

(From Kathy Dale)

To: meckplan@aol.com <meckplan@aol.com>

Sent: Mon, Feb 1, 2010 11:32 am

Subject: 5990 Contreras - Oxford Request

||

Stuart,

As promised and as you requested; attached please find the completed staff report that the Planning Commission will receive this week as well as additional items received and added to the file since you received your file request.

Should you have any questions please do not hesitate.

Professionally,

Kathryn A. Dale, AICP

City of Oxford

City Planner

Community Development Department

101 E. High Street

Oxford, Ohio 45056

p. (513) 524-5204

f. (513) 524-5266

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

Ms. Dale:

Thank you for this information. Is there a record of a rental permit being issued before 2004 for this property? If Mr. Osborne was renting out a portion of the house lawfully in the 1970s, there would have been some type of rental permit, since the ordinance establishing the rental housing permits was in effect then. In addition, was there a zoning permit or a certificate of code compliance/certificate of occupancy issued as well?

Stuart Meck, FAICP/PP

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

From: Kathy Dale <kdale@cityofoxford.org>
To: meckplan@aol.com <meckplan@aol.com>
Cc: Jung-Han Chen <JHChen@cityofoxford.org>
Sent: Tue, Feb 2, 2010 4:09 pm
Subject: RE: 5990 Contreras - Oxford Request

11b

Stuart,

According to the rental file, an official permit application was filed for in 2004. The director of the department at that time established that the rental unit was nonconforming. I've attached the documentation in the file. The unit is a one bedroom, 1 occupant unit above the garage.

Kathryn A. Dale, AICP

City of Oxford
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From: meckplan@aol.com [mailto:meckplan@aol.com]
Sent: Tuesday, February 02, 2010 3:55 PM
To: Kathy Dale
Subject: Re: 5990 Contreras - Oxford Request

11a

Ms. Dale:

I have read the staff report on 5900 Contreras. The report states that the property is presently used as a duplex, even though the zoning permits only a single-family use. My recollection is that this property was occupied for many years by Dave and Ginny Osborne, who lived in it as a single-family home. Mrs. Osborne sold the house after Dave's death in 2001 or thereabouts. How was this property converted to a duplex if the zoning only permitted single-family use? When was the first rental permit issued and who was responsible for issuing it?

Thank you.

Stuart Meck

Kathy Dale

From: meckplan@aol.com
Sent: Thursday, February 04, 2010 10:25 AM
To: Kathy Dale; meckplan@aol.com
Cc: Jung-Han Chen; ellison.law@sbcglobal.net
Subject: Re: 5990 Contreras - Oxford Request

lle

Ms. Dale:

Thank you. I plan to raise this issue in my letter to the planning commission. The City of Oxford has a long history of mysteriously authorizing increased numbers of units in single-family homes without very good evidence (or no evidence at all). Having owned 37 Meadow Circle for 21 years, and having walked past 5990 Contreras Road nearly every day when I lived in Oxford, I am astonished to find that is now characterized as a "duplex," a transformation that apparently occurred when the Osbornes rented a room in the distant past, possibly without a rental permit and without a determination of the duration of the rental.

Attorney Kathy L. Ellison will be representing me at the commission meeting on Tuesday, since I am unable to come.

Stuart Meck

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

From: Kathy Dale <kdale@cityofoxford.org>
To: meckplan@aol.com <meckplan@aol.com>
Cc: Jung-Han Chen <JHChen@cityofoxford.org>
Sent: Thu, Feb 4, 2010 10:11 am
Subject: RE: 5990 Contreras - Oxford Request

lla

Stuart,

All of our older records are kept off-site. Our recollection is that we have in storage, rental permits from 1998. As I'm sure you know, Oxford was not very good at keeping records that far back. I would refer you to the research I sent you previously that the planning director did in 2004 to determine the rental history with this property.

Respectfully,

Kathryn A. Dale, AICP

City of Oxford
City Planner
Community Development Department
101 E. High Street
Oxford, Ohio 45056
p. (513) 524-5204
f. (513) 524-5266

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From: meckplan@aol.com [mailto:meckplan@aol.com]
Sent: Wednesday, February 03, 2010 10:01 AM
To: Kathy Dale
Cc: Jung-Han Chen
Subject: Re: 5990 Contreras - Oxford Request

lle

Kathy Dale

From: meckplan@aol.com
Sent: Monday, February 08, 2010 10:22 AM
To: Kathy Dale
Cc: ellison.law@sbcglobal.net
Subject: Letter to the Planning Commission

12

Ms. Dale:

I have completed a draft of a letter to the Planning Commission on the McCarthy proposed rezoning and it is under review. I will send you eight copies by Federal Express so that it reaches you tomorrow for distribution at the public hearing in the evening. Thank you for your assistance. I would encourage you to have the complete text of the zoning code typed up rather than scanned so that it can be converted to a searchable file.

Stuart Meck, FAICP/PP

Stuart Meck, FAICP/PP

222 Mercer Street

Trenton, NJ 08611-1726

Telephone (609) 396-2236

Email: meckplan@aol.com

February 8, 2010

Oxford City Planning Commission
101 East High Street
Oxford, Ohio 45056

12a

RE: Case No. PC-04-2010, Peter and Connie McCarthy, Zoning Map Amendment from "R1B" to "RO", 5990 Contreras Road

Dear Commission Members:

I am writing in opposition to the application by Peter and Connie McCarthy to rezone the one-acre tract of land at the northwest corner of Contreras Road and Jacqