, indirectly, alone, or with another person or entity (a) decompile, disassemble, interpret, reverse engineer, translate, or otherwise determine or attempt to determine any source code, algorithms, or underlying ideas of the Licensed Software or any portion thereof; (b) remove or modify any Passport or third-party markings, identification, copyright, or other notices from the Passport System; (c) sublicense, provide, lease, lend, pledge, use for timesharing or service bureau purposes, or allow others to use the Passport System to or for the benefit of third parties; (d) modify, change, incorporate into other software, create any databases other than as permitted herein, or create a derivative work of any part of the Licensed Software or Documentation; (e) disclose results of any performance information, analysis, or program benchmark tests without Passport's prior written consent; (f) make the Passport System, in whole or in part, available in any manner to any third party; (g) install or use the Passport System in any manner not in accordance with the license grant pursuant to Section 5.1; or (h) attempt to do any of the foregoing whether individually or with others.

4.3. No Other Licenses. Except as specifically granted in this Agreement, no license or other right is granted, either directly or indirectly, by implication or otherwise, to Customer, and all other rights are expressly reserved to Passport or its third-party vendors, as applicable.

5. THIRD PARTY PRODUCTS

5.1. The successful delivery of the Passport System may require that Customer use certain Third Party Products depending on Customer's operations, and, if so, Customer will be notified. Customer agrees to be bound to all licenses, obligations, restrictions, and limitations in connection with any Third Party Products. Excluding warranty of title to any Third Party Products, all other Third Party Product warranties, including, without limitation, warranties with respect to materials, workmanship, capability, and intellectual property rights are made by such manufacturers and not by Passport. Passport will use commercially reasonable efforts to pass through to Customer for Customer's benefit all end-user warranties

that the Third Party Products vendor(s) provides directly to Passport. Customer will look solely to such vendors or manufacturers for all remedies under such warranties.

6. INTELLECTUAL PROPERTY

6.1. Ownership. Customer acknowledges and agrees that the Intellectual Property is exclusively owned by and reserved to Passport, or to Passport's Third Party Software or Third Party Hardware providers, as the case may be, and Passport or such Third Party Software or Third Party Hardware providers will retain all right, title, and interest in the Intellectual Property. Customer will neither acquire nor assert any ownership or other proprietary rights in the Intellectual Property or in any derivation, adaptation, or variation thereof (regardless of who creates the derivation, adaptation, or variation) except as otherwise explicitly set forth in this Agreement.

6.2. Feedback. Nothing in this Agreement or in the Parties' dealings arising out of or related to this Agreement will restrict Passport's right to use, profit from, disclose, publish, keep secret, or otherwise exploit Feedback (as defined below), without compensating or crediting Customer or the individual providing such Feedback, except to the limited extent that Section 21 (Confidentiality; Trade Secrets) governs Feedback that constitutes Customer's Confidential Information. Notwithstanding the provisions of Section 21 (Confidentiality; Trade Secrets), Customer may not designate Feedback as its Confidential Information to the extent that such Feedback relates to the Passport System. "Feedback" refers to any suggestion or idea for improving or otherwise modifying the Passport System.

7. PRIVACY POLICY; TERMS OF USE

7.1. End users' use of the Passport System shall at all times be governed by Passport's Privacy Policy, which can be viewed at <https://passportinc.com/privacy-policy/>, and Passport's Terms and Conditions, which can be viewed at <https://passportinc.com/terms-and-conditions/>. Passport's Privacy Policy and Terms and Conditions may be amended from time to time in Passport's sole discretion.

8. SUPPORT SERVICES

8.1. Customer Support. Passport will provide telephone and email support to Customer's staff Monday through Friday between 8:00 a.m. to 7:00 p.m. ET to address technical support issues. Passport will provide 24/7 after-hours telephone support. Passport can be contacted for support issues at:

- 980-939-0990 or via email at help@passportinc.com (Monday-Friday 8AM-7PM ET)
- 866.815.3043 or help247@passportinc.com (after-hours support)

8.2. End User Support. Customer shall provide initial support, including inquiries via telephone and email, for End Users. If Customer is unable to address End User inquiries, Customer may direct End Users to Passport's End User support team, which is available Monday through Saturday between the hours of 8:00 a.m. to 9:00 p.m. ET at 704-817-2500 or via email at support@passportinc.com. Customer should not display Passport's support phone numbers (or other direct contact information for Passport) on any marketing or signage visible by End User.

9. PRODUCT UPDATES

9.1. Updates. To the extent that Passport releases any system-wide improvements, modifications, updates, or enhanced versions of the Licensed Software during the Term, the improvements, modifications, updates, or enhanced versions will, when available, be provided to Customer at no charge and will automatically be subject to the terms of this Agreement.

9.2. New Features. Customer may request new features or functionality to be built into the Passport System, and, to the extent that Passport plans in its sole discretion to incorporate such requested new features or functionality into the Passport System, Passport will develop such features and functionality at no cost to Customer pursuant to Passport's development timeline. If Customer desires to expedite such

development, Passport may, in its sole discretion, charge Customer an expedite fee to develop the requested features or functionality, provided, however, that Passport shall first notify Customer of the expedite fee and receive written approval from Customer to proceed. If Customer's requested features or functionality are created for Customer's use and Passport does not plan to incorporate such requested features into the Passport System, Passport may, in its sole discretion, charge Customer a custom development fee for the development of such features or functionality, provided again, however, that Passport shall first notify Customer of the custom development fee and receive written approval from Customer to proceed.

10. UPTIME

10.1. Passport will provide the Passport System with Uptime (as defined below) of at least ninety-nine percent (99.0%) calculated over a rolling six-month period ("Uptime Guarantee"). For any month during which the Passport System uptime drops below the Uptime Guarantee, Passport will provide a billing credit in an amount equal to the percentage difference between a) the lowest uptime reached at any point during the month (calculated on a rolling six month period) and b) the Uptime Guarantee, multiplied by the total fees payable to Passport for such month. For example, if Uptime falls to ninety-five percent (95.0%) during a given month and if during that month the fees payable to Passport were one hundred dollars (\$100.00), Passport will issue a billing credit of four dollars (\$4.00). Uptime is defined as any period of time during which end users of the Passport System can use the Passport System, excluding any scheduled maintenance performed by Passport after hours or unavailability or impaired functionality of the Passport System due to causes outside of Passport's reasonable control (e.g., disruptions caused by Passport's hosting or payment processing partners).

11. FEES; PAYMENT

11.1. License Fees. In consideration for the licenses granted to Customer under this Agreement, Customer shall pay to Passport the License Fees.

11.2. Annual License Fees. For License Fees that are payable on an annual basis, as indicated in an Order Form, License Fees for the first year of the Term are due and payable upon the Effective Date and, thereafter, on the anniversary of the Effective Date for the duration of the Term.

11.3. Third Party Products Fees. Customer shall pay Passport all fees related to Third Party Products supplied to Customer under this Agreement as set forth in an Order Form (collectively, the "Third Party Product Fees"), if applicable. Fees for Third Party Products provided through Passport from and after the Effective Date may be subject to change based on the then-prevailing market rates of any Third Party Product provider for such products.

11.4. Implementation or Monthly Minimum Fees. Customer shall pay Passport the implementation fees or monthly minimum fees, if any, as set forth in an Order Form.

11.5. Fee Assumptions. Passport's License Fees, gateway services fees, and merchant services provider fees as set forth in this Agreement as of the Effective Date are conditioned upon certain underlying information pertaining to Customer's operations provided to Passport by Customer relating to transaction volume (e.g., number of mobile pay transactions, number of citations written, or number of parking permits purchased), transaction rates (e.g., hourly parking rates, citation rates, and permits rates), and average dollar amount of transactions as of the Effective Date, as well as card network fees in effect as of the Effective Date. To the extent there are non-trivial changes in any of the foregoing from and after the Effective Date, the License Fees, gateway services fees, and/or merchant services provider fees are subject to change to maintain, as closely as possible, the economic arrangement anticipated, or subsequently achieved, based on the information and card network fees in effect as of the Effective Date. Passport and Customer shall negotiate in good faith with respect to the same, provided, however, that Passport shall not be obligated to continue providing the Passport System if the Parties are unable to reach agreement on a revised fee structure.

11.6. Expenses. Customer shall reimburse Passport for any travel, lodging, and meal expenses incurred in connection with Passport's performance under this Agreement, which shall be invoiced as incurred.

11.7. Payment Terms. Unless otherwise indicated in an Order Form, all payments due to Passport hereunder are due and payable within thirty (30) days after the date of the invoice. Any amounts not timely paid shall bear interest at the rate of one and one-half percent (1.5%) per month from the due date or, if lower, the maximum rate permissible by law. If Customer fails to remit payment when due, Passport will have, in its sole discretion, the right to immediately suspend or terminate Customer's access to the Passport System in accordance with Section 17.2.1 and/or withhold funds in Passport's possession that would otherwise be remitted to Customer, in addition to any other remedies available to Passport under this Agreement or under law. Unless otherwise specified in an Order Form, all amounts payable to Passport hereunder are payable in full in United States Dollars without deduction or set off and shall be in addition to all tax obligations of Customer. If a currency other than the U.S. Dollar is specified in the Order Form, the exchange rate will be fixed at the foreign exchange rate published by the United States Federal Reserve on the date the remittance of payment is made or pursuant to a suitable commercially available service to the extent utilized by Passport in its sole discretion. If Customer requires remittance of funds by check or custom invoicing inconsistent with Passport's standard format, Passport reserves the right to assess reasonable additional fees that shall be communicated and agreed upon with Customer in advance.

12. CUSTOMER OBLIGATIONS.

In addition to the payment of fees as set forth above any other obligations of Customer set forth in this Agreement, Customer shall also be subject to the following covenants:

12.1. Customer shall use Passport as Customer's sole provider for the Products and services procured by Customer under this Agreement and any substantially similar products or services provided by other vendors that are capable of being provided by Passport.

12.2. Passport's pricing is conditioned on Customer's continuous use of the Passport System throughout the Term consistent with historical use of the Passport System or any predecessor system. Customer covenants that it will not, during the Term, take any action that would materially diminish or cease the use of the Passport System, except in the case of a termination pursuant to Section 17.2.

12.3. From and after the Effective Date, Customer shall cooperate reasonably and promptly with Passport, and devote sufficient personnel and resources, to support the configuration and implementation of the Passport System through and including the Substantial Completion Date and Go-Live Date, and thereafter as reasonably necessary to continue the ongoing operations and maintenance of the Passport System on behalf of Customer.

13. PAYMENT GATEWAY PROVIDER

13.1. Passport is a payment gateway provider and shall provide payment gateway services to Customer in connection with the Products delivered under the Passport System at the rates indicated in the Order Form.

14. MERCHANT SERVICES PROVIDER

14.1. Passport is a full-service Merchant Services Provider, meaning a service provider certified by the major card networks (Visa, Mastercard, Discover, and American Express) to process credit and debit card transactions. Passport shall serve as the Merchant Services Provider in connection with the provision of the Passport System at the rates indicated in the Order Form, if applicable. Customer will be responsible for paying all merchant processing costs, including, without limitation, chargeback fees, settlement fees and interchange reimbursement fees.

15. TAXES

15.1. To the extent applicable, Customer agrees to pay all taxes levied by a duly constituted taxing authority against or upon the products and services provided pursuant to this Agreement, or arising out of this Agreement (excluding, however, taxes based on Passport's income) regardless of whether such taxes become due or payable at the time of delivery or use of the Passport System or subsequent thereto. Customer agrees to pay any tax for which it is responsible hereunder which may be levied on or assessed against Customer directly, and, if any such tax is paid by Passport, to reimburse Passport therefore, upon receipt of proof of payment by Passport. Customer agrees to indemnify, defend, and hold Passport harmless with respect to all taxes or duties which any federal, state, or local taxing authority requires Passport to pay on behalf of Customer.

16. SHIPMENT AND DELIVERY

16.1. If any Third Party Products are purchased by Customer under this Agreement, Passport will deliver the same FOB shipping point for delivery to the installation site designated by Customer. Customer agrees to pay all reasonable delivery charges for the Third Party Products. Delivery schedules may not be canceled, postponed, or changed without Passport's prior written consent. Unless otherwise expressly stated, shipments shall be separately invoiced and paid as billed without regard to subsequent deliveries. Failure to timely pay Passport any monies due or owing Passport shall excuse Passport from making further deliveries, in addition to any other remedies to which Passport is entitled under this Agreement. Title to and risk of loss in the Third Party Products shall pass to Customer when the delivery carrier takes possession of the Third Party Products.

17. TERM AND TERMINATION

17.1. Term. This Agreement is effective as of the Effective Date and shall remain effective for as long as there is an active Order Form, unless sooner terminated pursuant to Section 17.2 below. Upon expiration of the Initial Term of an Order Form, the Order Form shall automatically renew for successive Renewal Terms on the same terms and conditions, unless either Party notifies the other in writing not less than ninety (90) calendar days prior to the expiration date of the Initial Term or the applicable Renewal Term of its intent not to renew.

17.2. Termination. The following termination rights are in addition to any rights provided elsewhere in this Agreement and are without prejudice to any other right or remedy available to Passport or Customer at law or in equity:

17.2.1. Passport may terminate this Agreement and all licenses granted hereunder upon notice to Customer in the event that Customer fails to make full payment when due of any amount required to be paid by Customer under this Agreement within ten (10) calendar days of Passport's written notice of such failure to pay.

17.2.2. This Agreement may be terminated by either Party upon thirty (30) calendar days' prior written notice to the other Party in the event of a material breach of a material provision of this Agreement, provided, however, that the termination shall not be effective if, during the thirty (30) day notice period, or such other cure period as mutually agreed upon by the Parties, the breaching Party cures the breach.

17.3. Effect of Termination. Upon expiration or termination of this Agreement for any reason, (a) any licenses granted to Customer and all rights of Customer in and to the Passport System will immediately terminate; (b) Customer shall immediately cease using the Passport System; (c) Customer shall return to Passport any Licensed Hardware which Customer has not obtained title to as of such expiration or termination, and (d) all monies paid or due or owing to Passport by Customer up to such cancellation, completion, expiration, or termination shall be deemed non-refundable. Customer shall make payment on Passport's final invoice as set forth in Section 12.4. Passport will provide commercially reasonable assistance to Customer to enable the transition of the services to a successor vendor, if

requested by Customer, provided first, however, that Customer has remitted to Passport all outstanding balances.

18. WARRANTIES.

18.1. Passport Warranties.

18.1.1. Passport warrants that it has full power and authority to license the Passport System to Customer as provided herein without the consent of any other person, or, in the event such consent is required, Passport has obtained said consent.

18.1.2. Passport warrants that the unmodified Passport System will operate in accordance with its specifications. Under this warranty, Passport will correct any errors in the unmodified Passport System at no extra charge to Customer. The foregoing warranty shall not apply to Third Party Products.

18.1.3. Passport further represents and warrants that (a) it has the full power and authority to enter into this Agreement and to carry out its obligations under this Agreement; (b) this Agreement shall be the legal, valid, and binding obligation of Passport, enforceable against it in accordance with the terms hereof; (c) the execution and performance of this Agreement will not violate any federal, state, or local statute, rule, or regulation or any other contractual obligation of Passport, and (d) the person signing this Agreement on behalf of Passport is authorized to bind Passport to this Agreement.

18.2. Customer Warranties.

Customer represents and warrants that (a) it has the full power and authority to enter into this Agreement and to carry out its obligations under this Agreement; (b) this Agreement shall be the legal, valid, and binding obligation of Customer, enforceable against it in accordance with the terms hereof; (c) the execution and performance of this Agreement will not violate any federal, state, or local statute, rule, or regulation or any other contractual obligation of Customer, and (d) the person signing this Agreement on behalf of Customer is authorized to bind Customer to this Agreement.

19. DISCLAIMERS

19.1. GENERAL. EXCEPT AS EXPLICITLY SET FORTH IN THIS AGREEMENT, PASSPORT EXPRESSLY DISCLAIMS, AND CUSTOMER HEREBY EXPRESSLY WAIVES, ALL WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF QUALITY, CAPABILITIES, OPERATIONS, PERFORMANCE, SUITABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE, AND ANY IMPLIED WARRANTIES ARISING FROM COURSE OF DEALING OR COURSE OF PERFORMANCE. PASSPORT DOES NOT WARRANT AND SPECIFICALLY DISCLAIMS ANY WARRANTIES OR REPRESENTATIONS THAT THE PASSPORT SYSTEM WILL MEET CUSTOMER'S REQUIREMENTS OR THAT THE OPERATION OF THE PASSPORT SYSTEM AND/OR ITS USE WILL BE UNINTERRUPTED OR ERROR-FREE, OR THAT EVERY DEFECT IN THE PASSPORT SYSTEM WILL BE CORRECTED. THE PASSPORT SYSTEM IS EXPRESSLY PROVIDED "AS IS."

19.2. THIRD PARTY SOFTWARE AND THIRD PARTY HARDWARE DISCLAIMER. PASSPORT MAKES NO WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED, AS TO THE THIRD PARTY SOFTWARE AND AS TO THE THIRD PARTY HARDWARE INCLUDING, WITHOUT LIMITATION, AS TO QUALITY, CAPABILITIES, OPERATIONS, PERFORMANCE, SUITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR NON-INFRINGEMENT, AND ALL OTHER WARRANTIES OR REPRESENTATIONS WITH RESPECT TO ANY THIRD PARTY SOFTWARE OR THIRD PARTY HARDWARE ARE HEREBY EXPRESSLY DISCLAIMED. THIRD PARTY SOFTWARE OR THIRD PARTY HARDWARE PROVIDED UNDER THIS AGREEMENT ARE EXPRESSLY PROVIDED "AS IS."

19.3. **EXCLUSIONS.** Notwithstanding any other provisions of this Agreement to the contrary, the limited warranties provided in this Agreement shall not apply to nonconformities, errors, or defects of any goods or services provided by Passport pursuant to this Agreement or any amendments thereto due to any of the following: (a) Customer misuse of the Passport System; (b) Customer modification of the Licensed Software; (c) Customer failure to utilize compatible computer and networking hardware and software or to install updated or enhanced versions of the Licensed Software provided by Passport; or (d) interaction with software or hardware not provided by Passport.

20. LIMITATION OF LIABILITY

20.1. IN NO EVENT SHALL PASSPORT'S LIABILITY ARISING OUT OF THIS AGREEMENT EXCEED THE AMOUNT OF ALL FEES ACTUALLY PAID BY CUSTOMER TO PASSPORT PURSUANT TO THIS AGREEMENT DURING THE SIX (6) MONTH PERIOD ENDING ON THE DATE OF THE EVENT GIVING RISE TO SUCH LIABILITY. IN NO EVENT SHALL EITHER PARTY HAVE ANY LIABILITY FOR ANY INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, COST OF COVER, PUNITIVE, OR EXEMPLARY DAMAGES, HOWEVER CAUSED AND ON ANY THEORY OF LIABILITY, ARISING OUT OF THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO LOSS OF BUSINESS, LOSS OF REVENUE, OR LOSS OF ANTICIPATED PROFITS, EVEN IF THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THESE LIMITATIONS SHALL APPLY NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY. THE FOREGOING LIMITATIONS OF LIABILITY SHALL NOT APPLY (A) TO CUSTOMER'S PAYMENT OBLIGATIONS UNDER THIS AGREEMENT; OR (B) IN THE EVENT OF A BREACH OF THE PARTIES' CONFIDENTIALITY OBLIGATIONS CONTAINED IN THIS AGREEMENT.

20.2. PASSPORT AND CUSTOMER EACH ACKNOWLEDGE THAT THE PROVISIONS OF THIS AGREEMENT WERE NEGOTIATED TO REFLECT AN INFORMED, VOLUNTARY ALLOCATION BETWEEN THEM OF ALL RISKS (BOTH KNOWN AND UNKNOWN) ASSOCIATED WITH THE TRANSACTIONS CONTEMPLATED HEREUNDER. THE PROVISIONS OF THIS SECTION SHALL BE ENFORCEABLE INDEPENDENT OF AND SEVERABLE FROM ANY OTHER PROVISION OF THIS AGREEMENT.

21. CONFIDENTIALITY; TRADE SECRETS.

21.1. **Obligations.** Each Party will maintain in strict confidence all Confidential Information of the Disclosing Party. The Receiving Party will not disclose or grant use of the Disclosing Party's Confidential Information to any third party except to the Receiving Party's employees and other representatives who have a need to know such Confidential Information or as expressly authorized by the Disclosing Party in writing. The Receiving Party will not use the Disclosing Party's Confidential Information except as authorized by this Agreement. The Receiving Party will use at least the same standard of care to protect the Confidential Information of the Disclosing Party as it uses to protect its own confidential information of a similar nature, but in no event with less than reasonable care. The Receiving Party will cause each employee or other representative to whom the Receiving Party discloses the Confidential Information to be bound by an obligation of confidentiality that is at least as rigorous as the obligations contained in this Agreement. The Receiving Party will promptly notify the Disclosing Party upon discovery of any unauthorized use or disclosure of the Disclosing Party's Confidential Information. Unless otherwise set forth herein, upon the expiration or termination of this Agreement for any reason, or upon the request of the Disclosing Party, the Receiving Party shall promptly return to the Disclosing Party (or, at the Receiving Party's option, destroy) all of the Disclosing Party's Confidential Information and shall promptly certify in writing that it has done so; provided, however, that the Receiving Party shall not be obligated to return or destroy any Confidential Information stored in archival or back-up files for which return or destruction is not reasonably practicable or any Confidential Information that must be retained for as long as necessary for purposes of audit, compliance, dispute resolution, or record retention pursuant to this Agreement.

21.2. **Exceptions.** The foregoing obligations of confidentiality shall not apply to any information that the Receiving Party can show is or was: (a) already known to the Receiving Party at the time of disclosure without obligation of confidentiality; (b) independently developed by the Receiving Party

without use of or access to the Confidential Information of the Disclosing Party; (c) approved for disclosure by the Disclosing Party beforehand and in writing; (d) in the public domain without breach of this Agreement; or (e) lawfully received by the Receiving Party from a third party without obligation of confidentiality.

21.3. Permitted Disclosures. Nothing in this Section shall be construed to prohibit either Party from disclosing the Confidential Information of the other Party to the extent that such disclosure is required by applicable law or order of a court or other governmental agency, including pursuant to any open records law, open meetings law, or any other local public disclosure law applicable to Customer; provided, however, that the Receiving Party shall promptly notify the Disclosing Party in writing of such requirement and shall cooperate with the Disclosing Party to minimize the scope of any such disclosure and to obtain a protective or similar order.

21.4. Trade Secrets. Customer hereby acknowledges that the Passport System and its components, whether provided by Passport or its third-party vendors or licensors, constitute trade secrets of Passport and/or its third party-vendors or licensors, and as such are protected by civil and criminal law, are very valuable to Passport and/or its third-party vendors or licensors, and that their use must be carefully and continuously controlled. Customer agrees to notify Passport immediately of the unauthorized possession, use, or knowledge of any item supplied under this Agreement by any person or organization not authorized by this Agreement to have such possession, use, or knowledge. Customer will promptly furnish Passport full details of such possession, use, or knowledge and will cooperate fully with Passport in any litigation against third parties reasonably deemed necessary by Passport to protect its proprietary rights.

21.5. No Adequate Remedy. In the event of a breach of this Section 21, the parties agree that the Disclosing Party may not have an adequate remedy at law, in money, or damages and, accordingly, shall be entitled to seek an injunction against such breach without posting a bond, in addition to any other remedies at law or in equity.

22. DATA RIGHTS.

This Section shall govern the rights of Passport and Customer, as the case may be, with respect to the data that is subject to this Agreement. Passport will, by provisions in its Privacy Policy or otherwise, procure from such end users all such lawful consents and rights necessary to grant to Customer the rights in such data as stated in this Section. Passport's Privacy Policy, as it may be amended from time to time in Passport's sole discretion, can be viewed at <https://www.passportinc.com/privacy-policy>.

22.1. Operational Data. Operational Data is data specific to Customer's operation that is provided by Customer to Passport to be used in the configuration and provision of the Passport System for Customer's use. Operational Data is specific to Customer's operation, which is not available to Passport publicly or by other means. Operational Data may include, but is not limited to, zone information, rate information, operational schedules, business metrics, business rules, parking and other inventory and assets, and relevant details of partner agreements. In each case, Operational Data may refer to past, present, or future states of such items. Operational Data is the sole and exclusive property of Customer. Customer grants Passport a perpetual, irrevocable, royalty-free, and non-exclusive license to Operational Data.

22.2. PCI-DSS Information. Payment Card Industry-Data Security Standard Information ("PCI-DSS Information") consists of the following items, each as defined by the then-current Payment Card Industry Data Security Standards ("PCI-DSS"): Account Data; Cardholder Data; Primary Account Number; and Sensitive Authentication Data. Passport acquires a license or sublicense to the PCI-DSS Information from end users who share such data with Passport in connection with their use of the Software. In providing the services under this Agreement, Passport will maintain Payment Card Industry – Data Security Standard certification and secure PCI-DSS Information in accordance with PCI-DSS. As such, Passport may not grant Customer derivative rights to such PCI-DSS Information and Passport shall not be required to disclose such PCI-DSS Information to Customer.

22.3. Personal Identifiable Information. Personal identifiable information ("PII") is any representation of information that permits the identity of an individual to whom the information applies to be reasonably determined or inferred by either direct or indirect means. Name, address, social security number, telephone number, or email address directly identify individuals. Certain data elements—including gender, race, birth date, geographic indicator (such as zip code or postal code), and other descriptors—can be used in conjunction or with other data elements to indirectly identify individuals.

22.4. Activity Data. Activity Data is any data generated in the providing of services under this Agreement by Passport to Customer and by end users' interactions with the services or with Passport directly that is not otherwise PCI-DSS information or PII as defined above. Activity Data may include, but is not limited to, user interaction data, geolocation data, opt-in/opt-out status (including compliance logs), purchase and session data, application diagnostic data, service performance data, and support data. Data that is derived from Activity Data is also Activity Data. Activity Data is the sole and exclusive property of Passport. Passport grants Customer an irrevocable, royalty-free, non-exclusive, non-assignable, and nontransferable license to Activity Data for the Term to the extent and in the format that Passport chooses in its sole discretion to expose such Activity Data through its administrative portal or as otherwise agreed upon with Customer and only for Customer's internal use in connection with the services provided under this agreement.

23. PUBLICITY; USE OF NAMES AND MARKS.

Subject to the provisions of Section 21 (Confidentiality; Trade Secrets), the parties will have the right to publicly disclose that Passport is Customer's provider of the Passport System as set forth herein by means of, by way of illustration and not limitation, news releases, public announcements, or other forms of publicity. Passport may use the name or marks of Customer, or reference the fact that Customer is a client of Passport, for business development purposes, as part of a portfolio or work, or in an illustrative list of clients.

24. DISPUTE RESOLUTION

24.1. Negotiation. If a dispute arises between or among Passport and Customer arising out of or concerning the meaning or interpretation of this Agreement or the terms or performance of this Agreement (collectively, a "Dispute"), Passport and Customer shall first attempt to settle such Dispute through good faith discussions and negotiations among principals of each Party authorized to bind each Party.

24.2. Venue; Jurisdiction. Any action or proceeding directly or indirectly arising out of a dispute will be settled exclusively in Butler County in the state of Ohio and the parties expressly submit to and consent that the courts and authorities of the state of Ohio will have exclusive jurisdiction over any such litigation. The parties hereby consent to service, jurisdiction, and venue of such courts for any litigation.

24.3. Governing Law. This Agreement, and any Disputes arising hereunder, shall be governed, interpreted, construed, and enforced in all respects in accordance with the laws of the State of Ohio, excluding its conflict of laws rules.

25. GENERAL PROVISIONS.

25.1. Complete Agreement. This Agreement is intended as the complete, final, and exclusive statement of the terms of the agreement between the parties regarding the subject matter hereof and supersedes all other prior or contemporaneous agreements or understandings, whether written or oral, between them relating to the subject matter hereof. No amendment to, or modification of, this Agreement shall be binding unless in writing and signed by a duly authorized representative of both parties. Each Party expressly acknowledges that there are no warranties, representations, covenants, or understandings of any kind, manner, or description whatsoever by either Party to the other except as expressly set forth in this Agreement.

25.2. No Waiver. Failure by either Party to insist upon or enforce strict performance of any provision of this Agreement or to exercise any rights or remedies under this Agreement will not be construed or deemed as a waiver or relinquishment to any extent of such Party's right to assert or rely upon any such provisions, rights, or remedies in that or any other instance; rather, the same will be and will remain in full force and effect. Any waiver by either Party of its rights under this Agreement must be in writing and signed by a duly authorized representative of the waiving Party.

25.3. Assignment. This Agreement and all of its provisions will be binding upon and inure to the benefit of the parties and their respective permitted successors and assignees. Neither Passport nor Customer may assign any rights, interests, or obligations hereunder without prior written consent of the other Party, provided, however, that Passport may, without such written consent, assign this Agreement and its rights and delegate its obligations hereunder in connection with the transfer or sale of all or substantially all of its assets or business related to this Agreement, or in the event of its merger, consolidation, change in control or similar transaction. Any permitted assignee shall assume all assigned obligations of its assignor under this agreement. Any purported assignment in violation of this section shall be void and of no effect.

25.4. Construction. The language of all parts of this Agreement will in all cases be construed as a whole, according to its fair meaning, and not strictly for or against either of the parties. Headings of paragraphs herein are for convenience of reference only and are without substantive significance. No rule of law that requires that any part of the Agreement be construed against the Party drafting the language will be used in interpreting this Agreement.

25.5. Severability. In the event that any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable, (a) the Parties shall amend the pertinent provision(s) to reflect as nearly as possible the original intentions of the Parties, and (b) the remaining terms, provisions, covenants and restrictions of this Agreement shall remain in full force and effect.

25.6. Relationship of Parties. The Parties expressly understand and agree that each Party is an independent contractor in the performance of each and every part of this Agreement and is solely responsible for all of its employees and agents and its labor costs and expenses arising in connection therewith. Further, neither Party, by virtue of this Agreement, will have any right, power, or authority to act or create any obligation, expressed or implied, on behalf of the other Party.

25.7. No Third Party Beneficiaries. This Agreement is made for the benefit of Passport and Customer and not for the benefit of any third parties.

25.8. Notices. All notices or other communications required or permitted to be made or given hereunder by one Party to the other Party shall be in writing and shall be deemed to have been given: (a) when hand delivered; (b) on the third (3rd) business day after the day of deposit in the United States mail when sent by certified mail, postage prepaid and return receipt requested; or (c) on the next business day after the day of deposit with reputable overnight delivery service. Such notices shall be sent to the address set forth below, or at such other addresses as may hereafter be furnished in writing by either Party to the other Party specifically as the Party's replacement address for notice under this Agreement.

[continued next page]

If to Passport:

Passport Labs, Inc.
128 S. Tryon St., Suite 2200
Charlotte, NC 28202
Fax: (888) 804-1783
khristian.gutierrez@passportinc.com
Attn: Khristian Gutierrez

With a hard copy to General Counsel
and by email to
legal@passportinc.com

If to Customer:

City of Oxford, OH
Division of Police
101 E High St.
Oxford, OH 45056
lfening@cityofoxford.org
Attn: Lt. Lara Fening

25.9. Force Majeure. If the performance of this Agreement or of any obligation hereunder is interfered with by reason of any circumstances beyond the reasonable control of the Party affected, including, by way of illustration and not limitation, fire, explosion, power failure, acts of God, war, revolution, epidemic, pandemic, or other public health concern, civil commotion, acts of public enemies, cybersecurity incident, any law, order, regulation, ordinance, executive order, or requirement of any government or legal body, delays or omissions attributable to third-party vendors, suppliers, or integration partners, or labor unrest, including, without limitation, strikes, slowdowns, picketing, or boycotts, then the Party affected shall be excused from such performance on a day-to-day basis to the extent of such interference (and the other Party shall likewise be excused from performance of its obligations on a day-to-day basis to the extent such Party's obligations are contingent on the performance so interfered with); provided that the Party so affected shall use reasonable efforts to remove such causes of nonperformance.

25.10. Survival of Obligations. All rights and obligations of the parties under this Agreement, including, without limitation, those contained in the confidentiality provisions herein, which by their nature would continue beyond the termination or expiration of this Agreement, shall survive termination or expiration of this Agreement and shall remain in full force and effect between the parties.

25.11. Counterparts. This Agreement may be executed in several counterparts, each of which when executed and delivered shall be deemed an original and each of which alone and all of which together shall constitute one and the same instrument. Facsimile signatures (or signatures in a .pdf or similar copy of the original) or electronic signatures shall be treated as original signatures for the purpose of enforcing this Agreement. Any signature delivered by a Party by facsimile transmission or electronic delivery shall be deemed to be an original signature hereto.

[signature page follows]

IN WITNESS WHEREOF, each Party hereto, intending to be legally bound hereby, has caused its duly authorized representative to execute this Agreement and bind such Party effective as of the Effective Date.

CUSTOMER:
CITY OF OXFORD, OH

PASSPORT:
PASSPORT LABS, INC

By:

By:

Name

Name:

Title:

Title:

Date:

Date:

ORDER FORM

This Order Form (the "Order Form"), effective as of January 29, 2021, is being entered into by and between Passport Labs, Inc. and the City of Oxford, OH ("Customer") pursuant and subject to the Software License and Service Agreement (the "Agreement") entered into by the Parties as of January 29, 2021. Upon execution, this Order Form shall be incorporated by reference in and subject to the Agreement. Capitalized terms used but not defined herein shall have the same meanings as set forth in the Agreement.

I. SUMMARY OF THE PRODUCTS AND SERVICES

This Order Form, together with any Product Specific Terms attached hereto and made a part hereof in Schedule 1 and the SOW attached hereto and made a part hereof as Schedule 2, contains the terms and conditions applicable to the Products and related services purchased pursuant to the Agreement.

PRODUCTS AND SERVICES	
Mobile Payment for Parking Platform ("MPP")	☐
Custom-Branded MPP	☐
Citation Management Platform ("CMP")	☒
Harvester	☐
Digital Permits for Parking Platform ("DPP")	☒
License Plate Recognition Platform ("LPR")	☒

II. FEES

A. Fees. The fees are as follows:

Products and Services	Fee(s)	Fee Type(s)
Citation Management Platform ("CMP") and Digital Permits for Parking ("DPP"):		
Annual Subscription for CMP and DPP	\$32,557.35	Year 1
	\$34,185.22	Year 2
	\$35,894.48	Year 3
Mobile Application License Fee	\$3,357.11	Year 1
	\$3,524.91	Year 2
	\$3,701.16	Year 3
CMP DMV Lookup Fee	\$0.53	Per citation issued
Merchant Services Fee	CMP: Other DPP: Other	
Payment Gateway Fee	CMP: Other DPP: Other	
License Plate Recognition Platform ("LPR"):	\$5,000.00	Per Year

III. BILLING INFORMATION

Billing Contact Name: Lt. Lara Fening

Billing Email Address:

City of Oxford

Billing Address: Division of Police

101 E. High St.

Oxford, OH 45056

IN WITNESS WHEREOF, Passport and Customer have each caused this Order Form to be executed by its duly authorized representatives.

City of Oxford, OH

Passport Labs, Inc.

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

SCHEDULE 1

CITATION MANAGEMENT PLATFORM

Services:

Passport will provide services and license all software, including all web and mobile applications and related documentation, necessary for Customer to operate the CMP, which allows Customer's parking enforcement officers in any or all parking facilities owned or managed by Customer the ability to issue parking citations that may be paid online through Passport's payment portal, as follows:

- a) Passport will provide an online payment portal through which parking violators may pay outstanding parking citations.
- b) Passport understands that it is the City's desire to print and ship the late notice letters to the violators itself. As such, Passport will deliver a website to the City that will act as a repository of the late notice letters that Passport's system has generated based on the citation lifecycle. Passport will configure the late notices to be generated based on when the violation type increases in price based on not being paid after a certain number of calendar days, as further specified in the Statement of Work incorporated as Schedule 2.

Equipment:

- a) Customer must purchase a sufficient number of Android-based handheld devices for each parking enforcement officer to have access to one device while conducting parking enforcement activities.
- b) Customer must maintain at its sole cost one (1) wireless data plan for each Android device.
- c) Customer must possess at least one (1) Bluetooth-enabled printer per Android device described above.
- d) If Customer chooses to purchase additional Bluetooth-enabled printers through Passport, the price will be quoted at the time of order.
- e) Customer shall be responsible for applying the necessary configurations to any Android-based handheld devices and any printers it purchases using specifications provided by Passport, provided, however, that Passport shall provide the initial configuration to any printers purchased through Passport
- f) In addition to the hardware unit costs, Customer will be responsible for paying all shipping costs and printer paper costs
- g) If Customer orders custom printer paper through Passport, Customer will be responsible for paying the costs of creating, printing, and shipping such custom paper plus a service fee to Passport; Passport is unable to provide estimated costs until specific details of Customer order have been confirmed due to the variable costs of Passport's third-party vendors.



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

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development
PREPARED BY:	Zachary Moore
DATE PREPARED:	February 16, 2021
COUNCIL MEETING DATE:	March 2, 2021
AGENDA TITLE:	PC-2020-17, PRELIMINARY PLANNED DEVELOPMENT, 4147 Kehr Road, 4.49 acres, 15 single-family residential condominiums, HPCT Properties, Inc., Applicant/Agent
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 2-26-21</i>

Proposal Summary:

Developer Shane Coffman (HPCT Properties Inc.), utilizing the services of Bayer Becker under the care of Etta Reed, PE, is requesting a Preliminary Planned Development (PD) on a 4.5-acre site located along Kehr Road just north of Roberts Drive and the South Farm subdivision. The development site falls on two parcels, the large majority of which is currently owned by Cobblestone Community Church, with the remaining portion owned by the South Farm Owners Association. A new private street is planned to link the existing church driveway to the intersection of Roberts Drive and Morgan Circle, upon which 15 single-family residential condominiums are planned. The applicant expresses a desire to market to empty-nesters and others desiring a more maintenance-free lifestyle, and plans to establish a new Homeowners Association that will be responsible for maintaining common areas and also contributing funds to the existing South Farm Owners Association for continued maintenance of the retention pond.

Background:

The subject site has been involved in numerous past applications and approvals by the City of Oxford following annexation from Oxford Township in the early 1990s. A much larger development plan was originally approved in 1991 for a total of 186 single-family lots and 220 multi-family units on approximately 94 acres. The only portion of the original plan that ever came to fruition was South Farm Section I, consisting of 11 lots on Morgan Circle, which had been recorded in 1993. The site was later affected by site planning intertwined with development plans for the Cobblestone Church area. The most



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recent approval nearby was for South Farm Section IV which contains a total of 25 planned single-family lots, approved by City Council on May 5, 2020 and set to begin construction this Spring.

Discussion and Recommended Conditions:

The staff report for the February 9 Planning Commission meeting recommended approval of the application, subject to 16 conditions. The applicant initially agreed to all but 4 of the conditions, advising the Commission to strike the following: (1) a required pedestrian connection (sidewalks) along the private street as well as along Kehr Road; (2) the planting of street trees along Roberts Drive; (3) a requirement for a curb-and-gutter street profile as opposed to a lack of curbs and centered catch basins; and (4) a requirement to repair a section of the existing white three-board fence damaged by a recent traffic incident.

Following discussion and questions, Mr. Keebler made a motion to approve the application subject to the following changes to staff's conditions: (1) a five-foot wide sidewalk be provided along the internal private street but not along Kehr; (2) retaining staff's original street tree condition with additional language that the situation may be reevaluated at the Final Planned Development stage; (3) the alternative street profile would be accepted on condition that a suitable curb (e.g. a rollback) be provided with the applicant demonstrating to the City's satisfaction that adequate maintenance will be provided privately into the future; and (4) striking staff's condition on the fence repair; Ms. Rosenberg seconded. During discussion of the motion, Mr. Prytherch made a formal motion to amend the sidewalk condition to include *both* the private street and Kehr Road as originally composed by staff, seconded by Mr. Dana. The motion to amend was passed by a vote of 5-2-0.

The Planning Commission then voted 7-0-0 to recommend approval of the application subject to the following conditions per Mr. Keebler's original motion and Mr. Prytherch's amendment:

1. Appropriate lighting shall be provided along the proposed private street. Lighting details shall be reviewed and approved as part of the Final Planned Development.
2. Additional right-of-way shall be dedicated along Roberts Drive, on both the Church parcel and South Farm HOA parcel, to fully capture the OATS trail segment to be built. Additional right-of-way shall also be dedicated along Kehr Road consistent with the Oxford Thoroughfare Plan. A 10 foot wide public utility easement shall flank the outside of all public right-of-way on Kehr and Roberts.



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3. Sidewalks shall be provided along or near the private street, as well as along the Kehr Road site frontage, forming a loop for pedestrians.
4. Trees complying with the City's specs shall be planted in the tree lawn along Roberts Drive, on both the Church parcel and South Farm HOA parcel. This may be reevaluated at the Final Planned Development stage.
5. Pavement shall be widened at the intersection of Heron Way and the Cobblestone driveway in order to accommodate the turning radius of larger vehicles.
6. Access easements shall be dedicated for the Cobblestone driveway and for the segment of Heron Way located on the South Farm Owners Association parcel.
7. The proposed street profile, consisting of centered catch basins with storm sewers leading out to the quality basin and pond, is allowed on condition that a suitable curb (e.g. rollback) is provided and the applicant can demonstrate to City staff's satisfaction that provisions will be put in place to ensure adequate maintenance of these private improvements in the future.
8. Adequate vehicular and pedestrian accessibility shall be provided for any USPS cluster mailboxes installed for the subdivision, to the discretion of City staff.
9. All utilities, including but not limited to electric and telephone, shall be located underground.
10. Documentation related to stormwater management and private buffers/landscaping, including but not limited to easements, covenants and/or deed restrictions to ensure the funding of future maintenance/upkeep, shall be reviewed and approved by the Service Department and Law Director prior to being recorded on or with the Easement Plat. Enforcement of said easements, covenants or restrictions shall not be the responsibility of the City.
11. Building architecture shall generally conform to the bulk, scale and style depicted in the submitted sample house plans. Architectural aspects may be further considered and refined as part of the Final Planned Development, including a design for the proposed gazebo.
12. The Planning Commission may review utility details (such as those for electric, gas, mail delivery, garbage collection, etc.) as part of the Final Planned Development, including proposed accommodations, accessibility, screening, or other characteristics as may be applicable.

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13. Financial security/bonding of improvements shall be determined during or after the Final Planned Development review. The Final Planned Development shall be reviewed and approved prior to approval of construction drawings, bonds, or the signing of an Easement Plat.
14. A waiver is hereby granted to Section 1145.12(e)(2) to reduce the required front yard setback from 30 feet to distances as shown on the submitted Preliminary Plan.
15. A waiver is hereby granted to Section 1145.12(e)(3) to allow for a reduction in the required 25-foot perimeter setback in the locations as shown on the submitted Preliminary Plan.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING THE PRELIMINARY PLANNED DEVELOPMENT APPLICATION FOR HERON POND LOCATED ALONG KEHR ROAD IN THE CITY OF OXFORD WITH CONDITIONS.

WHEREAS, Council hereby finds the Planning Commission held a public hearing on February 9, 2021 in accordance with Chapter 1145 of the Codified Ordinances of the City of Oxford, on the application of HPCT Properties, Inc. for a Preliminary Planned Development for Heron Pond located along Kehr Road consisting of 4.49 acres with 15 single-family residential condominiums; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfied the basic code requirements in Chapter 1145 of the Codified Ordinances of the City of Oxford, and recommended approval of the Preliminary Planned Development application for Heron Pond located along Kehr Road in the City of Oxford with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Planned Development application for Heron Pond located along Kehr Road in the City of Oxford with the following conditions:

1. Appropriate lighting shall be provided along the proposed private street. Lighting details shall be reviewed and approved as part of the Final Planned Development.
2. Additional right-of-way shall be dedicated along Roberts Drive, on both the Church parcel and the South Farm HOA parcel, to fully capture the OATS trail segment to be built. Additional right-of-way shall also be dedicated along Kehr Road consistent with the Oxford Thoroughfare Plan. A ten-foot wide public utility easement shall flank the outside of all public right-of-way on Kehr Road and on Roberts Drive.
3. Sidewalks shall be provided along or near the private street, as well as along the Kehr Road site frontage, forming a loop for pedestrians.
4. Trees complying with the City's specifications shall be planted in the tree lawn along Roberts Drive, on both the Church parcel and the South Farm HOA parcel. This may be reevaluated at the Final Planned Development stage.
5. Pavement shall be widened at the intersection of Heron Way and the Cobblestone driveway in order to accommodate the turning radius of larger vehicles.
6. Access easements shall be dedicated for the Cobblestone driveway and for the segment of Heron Way located on the South Farm Owners Association parcel.
7. The proposed street profile, consisting of centered catch basins with storm sewers leading out to the quality basin and pond, shall be allowed on the condition that a suitable curb (e.g. rollback) is provided and the applicant can demonstrate to City staff's satisfaction that provisions will be put in place to ensure adequate maintenance of these private improvements in the future.
8. Adequate vehicular and pedestrian accessibility shall be provided for any USPS cluster mailboxes installed for the Planned Development, to the discretion of City staff.

9. All utilities, including but not limited to electric and telephone, shall be located underground.
10. Documentation related to storm water management and private buffers/landscaping, including but not limited to easements, covenants and/or deed restrictions to ensure the funding of future maintenance/upkeep, shall be reviewed and approved by the Service Department and the Law Director prior to being recorded on or with the Easement Plat. Enforcement of said easements, covenants or restrictions shall not be the responsibility of the City.
11. Building architecture shall generally conform to the bulk, scale and style depicted in the submitted sample house plans. Architectural aspects may be further considered and refined as part of the Final Development, including a design for the proposed gazebo.
12. The Planning Commission may review utility details (such as those for electric, gas, mail delivery, garbage collection etc.) as part of the Final Planned Development, including proposed accommodations, accessibility, screening, or other characteristics as may be applicable.
13. Financial security/bonding of improvements shall be determined during or after the Final Planned Development review. The Final Planned Development shall be reviewed and approved prior to approval of construction drawings, bonds, or the signing of an Easement Plat.
14. A waiver is hereby granted to Oxford Codified Ordinance Section 1145.12(e)(2) to reduce the required front yard setback from 30 feet to distances as shown on the submitted Preliminary Plan.
15. A wavier is hereby granted to Oxford Codified Ordinance Section 1145.12(e)(3) to allow for a reduction in the required 25-foot perimeter setback in the locations as shown on the submitted Preliminary Plan.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	HPCT Properties Inc.
Location	4147 Kehr Road
Owner	Cobblestone Community Church Inc. / South Farm Owners Assoc. Inc.
Action Request	Preliminary Planned Development (PD)
Current Use	Vacant Land
Current Zoning	R-1B Single-Family Medium Density Residential District
Lot Size	4.49 acres
Surrounding Land Uses	Single-Family Residential, Church, Agricultural
Staff Recommendation	Approval , subject to recommended conditions

PROPOSAL SUMMARY

Developer Shane Coffman (HPCT Properties Inc.), utilizing the services of Bayer Becker under the care of Etta Reed, PE, is requesting a Preliminary Planned Development (PD) on a 4.5-acre site located along Kehr Road just north of Roberts Drive and the South Farm subdivision. The property is currently owned by the Church, and contains an entrance drive along the north side stretching back to the existing church campus. The South Farm Owners Association owns the parcel immediately to the west, which contains a pond that is stocked with fish and available for current South Farm residents' enjoyment.

The developer proposes to construct 15 detached single-family condominium units along a new private street ("Heron Way") connecting the existing private Cobblestone driveway to the intersection of Roberts Drive and Morgan Circle, which are public streets. The development is to be named "Heron Pond" and have a separate Homeowners Association (HOA), which would be responsible for maintaining the private street, landscaping and open spaces, and providing other services such as snow removal. The applicant expresses a desire to market to empty-nesters and others desiring a more maintenance-free lifestyle. New residents would also become members of the existing South Farm Owners Association, which is currently responsible for maintaining the retention pond.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. The notice specifically addressed possible changes to the date, location and format of the meeting due to the COVID-19 pandemic, including the possibility of a video conference and/or teleconference format. Written letters of support were received from the South Farm Owners Association and Cobblestone Community Church. Staff also received one phone call from a resident of Silverleaf Meadows who was curious about the proposed development.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Jessica Greene, Assistant City Manager Seth Copenbaker, Assistant to the City Manager	Returned with Comments
<i>We support this proposed project as it represents a goal by the City Council for affordable housing to attract residents to Oxford</i>		
<i>Relevant metrics taken from the Housing Study to support this opinion</i>		
• These units represent housing for a population that is expected to grow in Oxford over the next five years • 75 additional households in the 65-74 aged demographic and 88 additional households in the 75+ aged demographic • Moderate need in homes in the \$160K - \$260K price range		
Engineering	Scott Otto, City Engineer	Returned with Comments
• Further review of detailed construction plans may require revisions to proposed water and sanitary sewer main locations. • The right-of-way dedication along the north side of Roberts Drive should be extended to Kehr Rd. in order to include the proposed trail within the right-of-way. • The Autoturn drawing appears to show that a fire truck would not be able to stay on the roadway when entering the development. • The proposed design of storm water draining to the middle of the roadway has potential to cause freeze/thaw damage and standing water in the middle of the roadway. • Curbing around parking areas and roadways is recommended. • HOA declarations or covenants should include identification of the responsible party and funding, maintenance, and inspection plans for the storm water facilities within the development including the water quality basin. • A Public Improvement Bond will be required for infrastructure improvements. • Proposed trees should be planted at least 5 feet back from the roadway and kept pruned to provide a 15' clear space above the roadway. • On-street parking rules should be considered to allow for emergency services and solid waste collection.		
Fire	John Detherage, Fire Chief	Returned with Comments
<i>The autoturn document seems to show the path going off of the road at the north end of the street where it meets the church drive. Please adjust this area to ensure vehicles can remain on the pavement.</i>		

The landscape plan shows trees along the road with the canopies nearly meeting in the center of the roadway. This will need to be adjusted so that vehicles can drive down the street without damaging the trees and vehicles.

This plan appears to show that water will be directed to catch basins in the center of the street. This design causes issues in freezing weather both for fire operations should there be a fire and on EMS calls as it is hard to walk and maneuver a cot on ice that tends to build up with this arrangement.

Police

John Jones, Police Chief

Returned with
Comments

I would concur with the fire dept. comment regarding catch basins in the center of the street and oppose this.

SITE HISTORY

The site has been involved in numerous past applications and approvals by the City of Oxford following annexation from Oxford Township in the early 1990s. A summary of relevant case history is provided below:

- **8 Aug 1991, Preliminary Subdivision & Preliminary PUD Approval:** City Council by Ord. No. 2181 approves a preliminary subdivision plan comprising 186 single-family lots and 220 multi-family units on 94.385 acres west of Kehr Road. The applicant for this submittal was COGO Co. A condominium owners association was to be established for the common areas within the development. The subject 4 ½ acres was part of the planned multi-family area.
- **17 March 1992, Final Plat & Final PUD for South Farm Section 1:** City Council by Ord. No. 2221 approves the first section of the approved development comprising a total of 11 lots on Morgan Circle. These 11 lots were the only ones ever fully realized as part of the larger 1991 plan. The final plat was recorded with the County Recorder on January 1, 1993. This plat included a large lot north of Roberts Drive, fronting on Kehr Road (Lot 2897).
- **2 November 1993, Lot Split:** A lot split of Lot 2897 is approved by the Oxford Planning Commission and recorded with the Butler County Recorder, effectively splitting Lot 2897 into two pieces, with a piece closest to the pond renamed Lot 3046. Another split had occurred to the west, creating Lot 3045. The newly created lots (3045 & 3046) were then combined to form Lot 3047 centered on the pond area.
- **22 June 2004, Lot Split and Consolidation:** New Lot 3556 (the present day boundaries of the subject property), totaling 4.572 acres, is approved by the Oxford Planning Commission and created by consolidating Part of Old Lot 2897 with portions of Old Lot 3047. Additionally, the lot containing the pond was re-shaped out of older lots and re-formed as Lot 3555. This Plat of Survey noted a 30-foot distance from centerline to the right-of-way edge along Kehr Road.
- **16 August 2005, Conditional Use for a Place of Worship:** City Council by Ord. No. 2858 approves a conditional use permit to allow for development of Cobblestone Community Church. The site plan approved at the time reserved 39 acres for the church site and pond, and 19 acres for a reduced number of single-family lots (11 developed lots on Morgan Circle, and 34 undeveloped lots of which 13 were already platted as part of South Farm Section 2). The ordinance also established phasing requirements, with the final phase of necessary construction permits submitted by 2014 and substantially operational within 2 years. Therefore, the conditional use approval is now considered expired.

- **8 May 2007, Conditional Use Minor Amendment:** Planning Commission approves a minor amendment to the Cobblestone Church Plan, to allow for a larger building and modified parking layout.

COMMENTARY

Staff comments on site conditions and a number of key development aspects are provided below:

- **Density:** With 15 total units proposed, the resulting gross density is **3.34 du/ac** ($15 \div 4.49$ acres). The underlying R-1B zone has a minimum single-family lot size of 7,500 sq ft, which equates to **5.81 du/ac** ($43,560 \text{ sq ft} \div 7,500 \text{ sq ft}$). For Planned Developments, the density cannot exceed 110 percent of the underlying zone. *Section 1145.12(d)* specifies that *area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density*. Staff finds that approximately a quarter of an acre would be exclusively devoted to the existing driveway serving the Church (in the northwest corner of the parcel), thus slightly increasing the calculable density to **3.54 du/ac** ($15 \div 4.24$ acres). If a more conventional single-family subdivision were pursued, it is estimated the site could accommodate approximately **20** dwelling units, accounting for some area (15%) devoted to infrastructure/streets. With a total of 15 units, the applicant falls comfortably under their density restrictions.
- **Dwellings:** The applicant proposes building pads totaling 2,400 square feet in size, within which individual structures would be built. Each building pad is located at least 20 feet away from the street pavement, which more or less amounts to a front yard setback even though there will not be subdivided lots. A minimum spacing of 10 feet is also provided between building pads, to ensure adequate “side yard” distances between structures. Each dwelling unit would have an attached front-loaded 2-car garage and be linked to the private street via an 18-foot wide driveway. A minimum house size of 1,500 square feet is specified, and the predominant character anticipated is single-story, with the potential for a second story bonus room. The maximum building height in the underlying R-1B zone is 35 feet, which will likely be more than sufficient for the anticipated dwellings.
- **Landscaping/Screening:** The applicant has submitted a Landscape Plan showing existing tree specimens as well as variety of planned plantings. Arborvitae are planned atop existing mounds along the edges of the property to block view of future dwelling units from Kehr Road and Roberts Drive. Street trees are also shown lining the new private street. The Fire and Service Departments have both expressed concern over the positioning of these trees, highlighting the potential to impede travel of larger emergency vehicles. The City Engineer suggests spacing the trees at least 5 feet away from the pavement edge and pruning them over time to ensure 15 feet of clearance is maintained over the street. Community Development staff have discussed the issue with the applicant, and advised them to provide more details on the trees, perhaps switching to a species on the City’s Tree List that grows more vertically. A cluster of woods in the northwestern corner of the site will be partially removed to make way for two of the dwelling units (7 & 8).
- **Lighting:** Street lighting details are not yet provided at this stage. A residential subdivision would normally require a street light to be installed every 400 feet, as well as within 50 feet of every intersection and at the end of every dead-end or cul-de-sac. While this proposal isn’t technically a subdivision, the resulting development character is reminiscent of one, thus staff believes lighting should be provided along all streets and recommends a condition (#1) to this effect. Exact details may be reviewed as part of the Final Planned Development.
- **Lot Coverage:** The Planned Development Code mandates that lot coverage be regulated according to the underlying zoning district, though for any residential portion it shall not exceed **40%**. The

normal maximum lot coverage in the R-1B district is **35%**. Since this development will not be regulated as a subdivision (observing coverage on a per lot basis), the coverage must be found compliant upfront when reviewing the plan as a whole. Staff has verified the proposed plan's site coverage does not exceed 40%.

- **Natural Resources and Tree Preservation:** Most of the existing trees surveyed are planned to be preserved. Two Cottonwoods measuring 24-inches and 26-inches are to be removed to make way for one of the dwelling units (Unit 8). The applicant has provided sufficient detail to demonstrate compliance with the Tree Ordinance requirements.
- **Non-Vehicular Mobility:** The City is appreciative of the developer building a section of the planned Oxford Area Trails System (OATS) along the Roberts Drive frontage. Public right-of-way should be dedicated on both the Church parcel and South Farm HOA parcel to fully capture this new trail (see condition #2). On the other hand, the plan does not provide any pedestrian facilities internal to the site. *Section 1145.12(i)(3)* stipulates that *adequate pedestrian connectivity shall be provided to and through a planned development*. Staff recommends a 5-foot concrete sidewalk be provided at least on one side of the private street, as well as along Kehr Road, forming a loop. In speaking with area residents, it is apparent that many of them currently walk in the grass along Kehr and down the driveway back to Cobblestone Church, for exercise/recreation. Staff recommends adequate pedestrian systems be provided per recommended condition #3.
- **Open Space:** There is a 20% minimum open space requirement for Planned Developments per *Section 1145.12(f)(1)*, which normally cannot include any area less than 50 feet by 50 feet nor can it include the required 25-foot perimeter setback. A water quality basin is planned adjacent to the existing pond to meet OEPA requirements, and is counted toward the open space. Staff has verified the delineated open space area meets the 20% minimum, however some areas less than 50 feet in width are counted. Due to the abundance of green spaces already present adjacent to the site, staff believes it is reasonable to grant a waiver allowing for the open space to be accepted as proposed.
- **Signage:** No signage details have been submitted at this time. Such details may be reviewed as part of the Final Planned Development application. If no waiver requests are submitted, the Commission may choose to apply the standards of *Section 1151.05(d)(2)* which allows for 1 freestanding sign per street intersection at the boundaries of a subdivision, with a maximum sign face area of 48 square feet, maximum sign/structure height of 6 feet, maximum sign/structure width of 12 feet, and minimum setback from right-of-way at least the height of the sign with indirect illumination only. An existing gateway sign for South Farm located at the northwest corner of Roberts and Kehr will likely need to be removed due to the construction of the new OATS bike path; it may make sense not to replace with a new "South Farm" sign, seeing as how this corner will now be branded separately as "Heron Pond."
- **Stormwater & Environmental Management:** The City contracts with Butler County Soil & Water Conservation District to perform environmental reviews of major development projects. Their agency comments are not regulatory in manner, but rather provide valuable feedback to City decision makers so that any environmental concerns are properly addressed. Comments provided by Water Resources Specialist Dr. Sean Hudson are summarized by topic below:
 - **High Water Table & Shrink-Swell Potential:** The Soil Survey for the area shows apparent high water tables on-site (where Units 1-7 are planned), as well as the potential for shrink-swell. Plat notes are recommended to make builders aware that foundations must be designed and constructed with these risks in mind.

- **Native Species for Street Trees:** Upon examination of the applicant's Landscape Plan, Butler S&W notes that only 3 of the deciduous species are native, and recommends inclusion of more North American native species to provide habitat for local wildlife. In response, species shown and listed on the Landscape Plan were verified to be in conformance with the City's Tree List, so staff does not believe species changes are necessary. However, staff does recommend a condition (#4) that trees meeting the City's specs be planted in the Roberts Drive tree lawn.
- **Streets & Traffic Circulation:** Various topics are discussed below:
 - **Cobblestone Driveway:** The front entrance to Cobblestone Community Church currently traverses the north end of subject property that is being sold and developed. To preserve this connection, an access easement is planned to be dedicated to ensure Church visitors, members and staff can continue to access the main parcel behind the pond. By the same token, Heron Pond residents should be able to use the Cobblestone driveway as a second means of egress in addition to the connection off Roberts.
 - **Internal Private Street:** The applicant currently proposes a private street without curbs measuring 25 feet wide. Catch basins are shown in the middle of this street at four different locations throughout the site. The Fire, Police and Service Departments are not in favor of these basins due to icing and standing water concerns. The City Engineer recommends curbing be installed around all parking areas and roadways; the applicant notes this is a way to decrease costs for the development, ensuring units are kept more affordable. An additional concern was found with the submitted AutoTurn analysis, whereby a fire truck may not be able to make the tight turn between Heron Way and the Cobblestone driveway; staff recommends the pavement be widened per condition #5. Access easements corresponding to the private street will need to be dedicated on both parcels, per condition #6.
 - **Kehr Road:** The character of the Kehr Road corridor is very much rural at this time, comprising a 20-foot wide double-yellow line road with drainage ditches on either side. The Thoroughfare Plan classifies Kehr as a Minor Collector, which calls for a typical right-of-way section measuring 80 feet wide in total, with 40 feet on either side of the centerline. Currently, 30 feet of right-of-way is dedicated west of the centerline with a 16-foot utility easement. Staff recommends an additional 10 feet be dedicated along with a 10 foot utility easement alongside the right-of-way, effectively capturing the City's existing sanitary main in this location (if not already), and adhering to Thoroughfare Plan specifications.
- **Utilities:** Comments on individual utility services are provided below.
 - **Sanitary Sewer:** Sanitary sewer is directly available to the subject site. A new 8-inch main is to be installed on site to flow northward and join up with an existing manhole west of Kehr Road.
 - **Water:** The City's water utility is also directly available. The applicant plans a new 8-inch public water main through the site, forming a loop between existing mains on Kehr and Roberts.
 - **Electric:** Information on electric utility connections is not shown at this time. The preference is for such utilities to be located underground. Screening of utility boxes and/or disturbance to environmental areas may be considered at the Final Planned Development stage, once engineering-level details are determined.

- **Garbage Collection:** Seeing as how this development is laid out like a subdivision, the assumption is that individual units will be serviced by curbside garbage pickup (cans). Parking should probably be prohibited on the private street to ensure there is adequate room for Rumpke's vehicles to service the units. In their preliminary development restrictions, the applicant seems to indicate that parking will be prohibited everywhere except within garages and in designated outdoor parking spaces.
- **Gas:** No information on gas line connections is shown at this time. Any such information may be considered as part of the Final Planned Development.
- **Mail Delivery:** The current USPS policy is for mail collection/delivery to be combined, serving cluster box units (CBUs) as opposed to individual mailboxes. A CBU is shown in close proximity to the intersection between Heron Way and the Cobblestone driveway. Staff is of the opinion this is not the safest location, and recommends it be moved a more central location within the site. The applicant has suggested relocating the CBU to the area just south of the northernmost parking bay.

DECISION CRITERIA

All Planned Developments shall satisfy the General Decision Standards provided in *Section 1145.06(b)*. The standards found within this section are below with staff analysis provided for each:

1. **The proposed planned development is in fact permitted in the zoning districts in which it is proposed.**
The underlying R-1B zoning district allows single-family residential use by-right. However, when undergoing a Planned Development process, any residential land use is potentially permissible so long as the resulting density is at or below what would be allowed under the straight zone. This proposal is technically multi-family residential, given that multiple principal buildings will be constructed on a single site, even though each building will have an appearance and function akin to a single-family unit. The proposed development satisfies this criterion, due to the planned density of 3.54 du/ac being lower than the district density of 5.81 du/ac.
2. **If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.**
This criterion does not apply to the subject application, since this is the first detailed Planned Development proposed for this site. The prior application for multi-family residential circa-1991 has long since expired.
3. **The uses and site plan will satisfy the general intent of this Zoning Code.**
The purpose of the R-1B zoning district is to "provide and preserve single family residential development of a moderately low density character within and adjacent to areas of similar development." By providing a condominium housing development embodying the character of a single-family neighborhood, staff believes the general intent of the Zoning Code is satisfied.
4. **The uses and site plan will be compatible with the general intent of the Comprehensive Plan.**
Map 3.6 (Conservation and Development Map) in the Oxford Comprehensive Plan establishes preferred land uses for undeveloped sites within the City limits. This Map designates the site for "Traditional Neighborhood Development" (TND) which calls for residential development to have a distinct center and edge, open spaces, well designed streets and public spaces, and multiple housing options. Outside of content directly stated in the Comp Plan, TNDs typically follow the principles of New Urbanism, producing pedestrian-friendly and conservation-minded urban developments that include a mix of residential housing types and commercial uses. Some examples of TNDs in closest

proximity to Oxford are Norton Commons outside of Louisville KY, the Village of West Clay in Carmel IN, and the Union Village development currently underway in Warren County OH. These developments strongly emphasize quality streetscapes and green/open spaces, with building architecture reminiscent of a traditional American town. While all of these principles are good and can achieve wonderful settings, it is also recognized that not every site is well-positioned to fully embrace all TND traits, and can still be developed in a quality manner that serves the community's housing needs.

5. **The size and shape of the site are sufficient for the proposed planned development.**
Given the smaller site size (around 4 acres), staff believes the applicant's design is sensible to its surroundings and sufficient for the proposed number of units.
6. **The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
Staff believes the development proposed will be complementary to the existing South Farm neighborhood and other surrounding residential uses. The South Farm Owners Association and Cobblestone Community Church have both voiced their support.
7. **The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**
This criterion is generally not applicable to a residential proposal, as these external effects mostly pertain to activities or processes associated with commercial or industrial businesses.
8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
The applicant indicates in their Preliminary Covenants and Restrictions that accessory structures will be prohibited. This development will essentially be limited to the principal buildings/dwellings themselves.
9. **The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
Concerns have been raised regarding the design of the private street and associated landscaping, as well as the location of the cluster mailbox unit. Staff believes these concerns can be adequately addressed through the recommended conditions.
10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
The City's water and sewer services are readily available to the site, and the developer will be responsible for the cost of tapping in to these. The City Engineer has not asked for a Traffic Impact Study at this time, which can sometimes reveal whether additional off-site roadway improvements are necessary to provide enough capacity for expected peak traffic volumes.
11. **The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.**
Staff believes this criterion can be addressed by conditioning building architecture to have a substantially similar appearance to the examples submitted. More precise architectural standards may be explored as part of the Final Planned Development. Staff believes the unit layout as designed will be harmonious with the general character of the surrounding area.

12. **The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.**
Staff believes the provision of a public sidewalk along Kehr Road will help to better separate the modes of traffic and reduce adverse impacts. The provision of a new OATS segment will also help separate vehicular and bicycle modes of travel. Staff believes the internal pedestrian connectivity can be improved from what is presently proposed.
13. **Proposed construction will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.**
The site is mostly field, with a few scattered trees along the outside perimeter including some mature evergreens which are to be preserved as part of the project. Staff believes the project as designed is sensible to existing tree specimens, and will further enhance the area by including additional plantings along the perimeter as well as along the new private street.
14. **Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.**
A small portion of vegetation, which currently contains a lot of honeysuckle, is to be removed to make way for two dwelling units (7 & 8). Staff believes the subject application suitably fulfills the spirit of this criterion.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends **approval** of the Preliminary Planned Development subject to the following conditions:

1. Appropriate lighting shall be provided along the proposed private street. Lighting details shall be reviewed and approved as part of the Final Planned Development.
2. Additional right-of-way shall be dedicated along Roberts Drive, on both the Church parcel and South Farm HOA parcel, to fully capture the OATS trail segment to be built. Additional right-of-way shall also be dedicated along Kehr Road consistent with the Oxford Thoroughfare Plan. A 10 foot wide public utility easement shall flank the outside of all public right-of-way on Kehr and Roberts.
3. Sidewalks shall be provided along or near the private street, as well as along the Kehr Road site frontage, forming a loop for pedestrians.
4. Trees complying with the City's specs shall be planted in the tree lawn along Roberts Drive, on both the Church parcel and South Farm HOA parcel.
5. Pavement shall be widened at the intersection of Heron Way and the Cobblestone driveway in order to accommodate the turning radius of larger vehicles.
6. Access easements shall be dedicated for the Cobblestone driveway and for the segment of Heron Way located on the South Farm Owners Association parcel.
7. Curbs and gutters shall be installed along the new private street, to replace the centered catch basins currently shown, unless an alternative is agreed to by City staff.
8. Adequate vehicular and pedestrian accessibility shall be provided for any USPS cluster mailboxes installed for the subdivision, to the discretion of City staff.

9. All utilities, including but not limited to electric and telephone, shall be located underground.
10. Documentation related to stormwater management and private buffers/landscaping, including but not limited to easements, covenants and/or deed restrictions to ensure the funding of future maintenance/upkeep, shall be reviewed and approved by the Service Department and Law Director prior to being recorded on or with the Easement Plat. Enforcement of said easements, covenants or restrictions shall not be the responsibility of the City.
11. Building architecture shall generally conform to the bulk, scale and style depicted in the submitted sample house plans. Architectural aspects may be further considered and refined as part of the Final Planned Development, including a design for the proposed gazebo.
12. The Planning Commission may review utility details (such as those for electric, gas, mail delivery, garbage collection, etc.) as part of the Final Planned Development, including proposed accommodations, accessibility, screening, or other characteristics as may be applicable.
13. Financial security/bonding of improvements shall be determined during or after the Final Planned Development review. The Final Planned Development shall be reviewed and approved prior to approval of construction drawings, bonds, or the signing of an Easement Plat.
14. Damage to the existing fence along Kehr shall be repaired prior to approval of the first Building Permit associated with the development.
15. A waiver is hereby granted to **Section 1145.12(e)(2)** to reduce the required front yard setback from 30 feet to distances as shown on the submitted Preliminary Plan.
16. A waiver is hereby granted to **Section 1145.12(e)(3)** to allow for a reduction in the required 25-foot perimeter setback in the locations as shown on the submitted Preliminary Plan.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: February 2, 2021

EXHIBIT A

RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, **Section 1143.04** provides the base zoning standards for the R-2A district and **Chapter 1145** governs Planned Development applications.

1143.04 – R-2A Single- and Two-Family Residential District.

- (a) Purpose.
This district is designed to provide and preserve neighborhoods of smaller single-family residences within and adjacent to areas of similar development. This district also provides for a limited number of two-family residences.
- (b) Uses.
- (1) Permitted uses.
- A. Single-family dwellings.
 - B. Two-family dwellings.
 - C. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
 - D. Day Care Home Type B family.
- (2) Conditional uses.
The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
- A. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - B. Shared Housing and Congregate Housing for the elderly.
 - C. Government owned and/or operated parks and recreation facilities.
 - D. Bed and breakfast homes.
 - E. Private and publicly owned commercial and noncommercial recreational areas, uses and facilities of an open space nature, such as golf courses, tennis courts, parks, forests, wildlife preserves, etc.
 - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
 - G. Schools: primary, intermediate, and secondary, both public and private.
 - H. Places of worship.
- (c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
- | | <u>1-family</u> | <u>2-family</u> |
|---|-----------------|-----------------|
| (1) <u>Lot requirements.</u> | | |
| A. Minimum lot area | 6,000 sq. ft | 7,500 sq. ft. |
| B. Minimum lot width | 60 feet | 75 feet |
| (2) <u>Yard requirements.</u> | | |
| A. Minimum front yard depth | 30 feet | 30 feet |
| B. Minimum rear yard depth | 30 feet | 30 feet |
| C. Minimum side yard width | 7.5 feet | 7.5 feet |
| (3) <u>Structural requirements.</u> | | |
| A. Maximum building height | 35 feet | 35 feet |
| (4) <u>Lot coverage.</u> | | |
| A. Lots with vehicular access from a public street | | |
| 1. Lot total – 35 percent | | |
| 2. All enclosed buildings – 25 percent of lot | | |
| 3. Front yard – 25 percent of front yard | | |
| B. Lots with vehicular access from a rear or side alley, and no access from a public street | | |

1. Lot total – 40 percent
2. All enclosed buildings – 25 percent of lot
3. Front yard – 5 percent of front yard

1145.06 Planning Commission and Council review.

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

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

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

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

(a) **Burden of Proof.**

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

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

(b) **General Decision Standards.**

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.

- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- (14) Proposed construction will not result in the complete elimination of existing mature tree canopy. Effort shall be made to direct disturbance and construction around or away from existing mature tree canopy without completely taking away use of the site or connectivity to existing infrastructure.

1145.07 Action by Planning Commission

- (a) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code. Dwelling unit density cannot be waived.
- (c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.12 Design.

- (a) Arrangement.
The physical arrangement of a planned development is not subject to the specific dimensional regulations that apply in the underlying zoning district, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area.
- (b) Land Area.
A planned development shall be a minimum of 1 (one) contiguous acre or more.
- (c) Land Use.
 - (1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:

- A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.
 - B. Institutional, public, and semi-public land uses that serve the planned development or the general public.
 - C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve the planned development only. Such commercial land uses shall be limited as follows:
 - 1. No signs that are visible from outside of the development.
 - 2. No direct vehicular access to a public thoroughfare.
 - 3. No less than 95 percent of the total land area shall be devoted to residential land uses.
 - 4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.
- (2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:
 - A. Any land use permitted in the underlying zoning district.
 - B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.
- (3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:
 - A. Any land use permitted in the underlying zoning district.
- (4) The land uses permitted in a planned development may be distributed as follows:
 - A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.
 - B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.
- (d) Residential Density.
 Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density.
- (e) Dimensional Regulations.
 - (1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.
 - (2) Front setbacks shall be limited as in the underlying zoning district.
 - (3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:
 - A. Residential zoning district - 25 feet.
 - B. Commercial zoning district - 25 feet.
 - C. Industrial zoning district - 50 feet.
- (f) Open Space.
 - (1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.
 - (2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.
- (g) Sensitive Development Area.

- A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.
- B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC, FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.
- C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.
- D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:
 - (1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.
 - (2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.
 - a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:
 - 1. Natural vegetation shall be maintained.
 - 2. No structures shall be built or improvements made, except as follows:
 - (a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.
 - (b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.
 - (c). Any improvements approved in a final plan.

- (d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.
 - (3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.
 - (4) Habitats of endangered wildlife, as identified on federal and state lists.
 - (5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.
 - (6) Aquifers and tributary drainage systems.
 - (7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.
 - (8) Any area as identified on Map 3.3 of the Comprehensive Plan.
- E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual
- F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:
 - (1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.
 - (2) A Geotechnical Report and/or a Wetlands Assessment/Delineation, prepared by a professional engineer, licensed in the State of Ohio, or by a specialist in Streams and Wetland. This report can be in lieu of a development narrative.
- (h) Landscaping and Screening.
 - (1) A planned development shall satisfy all landscaping elements required by other sections of this Code.
 - (2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.
 - (3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.
- (i) Access and Mobility.
 - (1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.
 - (2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.
 - (3) Adequate pedestrian connectivity shall be provided to and through a planned development.
- (j) Utilities and Infrastructure.

Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.

(k)

Plan-Specific.

Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter.



Memo
Service Department
Engineering Division
513/524-5208

TO: Community Development Department

FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2020-17
4147 Kehr Rd. Heron Pond – Preliminary Planned Development

DATE: January 27, 2021

The Engineering Division offers the following comments:

- Further review of detailed construction plans may require revisions to proposed water and sanitary sewer main locations.
- The right-of-way dedication along the north side of Roberts Drive should be extended to Kehr Rd. in order to include the proposed trail within the right-of-way.
- The Autoturn drawing appears to show that a fire truck would not be able to stay on the roadway when entering the development.
- The proposed design of storm water draining to the middle of the roadway has potential to cause freeze/thaw damage and standing water in the middle of the roadway.
- Curbing around parking areas and roadways is recommended.
- HOA declarations or covenants should include identification of the responsible party and funding, maintenance, and inspection plans for the storm water facilities within the development including the water quality basin.
- A Public Improvement Bond will be required for infrastructure improvements.
- Proposed trees should be planted at least 5 feet back from the roadway and kept pruned to provide a 15' clear space above the roadway.
- On-street parking rules should be considered to allow for emergency services and solid waste collection.



Butler Soil and Water Conservation District

1802 Princeton Road Suite 300
Hamilton, Ohio 45011
Telephone: (513) 887-3720
Fax: (513) 785-6668
www.butlerswcd.org

1/7/2021
15 South College Ave
Oxford, OH 45056

RE: Heron Pond and South Forest Edge Planned Development Applications

Dear Zachary Moore,

This letter is to provide you a summation of the Natural Resources Review conducted by Butler Soil and Water Conservation District for the planned development applications Heron Pond, located on Kehr Road, and South Forest Edge, located on Lake Forest Drive.

Heron Pond:

The NRCS Soil Survey rates soils in this area as having shrink swell potential and foundation slabs in this development may require additional engineering to resist damage. Additionally, there is a high water table in the area where units 1-7 are planned, thus we request a note to be added to the plat to the effect of:

Note: High water tables are apparent in this area. If basements are constructed, it is the responsibility of the builder to take special precaution to ensure the basements stay dry.

Although basements are not in the construction drawing, the preexisting hydrologic condition may cause issues to homeowners in the future and thus it should be recorded on the plat.

Finally, looking at the plant schedule, only 3 of the deciduous trees are native species, the developer should consider utilizing more North American native species to provide habitat for local wildlife.

South Forests Edge:

Soils in the area have shrink swell potential and high water tables, we request a note be made on the plat to the following affect:

Note: High water tables are apparent in this area. If basements are constructed, it is the responsibility of the builder to take special precaution to ensure the basements stay dry.

Lots 1 and 2 have sloped portions in the North end of the lots are on a slip prone soil, consider adding these areas as undisturbed open space, which will also act as a buffer for Lick's Run.

The proposed retention basin off Arbor's Edge Trail is located in an area with water erosion prone soils, this will need to be taken into account when a stormwater management plan is designed, as the retention basin may require lining.

As above, looking at the plant schedule, only 3 of the deciduous trees are native species, the developer should consider utilizing more North American native species to provide habitat for local wildlife.

Please do not hesitate to contact our office if you have any additional questions,

Sincerely

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Sean Hudson, PhD.
Water Resources Specialist
Butler SWCD



PC-2020-17

Surrounding Property Owners Notifications Map

Legend

-  Subject Area
-  200 Ft. Buffer
-  Oxford Corp. Limit
-  Address Point
-  Parcel
-  16.5' Vacated ROW
-  Building Footprint
-  Paved Roadway



1 inch = 150 feet

Prepared on Thursday, January 21, 2021

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





4191 Kehr Road
Oxford, OH 45056

January 25, 2021

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Heron Pond
4147 Kehr Road
Preliminary PUD Application

Dear Mr. Moore,

This letter serves to indicate our support of HPCT Properties Inc. request for Preliminary Development Plan approval of the Heron Pond development located at 4147 Kehr Road. We have reviewed the proposed development plan, landscape plan and home elevations. The Heron Pond development will enhance the entry to our facility, and provide a housing product which is in demand in the City of Oxford.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daryl Zimmer".

Daryl Zimmer, Trustee
Cobblestone Community Church Inc.

A handwritten signature in cursive script, appearing to read "Ken Litteken".

Ken Litteken, Trustee

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Heron Pond
4147 Kehr Road
Preliminary PUD Application

Dear Mr. Moore,

This letter serves to indicate our support of HPCT Properties Inc. request for Preliminary Development Plan approval of the Heron Pond development located at 4147 Kehr Road. We have reviewed the proposed development plan, landscape plan and home elevations. The development will compliment the existing homes within the South Farm Development while providing a housing product which is in demand in the City of Oxford. We look forward to having their residents join our Association.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "William L. Olliver".

South Farm Owners Association, Inc.

**Internal Use Only:**

Case No. _____

Date Filed _____

Planned Development Application

Application Type

Choose One



Preliminary



Final



Preliminary & Final

Applicant Information

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

Name *

HPCT Properties Inc.

Mailing Address

5282 Booth Road

City, State & Zip Code

Liberty, IN 47353

Telephone Number

765-580-0378

Email Address

shanebcoffman@aol.com

Owner Information

Name *

Cobblestone Community Church Inc.

South Farm Owners Association Inc.

Mailing Address

4191 Kehr Road

221 Morgan Circle

City, State & Zip Code

Oxford, Ohio 45056

Oxford, Ohio 45056

Telephone Number

513-315-7008 Ken Litteken

Email Address

513-523-1309 Mike Rudolph

Engineer/Surveyor Information

Name *

Bayer Becker

Mailing Address

110 South College Avenue

City, State & Zip Code

Oxford, Ohio 45056

Telephone Number

513-523-4270

Email Address

EttaReed@bayerbecker.com

Location and Lot Information

Name of Subdivision *

Heron Pond

Location of Property

4147 Kehr Road - West side of Kehr Road north of Roberts Drive

Legal Description

H4100-00-137-000-039 and 040

Zoning District

R-1B

Total Area

4.49

Acres

Submission Requirements and Documentation

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

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

the type of materials included. **The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement.**

(a) Preliminary Plan.

- (1) Application fee.
- (2) The name, mailing address, and telephone number of the applicant and all property owners.
- (3) If the applicant is not the owner, or if there are multiple owners within the proposed area, a statement from all owners that the applicant is entitled to apply on their behalf, and that they agree to be legally bound to any decision reached according to this Chapter.
- (4) The name, mailing address, and telephone number of any planner, engineer, surveyor, or other design professional who assisted with preparation of the plans.
- (5) Description of use and site. A written, detailed description shall include the following information. A separate response is required for each subsection.
 - A. A legal description of the site, including all separate lots.
 - B. A description of the existing uses of the site.
 - C. The zoning districts in which the site is located.
 - D. A description of the proposed planned development.
 1. The number of housing units by size and type proposed within each phase.
 2. A description of any nonresidential operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
 3. The hours of operation of any nonresidential use.
 4. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.
 - E. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.
 1. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.
 2. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 3. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 4. How any potential negative effects on adjacent land will be mitigated.
 - F. A statement about why the location proposed is appropriate for the planned development.
 - G. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.
 - H. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes (e.g. adaptability of flats versus townhomes)
 - I. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.
 - J. A general analysis of expected traffic impact, including vehicular and pedestrian safety, resulting from the proposed development.
 - K. The substance of proposed covenants, easements, and other restrictions on the land and structures.
 - L. A list of the names and mailing addresses of all landowners within 200 feet of the site.
 - M. Such other information regarding the proposed uses, site design, or surrounding area as may be pertinent to the application or required by Planning Commission or Council.
- (6) Site plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
 - A. North arrow.
 - B. Scale.
 - C. Vicinity map.
 - D. All existing and proposed lot lines within the site.
 - E. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
 - F. The location and intended purpose of all open spaces
 - G. Approximate location, height, dimensions, and use of all proposed and existing structures.
 - H. Approximate location and number of different uses (i.e. dwelling types and/or commercial uses).
 - I. Approximate location and design of all proposed vehicle and pedestrian routes and nonresidential vehicle management areas.
 - J. Approximate location and size of all existing and proposed utilities that will serve the planned development.
 - K. Approximate location, size, and type of all proposed signs.
 - L. Approximate location, height, and type of all proposed screening and landscaping.

- M. Distances to residential zoning districts if within 1,000 feet.
 - N. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 - O. The location of any nearby schools and commercial facilities.
 - P. Other information as required by the Planning Commission or Council.
- (7) Landscape plan.
- A. The plan shall demonstrate compliance with the requirements of Chapter 1148.
- (8) Elevations. Elevations of proposed structures or typical elevations if structures are not yet designed.
- (9) Other. Photographs of the existing site and its surroundings.
- (10) Digital Submittal. Adobe PDF version of all information submitted to also be submitted on a current digital format.
- (b) Final Plan.
- (1) The same items and information as required for the preliminary plan, except that the approximations shall be refined to specific locations, dimensions, and descriptions.
 - (2) A detailed traffic impact analysis, including all modes of transportation, prepared by a qualified professional engineer
 - (3) Any additional description or information requested by the Planning Commission or Council during the preliminary plan approval process.
 - (4) Detailed agreements, contracts, deed restrictions, and sureties that will be used to guarantee performance of the development during and after construction.

Surrounding Property Owners

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

Decision Process

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

Fees & Receipt

The fees for a Preliminary, Final, or combined Preliminary and Final Planned Development application are \$400.00 plus \$100.00 per acre, plus \$10.00 postage charge.

Sign and Date

Applicant Signature *

Date


12-23-2021

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

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

² Butler County Auditor Real Estate Search: [.org/](#)

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Parcel H4100-137-00-039
Cobblestone Community Church Inc.

Dear Mr. Moore,

Please be advised that HPCT Properties Inc. has our permission to submit applications for the approval of a Preliminary Planned Development on parcel H4100-137-000-039 located adjacent to Roberts Drive and Kehr Road.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

Kenneth W Litcher - Trustee

Cobblestone Community Church, Inc.

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: Parcel H4100-137-00-040
South Farm Owners Association Inc.

Dear Mr. Moore,

Please be advised that HPCT Properties Inc. has our permission to submit applications for the approval of a Preliminary Planned Development on parcel H4100-137-000-040 located adjacent to Roberts Drive.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

William L. Ollier, President

South Farm Owners Association Inc.

December 28, 2020

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

Re: 4147 Kehr Road
Heron Pond
Preliminary PUD Submittal

Dear Mr. Moore:

Enclosed please find the following items in support of HPCT Properties Inc.'s Application for Preliminary Planned Development approval for Heron Pond to be located on the northwest corner of the intersection of Roberts Drive and Kehr Road:

- 1) A check in the amount of \$859.00 made payable to the City of Oxford for the application fee.
- 2) Two (2) copies of each of the following:
 - a. Executed Planned Development Application.
 - b. An Affidavit from Cobblestone Community Church Inc. granting HPCT Properties Inc. permission to submit applications for the approval of a Preliminary Planned Development.
 - c. An Affidavit from South Farm Owners Association Inc. granting HPCT Properties Inc. permission to submit applications for the approval of a Preliminary Planned Development.
 - d. List of property owners within 200 feet of the site.
 - e. Existing Conditions Plan.
 - f. Preliminary Development Plan.
 - g. Typical Building Floor Plans and Elevations.
 - h. Planting Plan, including Tree Survey.
 - i. Autoturn Exhibit.
 - j. Photos of the subject site and surrounding area.
 - k. Example of proposed covenants and restrictions.
 - l. Letter from HPCT Properties Inc. regarding intention to request a Neighborhood Conservation District Overlay.

Formal application, along with supporting documentation, has been made online.

- 3) Applicant:
HPCT Properties Inc.
5282 Booth Road
Liberty, IN 47353
765-580-0378

Owners:
Cobblestone Community Church Inc.
4191 Kehr Road
Oxford, Ohio 45056
513-315-7008

South Farm Owners Association Inc.
221 Morgan Circle
Oxford, Ohio 45056
513-523-1309

- 4) Design Professionals:
Engineer, Surveyor & Landscape Architect:
Bayer Becker
110 S. College Ave., Suite 101
Oxford, OH 45056
513-336-6600
- 5) Description of use and site:
- a. A legal description of the subject property is - Entire Lot 3556 as platted in the City of Oxford.
 - b. The property is currently vacant.
 - c. The property is zoned R-1B Single Family Medium-Density Residential District.
 - d. A description of the proposed planned development:
 - i. The number of housing units by size and type proposed within each phase.

Heron Pond is a single family residential condominium development wherein the homeowner purchases the home only and the surrounding land is owned and maintained by the Homeowners Association (HOA).

The development shall consist of 15 single family homes located along a private street. Each building pad shall consist of 2,400 SF and be located a minimum of 20 feet from the access drive and a minimum 10 feet from an adjacent building pad.

Ranch style homes consisting of a minimum 1,500 SF will be constructed within the development. Some of the home plans may provide the owner with an option to provide a second story bonus room. All homes will contain attached 2 car garages.

A separate Homeowners Association (HOA) will be established for Heron Pond. The HOA will be responsible for the maintenance of the private street, snow removal for all the residences, and maintenance of the open space and all the lawns and landscaping around the homes. Residents will also be a member of the current South Farm HOA, for the maintenance of the retention basin.
 - ii. A description of any nonresidential operations, including types of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.

Not applicable.
 - iii. The hours of operation of any nonresidential use.

Not applicable.
 - iv. A phased development schedule, if applicable, that indicates the location and timing of phases and demonstrates that each completed phase would form a reasonably independent unit if succeeding phases were abandoned.

Not applicable.

- e. A narrative statement that evaluates the compatibility of the proposed planned development with the general vicinity and adjacent properties.
- i. How the proposed uses are similar to or different from existing area uses and if there will be any interaction between the proposed site and adjacent sites.
The proposed single family residential homes will be comparable in size and contain similar building materials as the existing single family homes located to the south on Morgan Circle and proposed homes within the future South Farm Section Four.
As part of the development, a segment of the Oxford Area Trail System (OATS) will be constructed along the north side of Roberts Drive from Kehr Road west to the trail segment to be constructed with South Farm Section Four. This assumes that the South Farm Owners Association is in agreement that the trail can be constructed along their frontage.
 - ii. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
The proposed homes to be constructed within Heron Pond will be comparable in size and contain similar building materials as the existing homes in South Farm Section One and the proposed homes to be constructed within the future South Farm Section Four.
 - iii. If the proposed uses will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibrations or emissions.
The proposed use, residential, will not involve any operations that create potential nuisances.
 - iv. How any potential negative effects on adjacent land will be mitigated.
Heron Pond will not have a negative effect on adjacent land. The properties to the south and north contain single family residences, the property to the west contains Cobblestone Community Church and the property to the east is vacant. HPCT Properties Inc. intends to supplement the existing mounding and tree buffer along the east and south property lines of the development to provide buffering for the proposed residents.
- f. A statement about why the location proposed is appropriate for the planned development.
- The subject property is an ideal location for Heron Pond for several reasons:*
- 1) *Per the Comprehensive Plan, South Farm, Section Two is located in an area designated for future neighborhood growth, Character Area – Neighborhood General 3.*
 - 2) *The property is zoned appropriately for residential development, R-1B single family medium density residential.*
 - 3) *The proposed density of the development is 3.34 units/acre is significantly lower than the allowable density of the R-1B district, 5.81 units per acre*
 - 4) *Heron Pond will contain a Neighborhood Conservation Overlay District.*
 - 5) *The infrastructure is currently in place to support a residential development of this nature.*
 - 6) *Provides a type of residential housing that is in demand in Oxford.*
 - 7) *The development will contain over 20% open space and maintain the existing vegetation along both the east and south property lines.*

- g. A statement of the necessity or desirability of the proposed planned development to the neighborhood or community.

There is a shortage of available single family residential homes within the City of Oxford for individuals to empty nesters. Heron Pond will fulfill this need. With the maintenance free exteriors, and ranch style homes this development will be attractive to empty nesters.

- h. How the proposed mix of dwelling types and/or commercial uses advances community goals of diversity, affordability and market changes.

Heron Pond will provide the City of Oxford with a housing stock that is in short supply - maintenance free single family homes for empty nesters.

- i. Proposals for the provision of public utilities and services, if insufficient or not available for the planned development, or for the provision of suitable private utilities and services.

Public water and sanitary sewer are available to the property and will be extended into the property as needed to provide service. Stormwater retention has been provided in the existing retention pond to the west. A water quality feature will be provided in the open space area to meet the requirements of the Ohio EPA National Pollutant Discharge Elimination System (NPDES) Permit.

- j. A general analysis of expected traffic impact, including vehicular and pedestrian safety resulting from the proposed development.

The proposed 15 single family homes will generate 11 trips (3 entering and 8 exiting) in the AM Peak and 15 trips (9 entering and 6 exiting) in the PM Peak hour. Additionally, a portion of the OATS trail will be constructed along the north side of Roberts Drive from Kehr Road west to the trail segment to be constructed as part of South Farm Section Four.

Vehicular access to the single family homes will be provided via a private drive which connects the existing Cobblestone Church drive to the north, to Roberts Drive opposite Morgan Circle to the south. An access easement will be granted by HPCT Properties Inc. to the church in order to allow them to utilize their existing drive. Similarly, HPCT Properties Inc. will obtain an access easement from South Farms Owners Association for their access to Roberts Drive opposite Morgan Circle.

- k. The substance of proposed covenants, easements and other restrictions on the land and structures.

Enclosed please find a preliminary draft of Restrictions which will be incorporated into the HOA documents and recorded for Heron Pond.

In addition to the request for approval of the Preliminary Development Plan, South Farm Development LLC requests that the following waivers be granted for Heron Pond:

- 1) Per Section 1145.12(e)(2) "Front setbacks shall be limited as in the underlying zoning district." R-1B requires a minimum 30 feet front yard setback. HPCT Properties, Inc. requests a waiver of this requirement and allow a 20 ft. front yard setback for the proposed homes. The reduced setback allows for a more expansive open space adjacent to the retention pond and creates a more intimate neighborhood feel for the development.
- 2) Section 1145.12(e)(3)A requires a 25 ft. perimeter setback for all buildings and vehicle management areas within a Planned Development. HPCT Properties, Inc. requests a waiver to reduce this requirement for building pads 1 and 8, as well as along Roberts Drive. Building pads 1 and 8 are located immediately adjacent to the retention pond to the west. The existing retention

pond provides more than adequate buffer to the adjacent church. Along Roberts Drive, with the dedication of an additional 10 ft. of right of way to accommodate the OATS trail, HPCT requests that the buffer requirement be reduced to 15 ft.

Please place this item on the February 9th Planning Commission Meeting agenda.

Should you have any questions, or need any additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Etta M. Reed'.

Etta M. Reed, PE

Enclosures

Cc: HPCT Properties Inc., Shane Coffman

December 28, 2020

Mr. Zach Moore
Planner
City of Oxford
15 South College Avenue
Oxford, Ohio 45056

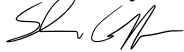
Re: 4147 Kehr Road
Heron Pond
Neighborhood Conservation Overlay District

Dear Mr. Moore,

Upon recordation of the Condo Plat for Heron Pond, HPCT Properties Inc. intends to request approval of a Neighborhood Conservation Overlay District to be placed on Heron Pond.

Should you have any questions or wish to discuss further, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shane Coffman', written over the word 'Sincerely,'.

Shane Coffman

HPCT Properties Inc.

**Heron Pond
Preliminary Development Restrictions
December 28, 2020**

- 1) City of Oxford Neighborhood Overlay District has been placed on the development, no more than 2 unrelated persons are permitted to live in the dwelling unit (owners/renters must be over 21 years of age).
- 2) Renters must have approval of the Homeowners Association Board prior to moving in.
- 3) Only 1 small household pet per dwelling unit.
- 4) Parking/storage on common areas including the dwelling unit's driveway of cars, trucks, recreational vehicles, boats or any other vehicle is strictly prohibited.
- 5) Overhead garage doors must be closed at all times when unattended.
- 6) All exterior unit paint colors are established by the Homeowners Association Board – any modifications are not permitted.
- 7) Unit owners are to maintain the limited common areas in a neat and orderly fashion at all times.
- 8) Trash containers must be stored within the unit garages except on collection day.
- 9) Planting trees/bushes in common areas is not permitted without Homeowners Association Board approval.
- 10) Fences may be added in the limited common area with Homeowners Association Board approval. Installation and maintenance is at the unit owner's expense.
- 11) When owner wants to make a request for repairs it should be submitted in writing to the Homeowners Association Board.
- 12) Accessory structures are prohibited.

Property Owners within 200 feet:

H4100132000014
COBBLESTONE COMMUNITY CHURCH INC
4191 KEHR RD
OXFORD OH 45056 9292

H4100137000040
SOUTH FARM OWNERS ASSOC INC
221 MORGAN CIR
OXFORD OH 45056 9404

H4100132000017
SOUTH FARM DEVELOPMENT LLC
3225 INDIAN CREEK RD
OXFORD OH 45056 9244

H4100117000043
WILLIAM D & MARY L WARREN
5855 K BELL ST
OXFORD OH 45056

H4100117000067
H4100117000066
MICHAEL S & SANDRA L CASON
4211 KEHR RD
OXFORD OH 45056 9293

H4000117000055
JIMMY R MARCUM
5845 K BELL ST
OXFORD OH 45056 9261

H4100117000054
JEFFREY THOMAS KRUTH
5839 K BELL ST
OXFORD OH 45056

H4100117000053
MARY N BURNS
1155 TOBE LEWIS RD
LYNX OH 45650

H4100117000052
ROBERT & FIONA CURRAN
5825 K BELL ST
OXFORD OH 45056 9261

H4000117000049
TIMARA WILBURN
4225 KEHR RD
OXFORD OH 45056 9293

H4100117000072
EDWARD J ARNONE
4215 KEHR RD
OXFORD OH 45056 9293

H4000116000054
DANIEL B AND NANCY L CURTISS
14 GARDENIA DR
OXFORD OH 45056

H4100116000032
DEBRA A RAMSEY
11 GARDENIA DR
OXFORD OH 45056 2583

H4100116000033
TROY AND DEBRA ALLBRIGHT
13 GARDENIA DR
OXFORD OH 45056 2583

H4000132000015
ABRAHAM A AND EULIN M KURANGA
5797 BOOTH RD
OXFORD OH 45056 9042

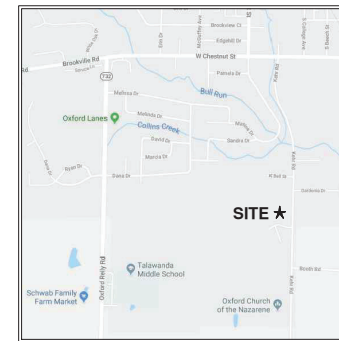
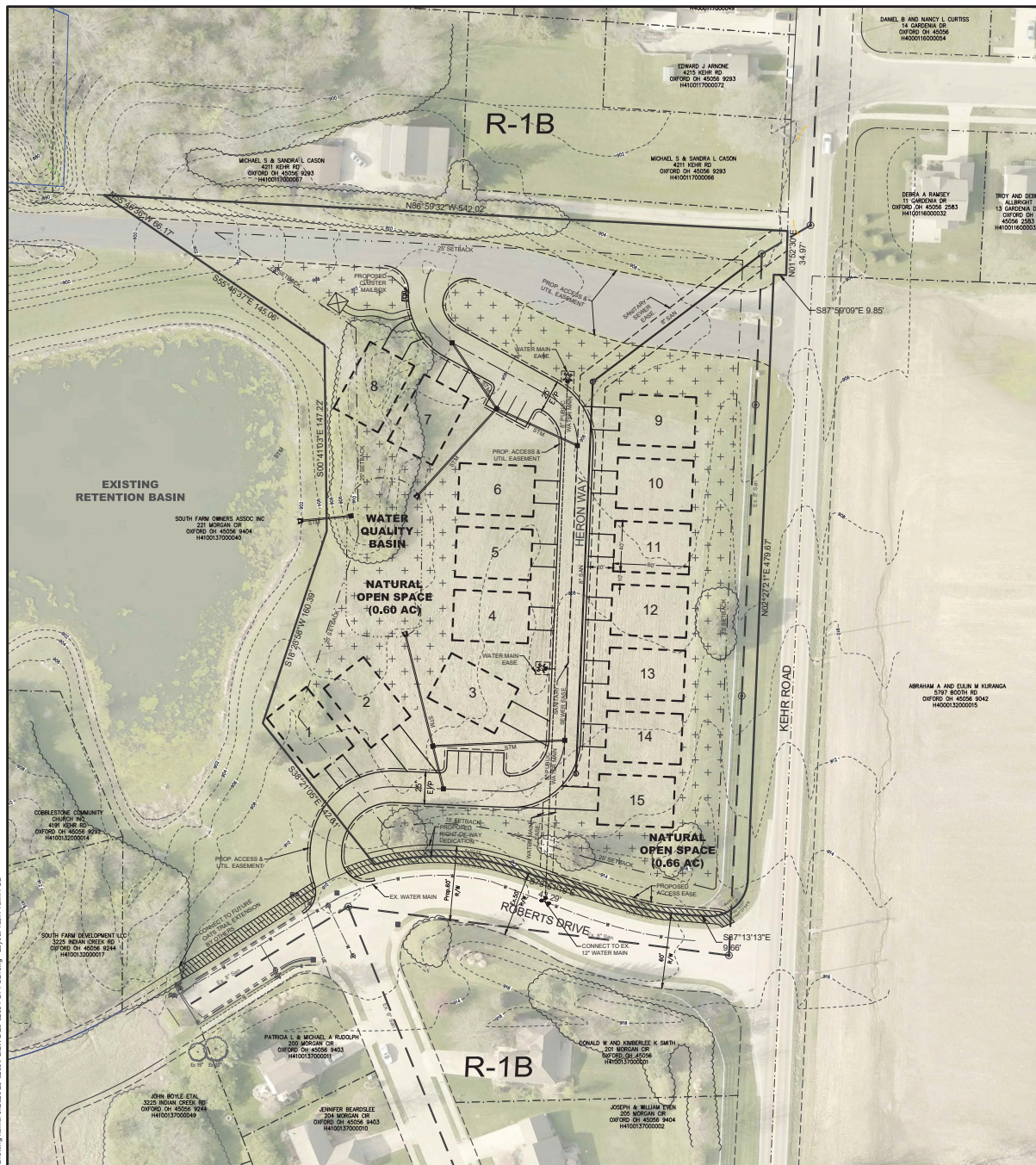
H4100137000001
DONALD W AND KIMBERLEE K SMITH
201 MORGAN CIR
OXFORD OH 45056

H4100137000002
JOSEPH & WILLIAM EVEN
205 MORGAN CIR
OXFORD OH 45056 9404

H4100137000010
JENNIFER BEARDSLEE
204 MORGAN CIR
OXFORD OH 45056 9403

H4100137000011
PATRICIA L & MICHAEL A RUDOLPH
200 MORGAN CIR
OXFORD OH 45056 9403

H4100137000049
JOHN BOYLE ETAL
3225 INDIAN CREEK RD
OXFORD OH 45056 9244





bayer
beck

www.bayerusa.com
1-800-441-1000
Cincinnati, OH 45202 • 513.834.6151

Drawing: 20-0205 PL PPUID
 Drawn by: AMB
 Checked by: JAB
 Issue Date: 12-28-20

PPUD





View from the drive of Cobblestone Community Church facing South.



View from the drive of Cobblestone Community Church facing West.



View from the drive of Cobblestone Community Church facing East.



View from the drive of Cobblestone Community Church facing South.



View from the drive of Cobblestone Community Church facing South along Kehr Rd.



View from the drive of Cobblestone Community Church facing West.



View from the Kehr Road facing west.



View from the Southeast property corner facing North.



View from the Southeast property corner facing Northwest.



View from the center of Roberts Dr. facing west.



View from Roberts Dr. (South property line) facing North.



View from the intersection of Roberts Dr. and Morgan Ct. facing East.



View from Roberts Dr. (South property line) facing North.



View from Roberts Dr. (South property line) facing North along West property line.



View from Southwest property corner facing Northeast.

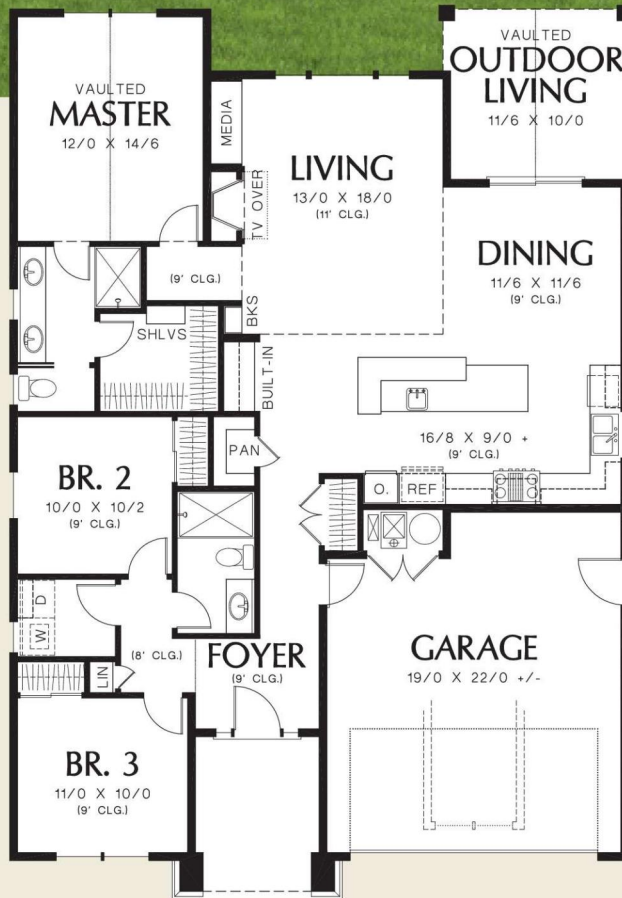


View from Southwest property corner facing Northwest.



Mascord
ALAN MASCORD DESIGN ASSOCIATES, INC.

The Espresso
1168ES



Total Area 1529 Sq. Ft

Width 40'-0" **Depth** 57'-0"

Height (Main Flr to Peak): 23'-5"
(to Midpt of Roof): 15'-11"

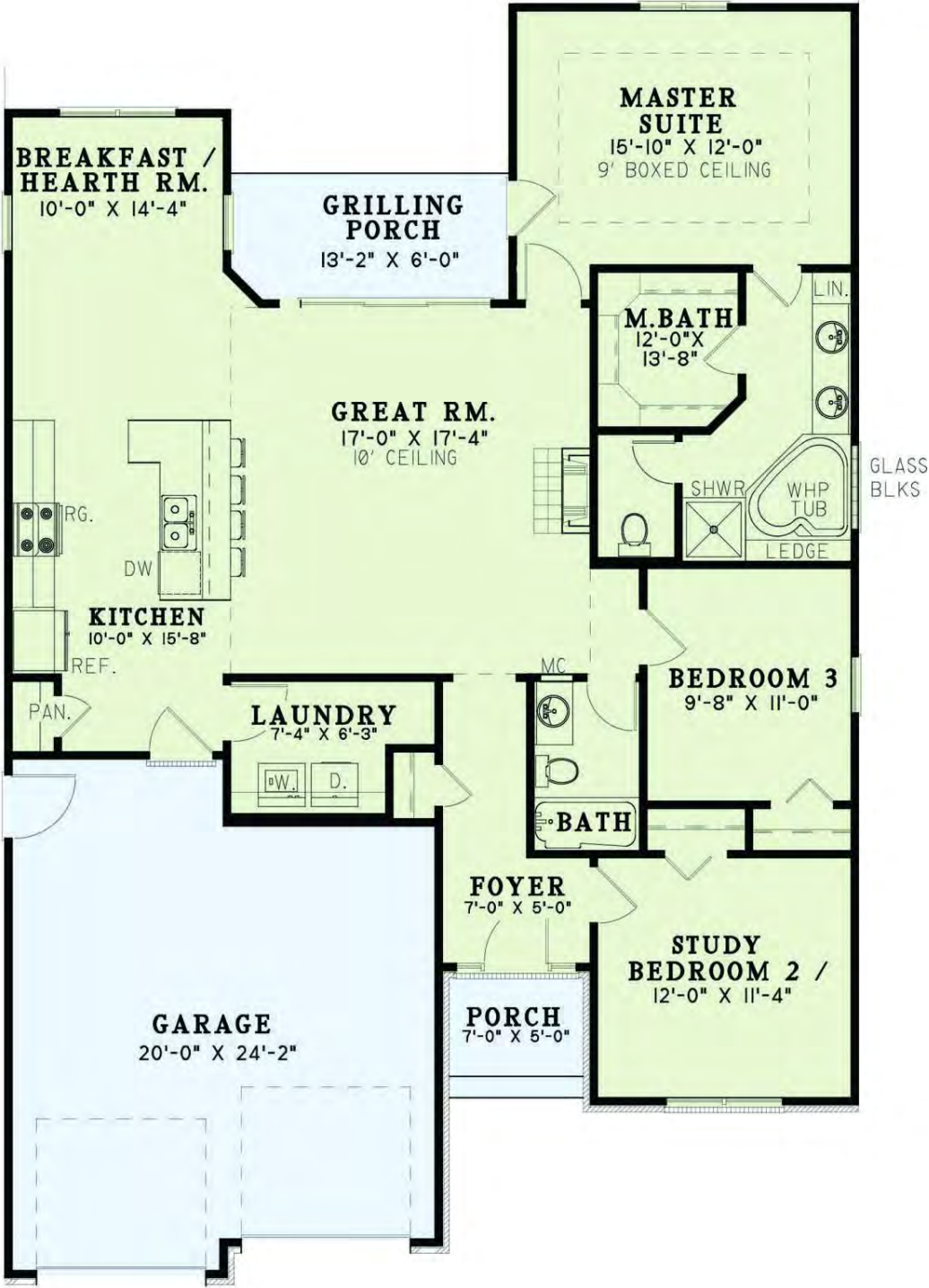


ALAN MASCORD DESIGN ASSOCIATES, INC
2187 NW Reed St, Suite 100, Portland, OR 97210 · 503.225.9161
mascord.com | houseplans.co

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

STAFF REPORT

ORIGINATING DEPARTMENT:	Community Development Department
PREPARED BY:	Sam Perry
DATE PREPARED:	February 18, 2021
COUNCIL MEETING DATE:	March 2, 2021
AGENDA TITLE:	PC-2020-16, PRELIMINARY PLANNED DEVELOPMENT, 1986 Lake Forest Drive, 12.63 acres, in an R-2A District, for a residential planned development, 36 detached single-family condominiums, Scott Webb Architect, Applicant, Agent
CITY MANAGER APPROVAL:	DRE 2-26-21

Following discussion at the 2/2/21 First Reading and the 2/16/21 Tabling, staff has done the following:

- Met with Scott Webb, Etta Reed and the owner/developers
- Reviewed the 2017 Traffic Study and New Intersection-under separate cover from City and Project Engineers
 - Cul-de-sac street location meets ODOT minimum-required spacing from U.S. 27
 - Sufficient land is available for a potential signal without a re-design of this project
 - Any future development over 149 dwelling units beyond this property will require a new traffic study to be reviewed and approved by ODOT; any upgrades to be completed by the developer
- Revised condition 5:
 - Revised to clarify completion of public sidewalks along the entirety of property frontages
 - City to complete U.S. 27 as part of separate project – no funding at this time
 - Maintained original wording requiring right of way width along U.S. 27
- Revised condition 12:
 - Listened to developer's concerns of private street and topographic challenge by revising to potential for pedestrian-only access by way of easement instead of right-of-way

Complete list of conditions, including revisions:





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1. Building height shall be regulated per the underlying zoning district.
2. A variety of dwelling unit types/sizes, to include varying numbers of bedrooms per unit, shall be accommodated.
3. A Landscaping Plan which includes details on tree species, size/caliper inches and locations, as well as berm/mounding heights, shall be reviewed and approved as part of the Final Planned Development. Street trees shall be provided along Lake Forest Drive.
4. Appropriate lighting shall be provided along all proposed private streets, as well as along the Lake Forest Drive frontage including at the intersection with US 27. Lighting details shall be reviewed and approved as part of the Final Planned Development.
5. Sidewalk shall be constructed along the entire property frontage of U.S. 27. Sidewalk shall be constructed along the entire frontage of Lake Forest Drive to Southpointe Parkway. Additional right-of-way along U.S. 27 shall be dedicated per the Oxford Thoroughfare Plan and staff discretion.
6. An active recreational amenity and additional landscaping shall be provided in the central green space, the details of which shall be reviewed and approved as part of the Final Planned Development.
7. A professionally qualified geotechnical engineer shall perform on-site investigation(s) as deemed necessary by staff to determine the suitability of existing soil & ground conditions for proposed water quality and/or storage functions. If conditions are found unsuitable, additional measures or management practices must be outlined by the engineer and followed by the developer to mitigate the conditions.
8. Financial security/bonding of improvements shall be determined during or after the Final Planned Development review. The Final Planned Development shall be reviewed and approved prior to approval of construction drawings, bonds, or the signing of an Easement Plat.
9. Building architecture shall generally conform to the style depicted in Rendering A-1 (dated November 30, 2020). Architectural aspects may be further considered and refined as part of the Final Planned Development, including a design for the proposed caretakers shed.





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10. The Planning Commission may review utility details (such as those for electric, gas, mail delivery, garbage collection, etc.) as part of the Final Planned Development, including proposed accommodations, accessibility, screening, or other characteristics as may be applicable.
11. The HOA agreement shall be reviewed by City staff and the Law Director.
12. A pedestrian access easement shall be granted across the triangular sliver of land between Lake Forest Drive and Magnolia Drive; for potential future pedestrian connectivity.

Memorandum

Date: February 24, 2021

To: Doug Elliott, Oxford City Manager
Scott Otto, PE, Oxford City Engineer
Mike Dreisbach, Oxford Public Services Director
Sam Perry, Oxford Community Development Director

From: Etta Reed, PE, Bayer Becker

cc: Jim Clawson, Four Leaf Development
Scott Webb, Scott Webb Architects

Subject: US 27 (Millville Oxford Road) and Lake Forest Drive



A meeting was held on Thursday, February 18, 2021 to discuss the development of the remainder of Southpointe Crossings and its impact on the intersection of US 27 (Millville Oxford Road) and Lake Forest Drive. Representatives from the City of Oxford, Four Leaf Development, Scott Webb Architects, and Bayer Becker were in attendance.

In November, 2017 a traffic impact study (TIS) was scoped with the Ohio Department of Transportation (ODOT) and the City of Oxford for the intersection of US 27 and the future Lake Forest Drive. The purpose of the TIS was to determine what improvements, if any would be required for the development of Lake Forest Drive and the adjacent land within the Southpointe Crossings development. The TIS was prepared assuming the construction of 116 single family homes and 90 senior adult housing units and was approved by both ODOT and the City in early 2018. The analysis within the TIS recommended the construction of a southbound left turn lane on US 27. Said turn lane was constructed concurrently with the construction of Lake Forest Drive. The TIS was approved by both ODOT and the City, in February 2018.

Currently, City Council has before them a recommendation of approval from Planning Commission for Lake Forest Condos, 36 condominiums located on the northwest side of Lake Forest Drive at US 27. Also, Planning Commission is considering approval of a Preliminary Plat for South Forest Edge, which will consist of 21 single family lots on the southeast side of Lake Forest Edge at US 27. In addition to these 2 applications, approximately 67.8 acres of land remain to be developed to the north within the Southpointe Crossings development; approximately 30 acres of which is zoned R-1A Single Family Low Density Residential and the remaining approximate 37.8 acres are zoned R-4 Multi-Family Residential District. City Council has raised a concern about the ability of the intersection of US 27 and Lake Forest Drive, as constructed, to accommodate the development of the remaining 67.8 acres. In particular, will additional right of way be required in the future to accommodate a turn lane on Lake Forest Drive or the installation of a traffic signal at the intersection?

Southpointe Crossings is a highly connected development which provides vehicular access to US 27 via 2 roadways – Southpointe Parkway and Lake Forest Drive. The traffic impact study of 2018 assumed that all traffic from the new developments adjacent to Lake Forest Drive would only use Lake Forest Drive for access and not Southpointe Parkway. Any development at the north end of Lake Forest Drive will access US 27 at the existing signalized intersection with Southpointe Parkway, thus reducing the impact on Lake Forest Drive at US 27.

Attached please find an exhibit showing an overall of the Southpointe Crossings development, highlighting the existing and proposed developments, along with the various vehicular, pedestrian and bicycle access ways.

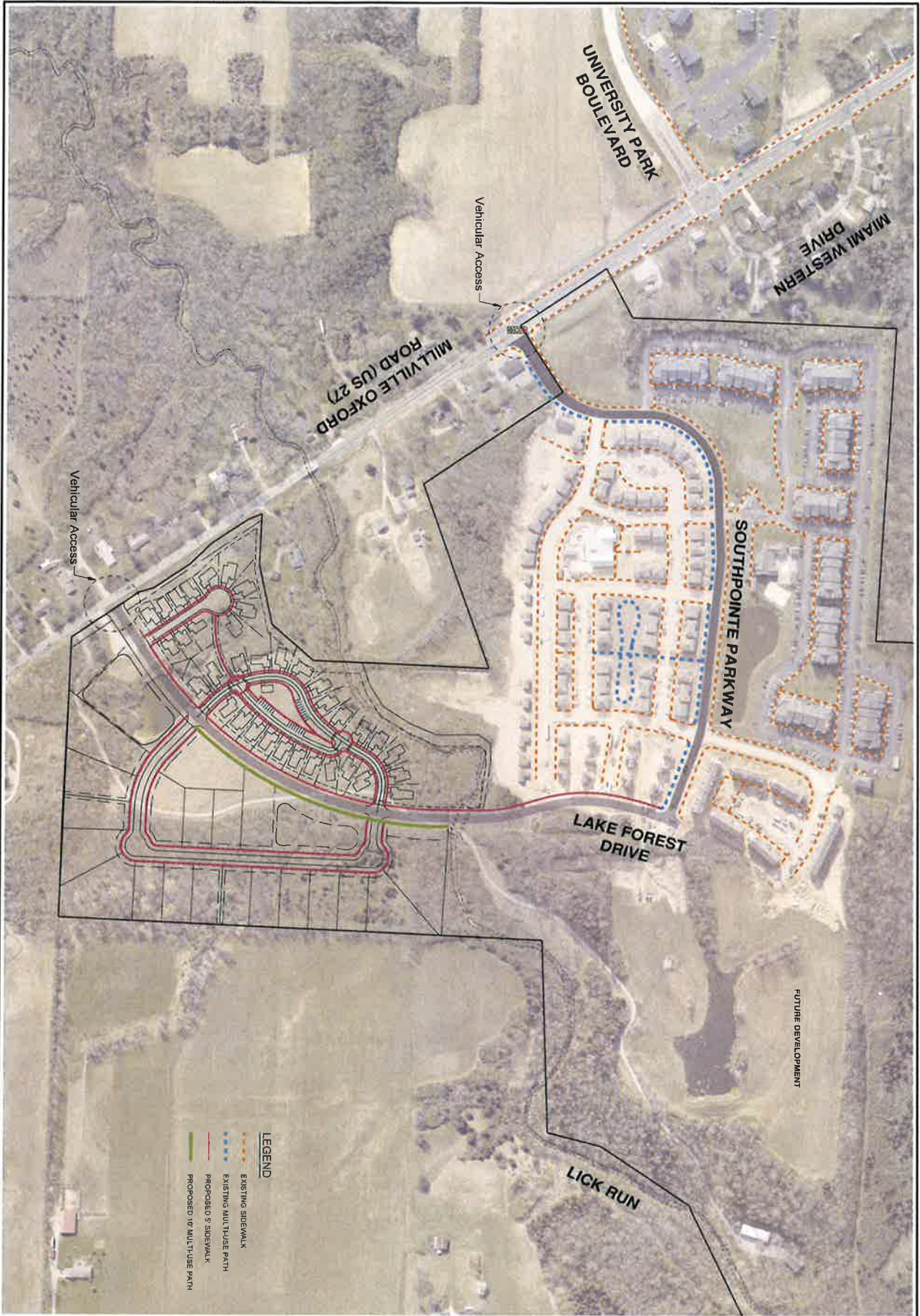
As a point of clarification, it should be noted that the intersection of US 27 and Lake Forest Drive is under the jurisdiction of the Ohio Department of Transportation. Should the City or citizens wish for a traffic signal to be installed at this location, first and foremost, the signal is required to meet one of the 9 traffic signal warrants as provided in the Ohio Manual of Uniform Traffic Control Devices (OMUTCD). If warranted, application shall be made to ODOT to request permission to install a traffic signal. Per Section 4C.01 of the OMUTCD *"The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal."* Other factors such as signal spacing, potential disruption to traffic, site specific characteristics, etc. are to be considered prior to the installation of a traffic signal.

Attached please find an exhibit showing the configuration for a potential traffic signal at the intersection of US 27 and Lake Forest Drive, along with the widening of Lake Forest Drive to accommodate a potential turn lane. With the additional right of way to be provided along US 27 by Four Leaf Development, a traffic signal can be installed at the intersection without the need to acquire additional right of way on the east side of US 27. Similarly, an additional 12 ft. lane can be accommodated along Lake Forest Drive within the existing 60 ft. wide right of way, thus not requiring any right of way to be acquired in the future.

Lastly, when Lake Forest Condos was presented to the Planning Commission on January 12, 2021 they were in agreement that sidewalk should not be installed on US 27 along the development's frontage. It is our understanding that City Council would like Four Leaf Development to either install sidewalk along US 27 frontage or provide funds for the City to construct this sidewalk at a later date. As presented to Planning Commission, we strongly recommend against the construction of sidewalk along US 27 for the following reasons:

- 1) The next segment of sidewalk is approximately 935 ft. to the north. In order to connect to the existing sidewalk, new walk will need to be constructed across the frontage of 5 parcels, which are located within the Township and not the City.
- 2) In areas, inadequate right of way is available to construct the sidewalk a safe distance from US 27.
- 3) Topography along the east side of US 27 does not lend itself to easily install sidewalk.
- 4) The bridge over Lick Run is not wide enough to accommodate a sidewalk. The current bridge is approximately 34 ft. wide (20 ft. wide roadway with 7 ft. shoulders). Bridge would need to be widened to accommodate the sidewalk.
- 5) Safety –
 - a) An alternative pedestrian/bicycle route is available internal to development. Per the attached Circulation Exhibit, with the construction of Lake Forest Condos and South Forest Edge, residents can walk or bicycle safely along either a sidewalk or multi-use trail from their respective developments to Southpointe Parkway then out to US 27. This is a much safer option than along US 27, given the lower vehicle speeds and the proper separation from the roadways.
 - b) By installing sidewalk along the development's frontage of US 27, it implies that it is a safe route, when in reality it would be sidewalk that goes to nowhere. We would in essence be leading a pedestrian to the narrow bridge over Lick Run.

Should you have any questions, or wish to discuss an item further, please do not hesitate to contact us.



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MILLVILLE OXFORD ROAD (US 27) & LAKE FOREST DRIVE

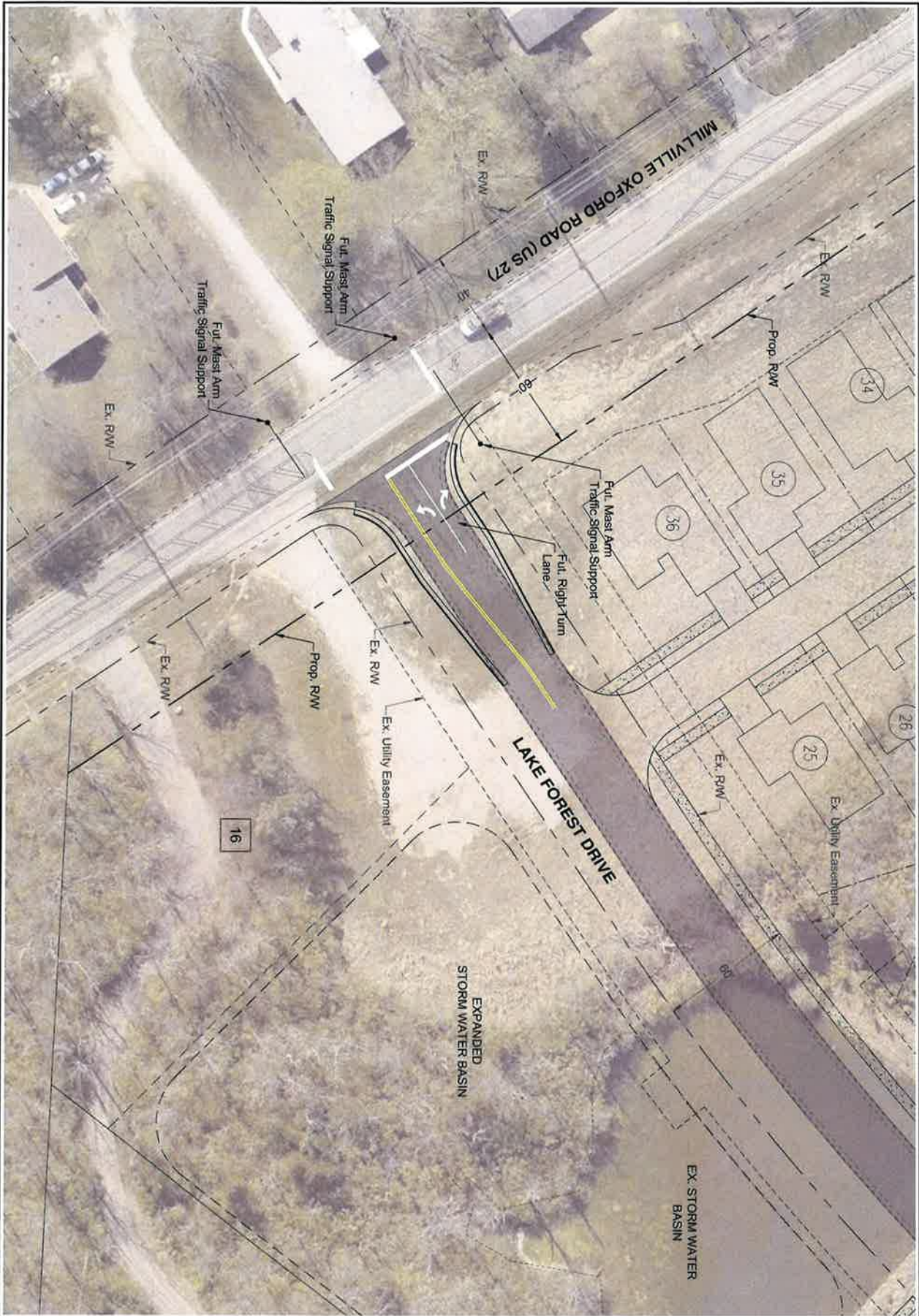
CITY OF OXFORD
 BUTLER COUNTY, OHIO

VEHICULAR - PEDESTRIAN - BICYCLE CIRCULATION EXHIBIT

Item	Relevant Description	Date	Open	Cls



SCALE: 1" = 200'





Memo
Service Department
Engineering Division
513/524-5208

TO: Douglas R. Elliott, Jr.
City Manager

FROM: Scott Otto, P.E.
City Engineer *SAO*

RE: Lake Forest Drive Residential Development
Traffic Impact Study

DATE: February 9, 2021

A Traffic Impact Study (TIS) for Southpointe Residential Development was completed in December 2017 for the new roadway that is now known as Lake Forest Drive. The location of the intersection of the proposed roadway with US 27 is located partially outside of City of Oxford corporation limits therefore the consultant who completed the study, Bayer Becker, coordinated with the Ohio Department of Transportation (ODOT) to establish the parameters of the study. The TIS included peak hour traffic counts of the existing conditions at the time of the study and analysis of the projected build out of the land served by the proposed roadway, including projected traffic in the year 2039. The TIS was based on a projected development of 116 Single Family Dwelling Units (DU's) and 90 Senior Adult Housing DU's for a total of 206 DU's. Per the requirements of ODOT, a Level Of Service (LOS) analysis of the proposed intersection with US 27 was performed for the peak hour existing and build out conditions.

Based on the analysis contained in the TIS, the recommended and now constructed road improvements to accommodate the year 2039 build out were as follows:

- Construct the proposed roadway
- Provide a 175' southbound left-turn storage lane on US 27
- Provide one (1) eastbound lane for ingressing traffic
- Provide one (1) westbound lane for egressing traffic
- Install a stop sign traffic control device in the westbound new roadway approach to the intersection

The two recently proposed developments off Lake Forest Drive will have a total of 57 DU's, well below the projected full build out of 206 DU's. The road improvements already constructed are sufficient to accommodate these two developments according to this TIS. Any future development after what has already been presented can have up to at least 149 DU's and remain at or under the 206 DU's used for the TIS. If proposed development of over 149 DU's is presented in the future, an additional TIS should be considered.

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVING THE PRELIMINARY PLANNED DEVELOPMENT APPLICATION FOR LAKE FOREST PHASE ONE (US 27 & LAKE FOREST DRIVE) WITH CONDITIONS.

WHEREAS, Council hereby finds the Planning Commission held a public hearing on January 12, 2021 in accordance with Chapter 1145 of the Codified Ordinances of the City of Oxford, on the application of Scott Webb, Architect, for a Preliminary Planned Development for Lake Forest Phase One (US 27 & Lake Forest Drive) consisting of 12.63 acres with 36 detached dwelling units; and

WHEREAS, the Planning Commission, after due deliberation found the application satisfied the basic code requirements in Chapter 1145 of the Codified Ordinances of the City of Oxford, and recommended approval of the Preliminary Planned Development application for Lake Forest Phase One (US 27 & Lake Forest Drive) with conditions.

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

SECTION 1: Council hereby accepts the recommendation of the Planning Commission and further approves the Preliminary Planned Development application for Lake Forest Phase One (US 27 & Lake Forest Drive) with the following conditions:

1. The building height shall be regulated per the underlying zoning district.
2. A variety of dwelling unit types/sizes, to include varying numbers of bedrooms per unit, shall be accommodated.
3. A Landscaping Plan which includes details on tree species, size/caliper inches and locations, as well as berm/mounding heights, shall be reviewed and approved as part of the Final Planned Development. Street trees shall be provided along Lake Forest Drive.
4. Appropriate lighting shall be provided along all proposed private streets, as well as along the Lake Forest Drive frontage including at the intersection with US 27. Lighting details shall be reviewed and approved as part of the Final Planned Development.
5. ~~Sidewalks or bike paths shall be constructed the entire length of frontages along Lake Forest Drive, and shall also result in an uninterrupted pedestrian connection to The Annex development located to the north. The US 27 stretch shall be accompanied by additional right-of-way dedication consistent with the Oxford Thoroughfare Plan, per staff's discretion.~~
5. Sidewalk shall be constructed along the entire property frontage of U.S. 27. Sidewalk shall be constructed along the entire frontage of Lake Forest Drive to Southpointe Parkway. Additional right-of-way along U.S. 27 shall be dedicated per the Oxford Thoroughfare Plan and staff discretion.
6. An active recreational amenity and additional landscaping shall be provided in the central green space, the details of which shall be reviewed and approved as part of the Final Planned Development.

7. A professionally qualified geotechnical engineer shall perform on-site investigation(s) as deemed necessary by staff to determine the suitability of existing soil and ground conditions for proposed water quality and/or storage functions. If conditions are found unsuitable, additional measures or management practices shall be outlined by the engineer and followed by the developer to mitigate the conditions.
8. Financial security/bonding of improvements shall be determined during or after the Final Planned Development review. The Final Planned Development shall be reviewed and approved prior to approval of construction drawings, bonds, or the signing of an Easement Plat.
9. Building architecture shall generally conform to the style depicted in Rendering A-1 (dated November 30, 2020). Architectural aspects may be further considered and refined as part of the Final Planned Development, including a design for the proposed caretakers shed.
10. The Planning Commission may review utility details (such as those for electric, gas, mail delivery, garbage collection, etc.) as part of the Final Planned Development, including proposed accommodations, accessibility, screening, or other characteristics as may be applicable.
11. The HOA agreement shall be reviewed by City staff and the City Law Director.
- ~~12. Right of way shall be dedicated for the triangular sliver of land between Lake Forest Drive and Magnolia Drive for potential future transportation connectivity.~~
12. A pedestrian access easement shall be granted across the triangular sliver of land between Lake Forest Drive and Magnolia Drive; for potential future pedestrian connectivity.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MICHAEL SMITH

PREPARED BY: LAW (STAFF)

Case No:
PC-2020-16



Meeting Date:
January 12, 2021

STAFF REPORT

Community Development | Planning Commission

APPLICATION DETAILS

Applicant	Scott Webb Architect
Location	Lake Forest Drive (west side) – Parcel ID H4100143000006
Owner	4 Leaf Development LLC
Action Request	Preliminary Planned Development (PD)
Current Use	Vacant Land
Current Zoning	R-2A Single- and Two-Family Residential District
Lot Size	11.92 acres
Surrounding Land Uses	Single-Family Residential to the north and across US 27 to west; Vacant land across Lake Forest Drive to south and east
Staff Recommendation	Table, pending additional details and design alterations

PROPOSAL SUMMARY

On behalf of the property owner, Scott Webb Architect is requesting a Preliminary Planned Development (PD) on a 12-acre site located to the north and west of Lake Forest Drive, a new street recently constructed by the City with TIF funds. The subject site is also bound by US 27 to the west and Lick Run to the north. Lake Forest Drive currently connects US 27 to Southpointe Parkway, thus linking up with The Annex and Level 27 student housing developments and forming a loop back to US 27.

The developer proposes to construct 36 detached single-family condominium units, resulting in a gross density of a little over 3 dwelling units per acre. Although the submitted site plan shows individual lot lines, the applicant specifies these are to be “virtual” – thus residents will own the individual units, but the space around them will be held in common and maintained by a homeowners association (HOA). As such, this application is being processed as a Planned Development and not as a Subdivision. It is likely this development will be set up in a manner similar to Vereker Farms, a condominium unit community located in town on Fairfield Road, which the applicant references in his letter.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. The notice specifically addressed possible changes to the date, location and format of the meeting due to the COVID-19 pandemic, including the possibility of a video conference and/or teleconference format. No public comments have been received as of the writing of this report.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Jessica Greene, Assistant City Manager	Returned with Comments
<i>The growth of single family residential housing and resident attraction is an economic development goal for the City of Oxford. Their proposed target audience of empty nesters, first time home buyer and faculty, is what we are trying to attract. I support this project as presented and have no major concerns at this time.</i>		
Engineering	Scott Otto, City Engineer	Returned with Comments
• The proposed development has no sidewalk shown along Oxford-Millville Rd. or Lake Forest Drive. As shown, pedestrians are provided sidewalks within the development but no pedestrian facilities are provided for connection to other areas of the city. • The distance between Oxford-Millville Rd. and the first proposed stub street should be maximized in order to allow for sight distance and potential intersection improvements required with increased development of Lake Forest Drive. • Proximity to existing creek, slope steepness/stability, and drainage concerns for proposed buildings 12 thru 18, 22, 26, 27, 28. • In order for the proposed development to have sanitary sewer, a new sanitary sewer trunk line will need to be installed from the development to the Wastewater Treatment Plant.		
Fire	John Detherage, Fire Chief	Returned without Comments
Police	John Jones, Police Chief	Returned with Comments
<i>Is street lighting required or do they show it in their proposal? I'm not able to tell. I just want to make sure it's provided. Since it is on the very edge of the city, our patrols may not be as frequent and the surrounding areas will be dark. I would just advocate for lighting for safety and security reasons. The city continues to grow on the edges which stretches our resources more than infill would. However our resources remain the same. Thus the more crime prevention by environmental design the better.</i>		

SITE HISTORY

The site has been involved in numerous past applications and approvals by entities including the City of Oxford, as well as Butler County prior to annexation. A summary of relevant case history is provided below:

- **16 Dec 2004, Preliminary PUD Approval:** Butler County Commissioners approve application from 4-Leaf Development LLC to rezone approximately 174 acres of land from A-1 to B-PUD & R-PUD, by Res. 04-12-3188. A few notable requirements included a boulevard connector road, density cap of 12 du/ac, screening/mounding to block view of the PUD from US 27 and adjoining properties, and a minimum 50-foot wide perimeter buffer. Originally the area was planned as a combination of residential and office "tech park" uses.
- **23 May 2006, Development Agreement:** City of Oxford enters into a Development Agreement with 4-Leaf Development LLC and OXO1 Ltd. The agreement provided that the property would be zoned consistent with the prior-approved PUD.
- **7 Aug 2007, Annexation & Zoning Map Amendment:** City Council accepts annexation petition by Ord. No. 2965 and rezones PUD property to Oxford zoning classifications OI, R3,

R1A, and R2A by Ord. No. 2966. These zoning classifications were found to most closely align with the PUD previously approved by the County. The Planning Commission minutes and staff report at the time reflected staff's position that all areas rezoned to City zoning classifications should have a PUD overlay; however, the official adopted Ordinance did not give any mention to a PUD being retained.

COMMENTARY

Staff comments on site conditions and a number of key development aspects are provided below:

- **Density:** With **36** total units proposed, the resulting gross density is **3.02 du/ac** ($36 \div 11.92$ acres). The underlying R-2A zone has a minimum single-family lot size of 6,000 sq ft, which equates to **7.26 du/ac** ($43,560 \text{ sq ft} \div 6,000 \text{ sq ft}$). If the site were developed as a single-family subdivision under the normal by-right density restrictions, it is estimated the site could accommodate approximately **73** dwelling units, when accounting for some area (15%) devoted to infrastructure. The Planned Development process allows for a density bonus of up to 10% above the underlying zone, which would bring the maximum possible total to around **80** units. With this particular proposal, the applicant has chosen to utilize approximately half of their density rights.
- **Dwellings:** The applicant has submitted a rendering showcasing the character of housing products anticipated for this development. Building footprints shown on the plan are only conceptual, since exact layouts still have yet to be determined. Units are proposed to be 1 to 1 ½ stories tall, 2-3 bedrooms, and each having a 2-car front-loaded garage. The underlying R-2A zone has a maximum height restriction of 35 feet – the housing products displayed would likely easily comply with this restriction. To ensure proper administration of zoning standards at the time of Building Permit review, staff recommends a condition (#1) specifying that building height shall be regulated per the underlying zoning district. Furthermore, **Section 1145.01(a)(1)(C)** specifies one of the goals of a Planned Development is to facilitate the construction of a variety of dwelling types in fulfilling the broader community goal for more affordable and diverse housing. While no floor plans have been submitted at this point, based on the information available it appears the resulting unit character will be somewhat homogenous. Staff recommends a condition (#2) that the development accommodate a variety of dwelling unit layouts/sizes based on number of bedrooms.
- **Landscaping/Screening:** The private streets internal to the development are shown to have street trees, which should enhance the atmosphere for residents and visitors. The applicant also proposes a landscaped berm/mound against the back sides of units facing Lake Forest Drive and US 27, to help screen/shield the units from the roadway. In both locations, the berms are proposed to fall within the minimum 25-foot perimeter setback required for a Planned Development. Details are not yet known on the numbers and species of trees to be planted (i.e. a detailed Landscaping Plan). In addition, no street trees are currently proposed along Lake Forest Drive, though staff believes such should be provided. Along US 27, a landscaped buffer is likely sufficient (no street trees). Staff's opinion is that precise landscaping details can be considered for approval during the Final Planned Development stage, and recommends a condition (#3) to this effect.
- **Lighting:** Street lighting details are not yet provided at this stage. The applicant has expressed that street lights are anticipated. A residential subdivision would normally require a street light to be installed every 400 feet, as well as within 50 feet of every intersection and at the end of every dead-end or cul-de-sac. While this proposal isn't technically a subdivision, the resulting development character is reminiscent of one, thus staff believes lighting should be provided along all streets and recommends a condition (#4) to this effect. Exact details may be reviewed as part of the Final Planned Development.

- **Lot Coverage:** The Planned Development Code mandates that lot coverage be regulated according to the underlying zoning district, though for any residential portion it shall not exceed **40%**. The normal maximum lot coverage in the R-2A district is **35%**. Since this development will not be regulated as a subdivision (observing coverage on a per lot basis), the coverage must be found compliant upfront when reviewing the plan as a whole. The applicant indicates the resulting coverage is **31.4%** for the entire site; staff finds this to be accurate after performing a quality check on the footprints shown. If coverage was observed by individual “virtual” lot, the resulting percentage is typically around **45 – 50%** when accounting for a footprint approx. 2,600 sq ft in size and double-wide driveway. Seeing as how this development is being reviewed as one large Planned Development and not on an individual lot basis, staff believes it is acceptable to observe coverage compliance as a percentage of the entire site. However, buildable areas need to be better defined so that resulting coverages do not exceed what is shown conceptually at this stage.
- **Natural Resources and Tree Preservation:** Following the adoption of the City’s new Tree Ordinance (Zoning Code Chapter 1148) in May 2020, staff has been working to determine the exact implementation of the new regulations. The new Chapter requires any large trees removed (10-in. DBH or greater) to be replaced at a rate of 1 inch caliper for every 2 inches caliper, but offers certain exemptions for areas that are being developed. The spirit of the Ordinance is to reduce unnecessary tree removal as much as possible, offering the ability for a subdivision developer to place an easement or other legal restriction on certain areas of the site to be preserved/conserved and thus avoiding the tree survey requirement altogether. As of the writing of this report, the applicant has not submitted a tree survey nor have conservation restriction boundaries been proposed. Staff believes additional details are needed in order to verify compliance with Chapter 1148. From a design standpoint, many of the building footprints do cut into the tree lines on either side of the drainageway, which isn’t necessarily unacceptable, since trees enveloping or “nestling” units could lead to a cozying effect and become a great amenity for homebuyers.
- **Non-Vehicular Mobility:** Sidewalks are shown on both sides of all new streets internal to the development, inclusive of a pedestrian bridge linking the two phases. However, if constructed as proposed, no pedestrian connection would be available linking this development to other developed portions of the city nearby. The City Engineer also makes note that no such external pedestrian connectivity is presently shown. Enough right-of-way is presently dedicated along Lake Forest Drive to accommodate construction of a sidewalk along the western side. At the time Lake Forest Drive right-of-way was dedicated in October 2020, a larger amount of width was positioned to the eastern side to provide ample room for a bike path, with a lesser amount on the western side to accommodate a normal sidewalk. A sidewalk improvement, together with additional right-of-way dedication per the Thoroughfare Plan (60 feet from centerline), should also be located along the US 27 frontage. Many recent subdivisions built within the last two decades which border existing arterial or collector roads have included sidewalk improvements along such frontages. Therefore, staff is recommending by condition (#5) the same be provided for this proposal.
- **Open Space:** There is a 20% minimum open space requirement for Planned Developments, per **Section 1145.12(f)(1)**, which cannot include any area less than 50 feet by 50 feet nor can it include the required 25-foot perimeter setback. Stormwater management devices can be included, per Code support in the Subdivision Regulations. As of the writing of this report, the exact delineated areas to be counted as open space have not been provided. More information is needed in order to verify compliance with this standard, which could logically go hand-in-hand with the conservation area requirements associated with the Tree Ordinance. From a design standpoint, the applicant has made a good attempt to create meaningful open spaces by providing a pedestrian bridge to link the two phases of the development, as well as a central green in the eastern phase. A caretaker’s shed is shown inside the central green, which will be used to store maintenance equipment. It should be noted that one of the goals for open space in a Planned Development, as stated in **Section**

1145.01(a)(3) is to “retain or create active and passive open spaces that serve the recreation needs of the development or the City generally.” It is staff’s opinion that the central green space lacks an active element at its center, such as a fountain, gazebo, or playground, along with additional landscaping to further enhance its usability and appeal for residents – a condition (#6) is recommended to this effect.

- **Signage:** No signage details have been submitted at this time. Such details may be reviewed as part of the Final Planned Development application. If no waiver requests are submitted, the Commission may choose to apply the standards of **Section 1151.05(d)(2)** which allows for 1 freestanding sign per street intersection at the boundaries of a subdivision, with a maximum sign face of 48 square feet, maximum sign/structure height of 6 feet, maximum sign/structure width of 12 feet, and set back from the right-of-way at least the height of the sign with indirect illumination only.
- **Stormwater & Environmental Management:** The City contracts with Butler County Soil & Water Conservation District to perform environmental reviews of major development projects. Their agency comments are not regulatory in manner, but rather provide valuable feedback to City decision makers so that any environmental concerns are properly addressed. Comments provided Water Resources Specialist Dr. Sean Hudson are summarized by topic below:
 - **High Water Table & Shrink-Swell Potential:** The Soil Survey for the area shows apparent high water tables on-site, as well as the potential for shrink-swell in the cul-de-sac area. Plat notes are recommended to make builders aware that foundations must be designed and constructed with these risks in mind.
 - **Geotechnical Investigations:** Findings from the Soil Survey indicate that the soils present at the northern water quality basin and southern retention pond may not be suitable for their planned purposes, due to poor drainage and seepage/piping potential respectively. Butler Soil & Water recommends geotechnical investigations be performed to verify soil conditions actually present and their suitability for the planned functions. City staff proposes a condition of approval (#7) that would require studies to be completed and the necessary best management practices be accomplished to mitigate unsuitable conditions that may be present.
 - **Stream Setback:** A 75 foot setback from Lick Run is recommended to ensure preservation of the riparian zone and to help prevent property damage to homeowners due to stream channel migration. Sedimentation from excavation and grading work to create the foundations for Lots 11-15 & 18 may have the effect of disturbing Lick Run. The City Engineer also makes note of Lots 22, 26, 27, and 28 along the drainageway bisecting the site. By situating units further away from streams, the risk of erosion and flooding is reduced.
- **Streets & Traffic Circulation:** Various topics are discussed below:
 - **Internal Street Details:** Since streets are proposed to be private, no additional right-of-way is to be dedicated internal to the site. Access easements would eventually need to be established, likely as part of an Easement Plat, to provide for ingress and egress to the units. The proposed width for all internal streets is 24 feet, with 5-foot sidewalks and 5-foot tree lawns on either side, resulting in a possible total easement width of 44 feet.
 - **Lake Forest Drive Details:** The right-of-way along Lake Forest Drive measures 60 feet, with 28 feet of pavement width. Water mains and storm sewers are already in place on this new street.

- **Access Spacing:** Community Development staff and the City Engineer share a concern regarding the spacing of the cul-de-sac in proximity to the existing T-intersection between Lake Forest Drive and US 27. Only about 133 feet of space is currently depicted between intersections (measured corner to corner). By comparison, one of the smallest blocks in Oxford (Campus Ave between Ardmore and E Chestnut) measures a little over 200 feet in depth. More typical block depths are usually around 230 to 250 feet. Given that Lake Forest Drive is destined to become a main artery serving numerous potential new dwelling units, staff believes the spacing should be revised to include as much additional distance as possible to allow for future vehicle stacking and/or additional improvements that may be necessary.
- **Utilities:** Comments on individual utility services are provided below.
 - **Sanitary Sewer:** The subject site currently lacks sanitary sewer service. In order for this site (as well as the area on the opposite eastern side of Lake Forest Drive) to be serviced, a sanitary sewer extension will be necessary. While the sanitary sewer extension plans are not part of the subject application, it is understood conceptually that a new main will need to be routed from the wastewater treatment plant (located approx. 1/3rd of a mile to the north), along Four Mile Creek and Lick Run, and joining up with Lake Forest Drive.
 - **Water:** Water line extensions were included as part of the City's construction of Lake Forest Drive, therefore making water service immediately available to the development.
 - **Electric:** Information on electric utility connections is not shown at this time. The preference is for such utilities to be located underground, as was done in the developments to the north. Screening of utility boxes and/or disturbance to environmental areas may be considered at the Final Planned Development stage, once engineering-level details are determined.
 - **Garbage Collection:** Seeing as how this development is laid out like a subdivision, the assumption is that individual units will be serviced by curbside garbage pickup (cans). If garbage collection will be done collectively (i.e. refuse container enclosures), these details can be refined and reviewed as part of the Final Planned Development.
 - **Gas:** No information on gas line connections is shown at this time. Any such information may be considered as part of the Final Planned Development.
 - **Mail Delivery:** The current USPS policy is for mail collection/delivery to be combined, serving cluster box units (CBUs) as opposed to individual mailboxes. The location of CBUs has not yet been determined.

DECISION CRITERIA

All Planned Developments shall satisfy the General Decision Standards provided in *Section 1145.06(b)*. The standards found within this section are below with staff analysis provided for each:

1. **The proposed planned development is in fact permitted in the zoning districts in which it is proposed.**
 The underlying R-2A zoning district allows single-family and two-family principal uses by-right. However, when undergoing a Planned Development process, any residential land use is potentially permissible so long as the resulting density is at or below what would be allowed under the straight zone. This proposal is technically multi-family residential, given that multiple principal buildings will be constructed on a single site, even though each building will have an appearance and function

akin to a single-family unit. The proposed development satisfies this criterion, due to the planned density of 3.02 du/ac being lower than the district density of 7.26 du/ac.

2. **If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.**
This criterion does not apply to the subject application, since this is the first detailed Planned Development proposed for this site.
3. **The uses and site plan will satisfy the general intent of this Zoning Code.**
The purpose of the R-2A zoning district is to “provide and preserve neighborhoods of smaller single-family residences within and adjacent to areas of similar development.” By providing a condominium housing development embodying the character of a single-family neighborhood, staff believes the general intent of the Zoning Code is satisfied. However, the Code does also specify housing variety as a goal for Planned Developments, something that could be improved upon with this submittal.
4. **The uses and site plan will be compatible with the general intent of the Comprehensive Plan.**
The Oxford Comprehensive Plan designates this site and areas to the north and east of it (within the corporate limits) as being in a “Neighborhood General 3” character area, defined as areas of newer development where curvilinear street patterns and cul-de-sacs may be found. Map 3.6 (Conservation and Development Map) establishes preferred land uses for undeveloped sites within the City limits. Map 3.6 designates the site for “Traditional Neighborhood Development,” which calls for residential development to have a distinct center and edge, open spaces, well designed streets and public spaces, and multiple housing options. Staff believes this development proposal does embody some of these principles. TNDs are often characterized by walkable streets, front porches, and rear-loaded garages, presenting the feel and function of a traditional urban setting. The front-loaded garage aspect currently proposed for all 36 units is probably the aspect that contradicts the most with the TND concept.
5. **The size and shape of the site are sufficient for the proposed planned development.**
The “horn” shape of this site is fairly unique, since development sites usually tend to be more rectangular, especially in agricultural areas. The curved routing of Lake Forest Drive, installed as per the original Butler County PUD plans (circa 2004), has been a key factor influencing the site’s shape. Even though the zoning density rights for single-family are more substantial than the density currently proposed, it appears that geometric as well as environmental constraints hinder the ability to fully maximize the density. The applicant’s effort to maximize the number of units on this site seems to have moderately compromised the degree to which sensitive and natural areas are preserved. An alternative may exist to orient the front of units toward Lake Forest Drive without the City imposing the perimeter setback, thus improving and beautifying the public realm along this existing corridor, and in turn freeing up more room for units in the interior portions of the site. In other words, the character could be more reminiscent of what currently exists along Southpointe Parkway, with front doors facing the street.
6. **The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.**
The subject site is largely isolated from other nearby developed pockets of the city. Those most directly impacted will likely be the residents currently residing along US 27, especially those immediately west. The proposed mounding and landscaping along the perimeter should help to screen the new units from those already located along the corridor. Additional stormwater runoff and traffic will be natural results of developing additional residential housing.

7. **The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.**
This criterion is generally not applicable to a residential proposal, as these concepts generally refer to activities or processes associated with commercial or industrial businesses. However, it should be noted that the adequacy of intersection spacing on Lake Forest Drive between the cul-de-sac street and US 27 is a chief concern.
8. **Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.**
The only accessory use known at this time is the proposed caretaker's shed located in the central green space. The architectural details of this building may be reviewed later as part of the Final Planned Development. Any other accessory uses or additions that are customarily associated with condominium style residential units, such as decks or screened porches, would normally rely upon applicable standards of the underlying zoning district. The case may be different in this development, since the HOA would have control of land surrounding the units plus the lack of individual lot lines. Buildable areas need to be established in order to potentially accommodate future accessory uses.
9. **The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.**
The developer will need to extend the sewer utility from the Wastewater Treatment Plant to the site in order to service the new units. The developer will need to coordinate with the appropriate parties in the City's Service Department so that provisions for a sanitary sewer extension can be properly executed. Water service is already available to the site. Stormwater management is a concern, primarily due to comments received from the Butler County Soil & Water Conservation District. The provision of street lighting should address the Police Chief's comments. Appropriate provisions for refuse disposal and mail delivery will also need to be considered.
10. **Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.**
It is the Community Development Department's understanding that the developer will be responsible for the entire cost of extending sanitary sewer service to the site. All other infrastructure improvements will also be at the developer's cost. The City Engineer has not asked for a Traffic Impact Study at this time, which can sometimes reveal whether additional off-site roadway improvements are necessary. The recent construction of Lake Forest Drive had included a left turn lane for southbound motorists.
11. **The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.**
The site is currently vacant/undeveloped, so this proposal will in effect be establishing a new character for the area. Staff believes the intended neighborhood character and marketing to empty nester, first time buyers, families and faculty would be a welcomed addition for the city. The low-rise, arts and crafts style of housing depicted in the submitted rendering is in keeping with the residential zoning district and should serve to enhance neighborhood quality.
12. **The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.**

The proposed internal connectivity is superb, with respect to having sidewalks on both sides of all streets as well as a pedestrian bridge to link the two phases. However, external connectivity falls short. The lack of sidewalks or a bike trail along the frontages of Lake Forest Drive and US 27 is a concern, as this will impair pedestrian mobility to and from the development. These facilities should at least be provided to connect to existing facilities in The Annex development, so that residents may have further access to bicycle and pedestrian networks which connect to the rest of the city. The new gas station & convenience store being built at US 27 & Southpointe Parkway should also be accessible on-foot or by bicycle for future Lake Forest residents. Furthermore, as previously mentioned staff has concern for potential negative impacts on vehicular traffic movement due to the close proximity of the proposed cul-de-sac intersection to Lake Forest Drive & US 27.

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

Many of the proposed building footprints are in very close proximity to existing drainageways and steep slopes, which may pose a risk to future homebuyers due to the potential for erosion and/or stream migration. Increased buffering from streams should help to preserve more of the existing trees and ensure stabilizing vegetation remains.

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

Though the applicant's proposed street network does attempt to adhere to existing natural tree lines, the end result of the present proposal could be the loss of much of the existing vegetation on the site to make way for building sites. Not enough information is known at this point to verify compliance with the City's recently adopted Tree Ordinance, or minimum Open Space requirements (20%) for a Planned Development. A clear distinction must be made between buildable areas for homes and areas devoted to open space.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards, staff recommends the Preliminary Planned Development request be **tabled** so that the applicant may have a chance to make revisions to the application, namely: (1) moving the cul-de-sac intersection further back from US 27, or exploring a re-design which eliminates the intersection altogether; (2) incorporating wider stream setbacks and moving building footprints off steeper slopes; and (3) providing additional information on buildable areas, open space calculation and Tree Ordinance compliance.

If however the Planning Commission is inclined to recommend approval of the application to City Council, staff suggests the following conditions:

1. Building height shall be regulated per the underlying zoning district.
2. A variety of dwelling unit types/sizes, to include varying numbers of bedrooms per unit, shall be accommodated.
3. A Landscaping Plan which includes details on tree species, size/caliper inches and locations, as well as berm/mounding heights, shall be reviewed and approved as part of the Final Planned Development. Street trees shall be provided along Lake Forest Drive.
4. Appropriate lighting shall be provided along all proposed private streets, as well as along the Lake Forest Drive frontage including at the intersection with US 27. Lighting details shall be reviewed and approved as part of the Final Planned Development.

5. Sidewalks or bike paths shall be constructed the entire length of frontages along Lake Forest Drive and US 27, and shall also result in an uninterrupted pedestrian connection to The Annex development located to the north. The US 27 stretch shall be accompanied by additional right-of-way dedication consistent with the Oxford Thoroughfare Plan, per staff's discretion.
6. An active recreational amenity and additional landscaping shall be provided in the central green space, the details of which shall be reviewed and approved as part of the Final Planned Development.
7. A professionally qualified geotechnical engineer shall perform on-site investigation(s) as deemed necessary by staff to determine the suitability of existing soil & ground conditions for proposed water quality and/or storage functions. If conditions are found unsuitable, additional measures or management practices must be outlined by the engineer and followed by the developer to mitigate the conditions.
8. Financial security/bonding of improvements shall be determined during or after the Final Planned Development review. The Final Planned Development shall be reviewed and approved prior to approval of construction drawings, bonds, or the signing of an Easement Plat.
9. Building architecture shall generally conform to the style depicted in Rendering A-1 (dated November 30, 2020). Architectural aspects may be further considered and refined as part of the Final Planned Development, including a design for the proposed caretakers shed.
10. The Planning Commission may review utility details (such as those for electric, gas, mail delivery, garbage collection, etc.) as part of the Final Planned Development, including proposed accommodations, accessibility, screening, or other characteristics as may be applicable.

SUBMITTED BY:



Zachary Moore, AICP
Planner

DATE: January 6, 2021

EXHIBIT A

RELEVANT ZONING CODE PROVISIONS

Within the Oxford Zoning Code, **Section 1143.04** provides the base zoning standards for the R-2A district and **Chapter 1145** governs Planned Development applications.

1143.04 – R-2A Single- and Two-Family Residential District.

- (a) Purpose.
This district is designed to provide and preserve neighborhoods of smaller single-family residences within and adjacent to areas of similar development. This district also provides for a limited number of two-family residences.
- (b) Uses.
- (1) Permitted uses.
- A. Single-family dwellings.
 - B. Two-family dwellings.
 - C. Accessory buildings and uses incidental to the principal use as provided in Chapter 1141.
 - D. Day Care Home Type B family.
- (2) Conditional uses.
The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.
- A. Community-Oriented Residential Social Service Facilities (CORSSF's).
 - B. Shared Housing and Congregate Housing for the elderly.
 - C. Government owned and/or operated parks and recreation facilities.
 - D. Bed and breakfast homes.
 - E. Private and publicly owned commercial and noncommercial recreational areas, uses and facilities of an open space nature, such as golf courses, tennis courts, parks, forests, wildlife preserves, etc.
 - F. Day care facilities, including Child Day Care, Child Day Care Center, and Day Care Home Type A family.
 - G. Schools: primary, intermediate, and secondary, both public and private.
 - H. Places of worship.
- (c) Site Development Regulations. (Unless superseded by Conditional Use Requirements)
- | | | <u>1-family</u> | <u>2-family</u> |
|-----|--|-----------------|-----------------|
| (1) | <u>Lot requirements.</u> | | |
| A. | Minimum lot area | 6,000 sq. ft | 7,500 sq. ft. |
| B. | Minimum lot width | 60 feet | 75 feet |
| (2) | <u>Yard requirements.</u> | | |
| A. | Minimum front yard depth | 30 feet | 30 feet |
| B. | Minimum rear yard depth | 30 feet | 30 feet |
| C. | Minimum side yard width | 7.5 feet | 7.5 feet |
| (3) | <u>Structural requirements.</u> | | |
| A. | Maximum building height | 35 feet | 35 feet |
| (4) | <u>Lot coverage.</u> | | |
| A. | Lots with vehicular access from a public street | | |
| 1. | Lot total – 35 percent | | |
| 2. | All enclosed buildings – 25 percent of lot | | |
| 3. | Front yard – 25 percent of front yard | | |
| B. | Lots with vehicular access from a rear or side alley, and no access from a public street | | |

1. Lot total – 40 percent
2. All enclosed buildings – 25 percent of lot
3. Front yard – 5 percent of front yard

1145.06 Planning Commission and Council review.

A preliminary plan shall be approved prior to approval of a final plan, although the processes can be concurrent for small, single phase developments. Both preliminary and final plan approval require a Planning Commission recommendation and Council approval.

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

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

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

(a) **Burden of Proof.**

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

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

(b) **General Decision Standards.**

All planned developments shall satisfy these general decision standards:

- (1) The proposed planned development is in fact permitted in the zoning districts in which it is proposed
- (2) If the application is for the same site where a planned development application has been denied within one year, the plan is substantially different from the application so denied.
- (3) The uses and site plan will satisfy the general intent of this Zoning Code.
- (4) The uses and site plan will be compatible with the general intent of the Comprehensive Plan.
- (5) The size and shape of the site are sufficient for the proposed planned development.
- (6) The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- (7) The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- (8) Accessory uses will be directly related to the operation of the principal uses and will not be operated independent of the principal uses.

- (9) The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- (10) Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- (11) The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- (12) The site is designed so that on-site traffic and traffic accessing the site will not adversely impact the movement or safety of all modes of traffic on adjacent public streets.
- (13) Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

1145.07 Action by Planning Commission

- (a) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (b) The Planning Commission shall base its recommendation and Council its decision upon how well the application satisfies the Decision Standards. Planning Commission, in its recommendation, and Council in its decision may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code. Dwelling unit density cannot be waived.
- (c) Council may require the developer to file performance bonds with the City to guarantee completion of any public utilities associated with the planned development and any elements of the plan that are necessary to its success, if abandoned by the developer.

1145.12 Design.

- (a) Arrangement.
The physical arrangement of a planned development is not subject to the specific dimensional regulations that apply in the underlying zoning district, except as specifically noted in this Chapter. Land uses may be distributed throughout the site and throughout individual buildings in whatever manner is best suited to a particular planned development. Structures, vehicle management areas, open spaces, landscaping, and other elements may be distributed throughout the site in whatever manner is best suited to a particular planned development and the surrounding area.
- (b) Land Area.
A planned development shall be a minimum of 1 (one) contiguous acre or more.
- (c) Land Use.
 - (1) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing residential zoning district:
 - A. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.
 - B. Institutional, public, and semi-public land uses that serve the planned development or the general public.
 - C. Commercial land uses, if the total land area of the planned development is greater than 10 acres and if the commercial land use is intended to serve

the planned development only. Such commercial land uses shall be limited as follows:

1. No signs that are visible from outside of the development.
 2. No direct vehicular access to a public thoroughfare.
 3. No less than 95 percent of the total land area shall be devoted to residential land uses.
 4. No separate structure intended to be used, in whole or part, for commercial land uses shall be constructed prior to the construction of not less than 50 percent of the dwelling units.
- (2) The following land uses are permitted in proportion to those portions of a planned development that overlay an existing commercial zoning district:
- A. Any land use permitted in the underlying zoning district.
 - B. Any land use permitted in any residential zoning district in this Code, except Mobile Homes.
- (3) The following land uses are permitted only in the portions of a planned development that overlay an existing industrial zoning district:
- A. Any land use permitted in the underlying zoning district.
- (4) The land uses permitted in a planned development may be distributed as follows:
- A. If a single planned development overlays more than one zoning district, then the land uses permitted according to this Section may be distributed throughout the entire planned development site.
 - B. If a planned development includes land uses permitted only in an industrial zoning district, then those land uses may only be located in that portion of the planned development that overlays the industrially zoned land.
- (d) **Residential Density.**
Residential density shall not exceed 110 percent of the density permitted in the underlying zoning district. Residential land uses in a planned development that overlays a commercial zoning district shall not exceed the density of the R1B Single-Family Medium-Density Residential Zoning District. Area devoted entirely to non-residential land uses, including buildings, vehicle management areas, and other associated land use elements shall be excluded from the area used to calculate residential density.
- (e) **Dimensional Regulations.**
- (1) Building Heights shall be limited as in the underlying zoning district, regardless of land use.
 - (2) Front setbacks shall be limited as in the underlying zoning district.
 - (3) All buildings and vehicle management areas shall be setback from the perimeter of a planned development no less than:
 - A. Residential zoning district - 25 feet.
 - B. Commercial zoning district - 25 feet.
 - C. Industrial zoning district - 50 feet.
- (f) **Open Space.**
- (1) No planned development shall have less than 20 percent open space, which includes any area not less than 50 by 50 feet, not including the required setbacks, and includes nothing other than natural area.
 - (2) Lot coverage shall be regulated according to the underlying zoning district, except that lot coverage for the residential portion of any planned development shall not exceed 40 percent.
- (g) **Sensitive Development Area.**
- A. A Sensitive Development Area is defined as any land(s) or soil(s) proposed to be developed that, if subjected to improper use or management, is otherwise determined to be incapable or unsuitable of urban use. Sensitive Development Areas can also be considered those lands that pose special hazards to development or the environment, consisting of lands or soils of such sensitive character that they may require special use, design and engineering restrictions.

- B. For the Preliminary Planned Development, the applicant must create an inventory of sensitive environmental area identified in subsection (g)D.(1) to (8) from publicly available resources such as Butler County Soil and Conservation District, OKI, OEPA, ODNR, HAPC, FEMA, USFWS, OHPO and other public entities. This information shall be provided with the preliminary application. Design of the site shall be based on site information obtained from those public entities. An existing landscape plan shall be submitted with each application. The landscape plan shall identify existing trees, natural features and other landscaping elements.
- C. After the approval of the Preliminary Planned Development, the applicant must develop a detailed site analysis of sensitive environmental areas on the site, conducted by firm(s) specialized in the areas, at a minimum: Ecological Survey, and Environmental Site Assessment. Other documentation may be required based on the site and the discretion of the Planning Commission, including, but not limited to: Stream and Wetland Mitigation, Water Way Permits, Archaeological Inventory, Historic Architecture Inventory. The applicant must also provide reports of the analyses following current professional norms for the discipline. It will be the Planning Commission's role to review information submitted by the applicant on each discipline to make the recommendations to City Council.
- D. Design of the proposed Planned Development site shall be based on the site information obtained from those public entities. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:
- (1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404, Federal Clean Water Act, as amended; and in Ohio Environmental Protection Agency standards.
 - (2) Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled 'Flood Insurance Study for Butler County, Ohio and Incorporated Areas' effective 12/17/2010, with accompanying Flood Insurance Rate Maps for Butler County, Ohio and Incorporated Areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.
 - a. 100 foot natural buffer shall be maintained adjacent to all permanent and natural surface waters, springs, and wetlands. Development of this area is regulated as follows:
 1. Natural vegetation shall be maintained.
 2. No structures shall be built or improvements made, except as follows:
 - (a). Walking paths, bicycling paths, and the like, including infrastructure necessary to facilitate their development are permitted anywhere within the buffer.
 - (b). Roads and associated infrastructure are permitted in the buffer to facilitate crossing such water elements.
 - (c). Any improvements approved in a final plan.
 - (d). Any public safety or public utility improvements not associated with the planned development, but deemed necessary by the Service Director, Police Chief or Fire Chief.

- (3) Steep slopes fifteen (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.
 - (4) Habitats of endangered wildlife, as identified on federal and state lists.
 - (5) Historically and culturally significant structures and sites, as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.
 - (6) Aquifers and tributary drainage systems.
 - (7) Tree growth areas or urban forested areas as defined in Chapter 935, of the Codified Ordinances of Oxford.
 - (8) Any area as identified on Map 3.3 of the Comprehensive Plan.
- E. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce excavation and embankment; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings shall take into consideration topography, building height, orientation and drainage. Storm water Best Management Practices in Low Impact Development Designs are desirable and encouraged. City guidelines for these practices and designs can be found in the City of Oxford Storm Water Management Design Manual
- F. If the Planning Commission, or its designated representative, may require the applicant to submit a statement in order to demonstrate that satisfactory efforts have been made to mitigate any special hazards posed to the site if these sensitive lands are subjected to improper use or management. The statement, if required, shall be submitted in one or more of the following forms:
 - (1) The statement shall describe in detail the extent of encroachment on any Sensitive Development Area, the extent and nature of the proposed alteration, the environmental impacts resulting from the proposed alteration, and the proposed methods of mitigation.
 - (2) A Geotechnical Report and/or a Wetlands Assessment/Delineation, prepared by a professional engineer, licensed in the State of Ohio, or by a specialist in Streams and Wetland. This report can be in lieu of a development narrative.
- (h) Landscaping and Screening.
 - (1) A planned development shall satisfy all landscaping elements required by other sections of this Code.
 - (2) The required perimeter setback area shall be retained in natural woods or suitably landscaped with grass, ground cover, shrubs, trees, or earthen mound.
 - (3) A planned development that overlays a commercial or industrial zoning district that is adjacent to a residential zoning district shall be screened from the residential zoning district by a dense evergreen hedge a minimum of 8 feet tall and 10 feet wide at planting and that will maintain at least 90 percent opacity over time.
- (i) Access and Mobility.
 - (1) At residential densities greater than would be permitted in the R-1A District, have direct and principal access from a collector or arterial road.
 - (2) Bicycle rack spaces shall be provided at all planned developments that overlay a commercial zoning district at a rate of 3 per acre.
 - (3) Adequate pedestrian connectivity shall be provided to and through a planned development.
- (j) Utilities and Infrastructure.
Electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be located underground.
- (k) Plan-Specific.
Any other design elements deemed necessary by Planning Commission and Council to ensure that a planned development satisfies the decision criteria of this Chapter.



PC-2020-16

Surrounding Property Owners Notifications Map

Legend

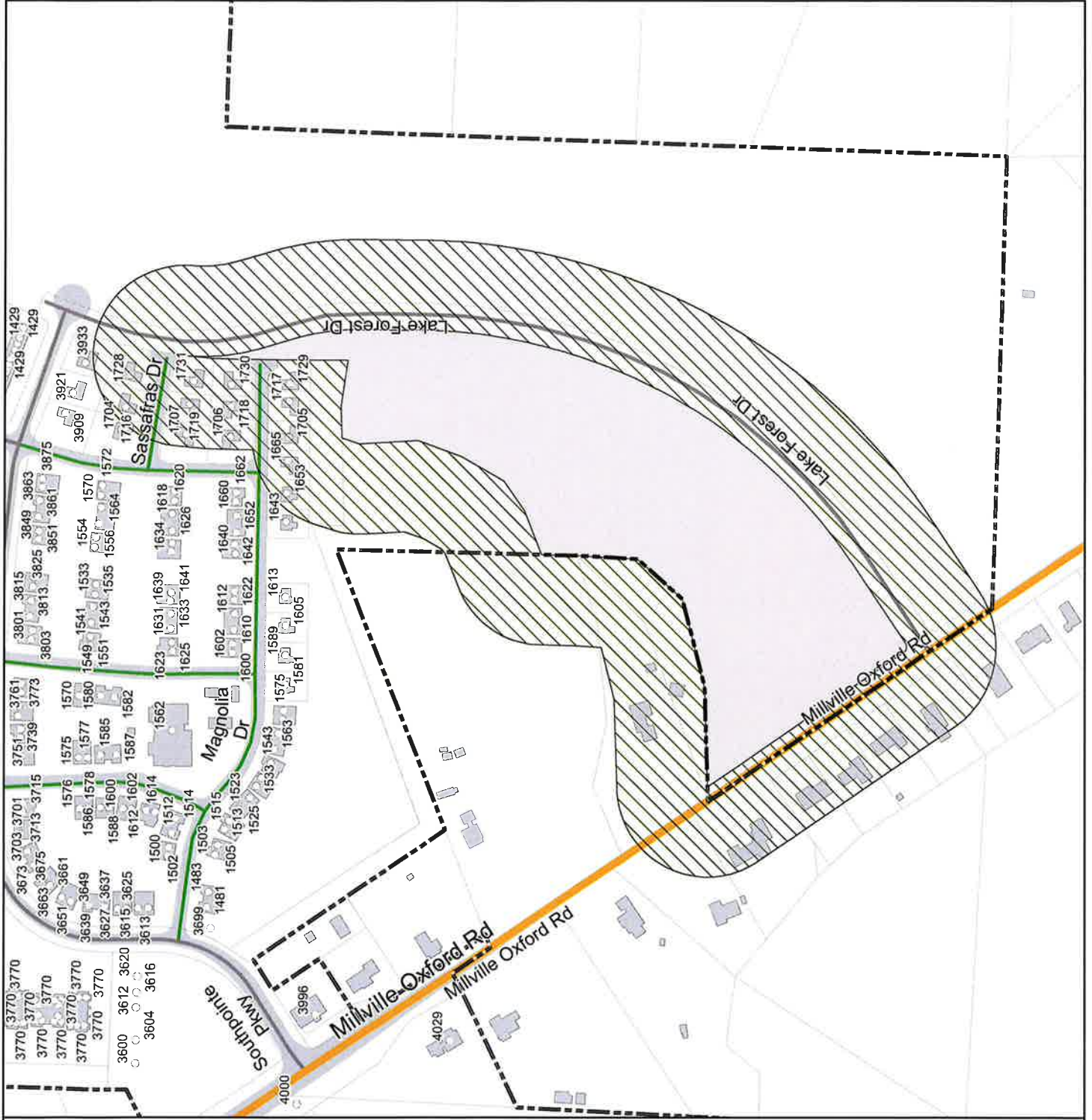
- Subject Area
- 200 Ft. Buffer
- Oxford Corp. Limit
- Address Point
- Parcel
- 16.5' Vacated ROW
- Building Footprint
- Paved Roadway



1 inch = 300 feet

Prepared on Tuesday, December 29, 2020

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





Internal Use Only:	
Case No.	PC-2020-16
Date Filed	11/30/20

Planned Development Application

Application Type

Choose One



Preliminary



Final



Preliminary & Final

Applicant Information

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

Name *

Scott Webb, Architect

Mailing Address *

103 West Walnut Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

523-3838

Email Address

scott@scottwebbarchitect.com

Owner Information

Name *

4 Leaf Development LLC

Mailing Address *

125 West Spring Street

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

524-9500

Email Address

jim@hoteldevelopment.net

Engineer/Surveyor Information

Name *

Bayer Becker

Mailing Address *

110 South College Avenue

City, State & Zip Code *

Oxford, Ohio 45056

Telephone Number *

523-4270

Email Address

ettsreed@bayerbecker.com

Location and Lot Information

Name of Subdivision *

Southpointe Crossings

Location of Property *

Millville-Oxford Road (US 27) & Lake Forest Drive

Legal Description *

Parcel # H4100143000006 - Survey Included

Zoning District *

R2-A

Total Area *

12.63

Acres

Submission Requirements and Documentation

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

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

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

Surrounding Property Owners

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

Decision Process

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

Fees & Receipt

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

Sign and Date

Applicant Signature *

Date *


11/30/2020

Submit Application, Submission Requirements and Documentation, and Fees

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

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

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

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

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

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

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford's Planning Commission & City Council regarding a new Residential Planned Development on Lake Forest Drive.

Thank you,

Jim

4 Leaf

LLC

11-30-20
Date:

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



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Residential Planned Development
Lake Forest Condominiums
Lake Forest Drive @ US 27
Oxford Ohio

November 30, 2020

Sam Perry,

Please accept this letter as a formal request for a Preliminary Plan review hearing by the City of Oxford Planning Commission and Oxford City Council for a Residential Planned Development in Southpointe Crossings at the new Lake Forest Drive entrance of Millville Oxford Road (US 27).

The project as presented represents a 12.63 acre Residential Planned Development of (36) 1,700-2,400 s.f. detached single-family condominiums in the R2A Zoning District.

As shown on the attached drawings, the portion of land under consideration with this application lies to the Northwest of Lake Forest Drive and includes a portion of Lick Run and its associated 100 year flood limits. Subsequently, the density is significantly less than what is allowed by right, proposing just (36) dwelling units where as many as (100) would be allowed on this site.

The project is currently envisioned in (2) phases, each with their own entrances off Lake Forest Drive and connected by a pedestrian bridge over a small feeder creek.

Based on the reduced density, Site Design Regulations, including setbacks, parking, and lot coverage are well within prescribed limits. Likewise, since the development is proposed in existing grassland and protects the trees along the creek lines, the newly approved Landscaping & Tree Ordinance is also respected.

Also included are preliminary Site Plans, renderings, & details describing the proposed project.

The attached proposal has been prepared for and with the help of the following:

Property Owners:

4 Leaf Development LLC.
125 West Spring Street
Oxford, Ohio 45056

Surveyor:

Bayer Becker Inc.
110 South College Avenue
Oxford, Ohio 45056

Architect:

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

The following is the written, detailed description of the proposal as required by 1145.05 & the Planning Application:

(5) Description of Use and Site 1145.05 (7)

- A. Legal Description/Deeds/Surveys of the Property are on file with the City and included with this submittal
- B. The Site is currently undeveloped with no active uses.
- C. The property is currently zoned R2-A, Single & Two-Family Residential.
- D. Description of the Proposed Planned Development.

- 1. The Proposed Residential Planned Development is designed to address what we feel is an underserved housing type in the City of Oxford, providing small, primarily single story detached condominium residences, similar to Vereker Farms.

The development is proposed as 2-3 bedroom 1 – 1½ Story units with 2-car garages and full basements. With a total of (36) units proposed, the eastern (24) are intended as the first phase, with (12) additional units on the cul-de-sac to the west.

- 2. No commercial development is proposed in this Planned Development.
 - 3. Hours of operation are not relevant, as only residential uses are proposed.
 - 4. The project is intended to be built in two phases as described above. Timing will be based on the rate of sales, with both phases projected to be complete within 2-3 years.
- E. Narrative statement evaluating the compatibility of the proposed Planned Development with the general vicinity and adjacent properties.
 - 1. When Southpointe Crossings was annexed into the City of Oxford, this section was zoned R2-A, allowing higher density through smaller lots and 2-family residences. The proposed development respects those guidelines, providing smaller residences on smaller (virtual) lots. This area is separated from existing student housing by the grade and vegetation of Lick Run creek, providing a housing type we feel is underrepresented in the market.
 - 2. There are no existing structures on the site. Future single-family residential development is anticipated along Like Forest Drive.
 - 3. Noise, lighting, & nuisances will be typical for a residential neighborhood.
 - 4. The development is designed to provide or exceed the perimeter setback and represents an internally focused, stand-alone development with lower density than anticipated by the zoning designation.
- F. The Planned Development in this location serves the goals of the planned development purpose statement, and provides the opportunity for a private development, managed and controlled by a Home Owners Association (HOA). While a subdivision, by contrast, would likely provide similar density, it would not provide for comprehensive planning of the site and buildings, being governed solely by zoning restrictions with public streets and utilities.
- G. The Planned Development is necessary and desirable for the community, providing options that are currently underserved. The long-term viability, stability, and success of Vereker Farms is evidence of the desirability of this type of development.

- H. As addressed above, we feel the proposed development provides a type of housing underrepresented in Oxford; small, accessible single story homes with exterior maintenance provided by a Home Owner's Association. This development will provide new housing alternatives for a variety of families, including first time home buyers, "empty nesters", and faculty, and has convenient access to areas south of the City via US 27 for commuters.
- I. Public utilities are not currently on site, but have been anticipated by the overall development plan, the development agreement and annexation of Southpointe Crossings, and the construction of Lake Forest Drive.
- J. The traffic impact would not be significant and has been accounted for in the construction of the turn lanes of US 27.
- K. A Home Owners Association (HOA) will be created for common area maintenance and easements, and will provide restrictions on rentals, etc..
- L. Mailing addresses of adjacent property owners are attached.
- M. Other pertinent information:

The area is addressed by Oxford's Comprehensive Plan as "potential growth area, 2010 and beyond". The proposed development is entirely residential, as planned for the southern entrance to the City of Oxford.

According to our Comprehensive Plan, "The City should encourage a broad mix of housing opportunities in Oxford. This mix should include all market types and price ranges"

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

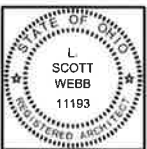
Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Webb', written in a cursive style.

Scott Webb, Architect



PRELIMINARY BUILDING TYPES




SCOTT WEBB
 ARCHITECT
 100 West Walnut Street
 Oxford, Ohio 45056
 (513) 323-3838
www.scottwebbarchitect.com

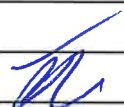
OVERALL DEVELOPMENT PLAN
Lake Forest Phase 1
 OXFORD, OHIO 45056

DATE	November 30, 2010
REVISIONS	



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

STAFF REPORT

ORIGINATING DEPARTMENT:	Finance
PREPARED BY:	Joe Newlin
DATE PREPARED:	2/25/2021
COUNCIL MEETING DATE:	3/2/2021
AGENDA TITLE:	Supplemental Budget Ordinance
BUDGETED AMOUNT:	
ACCOUNT CODE:	
RECOMMENDATION:	Approval
CITY MANAGER/DEPT HEAD APPROVAL:	<i>DRE 2-26-21</i> 

DISCUSSION:

Issue 1

To make adjustment to budget appropriations for the purchase of road salt from unencumbered balance

Action Needed:

Revenue Side

Expense Side

Street Fund (122)	75,000.00
Net Effect on Fund Balance/(s) Increase/(Decrease)	(75,000.00)



The City of Oxford
(513) 524-5200
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Issue 2

To make adjustment to budget appropriations for additional cost associated with removal of underground storage tank in front of old Follett's Bookstore from unencumbered balance

Action Needed:

Revenue Side

Expense Side

Capital Improvement Fund (141)	1,720.36
Net Effect on Fund Balance/(s) Increase/(Decrease)	(1,720.36)

Issue 3

To make adjustment to budget appropriations for additional personnel cost associated with hiring of the part-time Climate Sustainability Coordinator position from unencumbered balance General Fund 34%, Water Fund 33%, Wastewater Fund 33%

Action Needed:

Revenue Side

Expense Side

General Fund (110)	8,758.00
Water Fund (321)	8,500.00
Wastewater Fund (331)	8,500.00
Net Effect on Fund Balance/(s) Increase/(Decrease)	(25,758.00)

City of

OHIO

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

Issue 4

To make adjustment to budget appropriations for additional cost associated with donations to local social service agencies from the unencumbered balance

Action Needed:

Revenue Side

Expense Side

Local Coronavirus Relief Fund (428)	23,377.74
Net Effect on Fund Balance/(s) Increase/(Decrease)	(23,377.74)
Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(125,856.10)
Breakdown by Fund	
General Fund (110)	(8,758.00)
Street Fund (122)	(75,000.00)
Capital Improvement Fund (141)	(1,720.36)
Water Fund (321)	(8,500.00)
Wastewater Fund (331)	(8,500.00)
Local Coronavirus Relief Fund (428)	(23,377.74)
Net Effect on Fund Balance/(s) Increase/(Decrease)	(125,856.10)

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO.3600 SUPPLEMENTAL BUDGET ORDINANCE NUMBER 2 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2021.

WHEREAS, additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues.

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

SECTION 1: Additional appropriations are needed for the current fiscal year and monies are available for appropriation in those funds, and changes to estimated revenues;

SECTION 2: The following increase/(decrease) in appropriations from unencumbered balances be made:

Street Fund 122	75,000.00
Capital Improvement Fund 141	1,720.36
General Fund 110	8,758.00
Water Fund 321	8,500.00
Wastewater Fund 331	8,500.00
Local Coronavirus Relief Fund 428	23,377.74

SECTION 3: In all other respects, Ordinance No. 3600 shall remain in full force and effect.

SECTION 4: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: MIKE SMITH

PREPARED BY: LAW (STAFF)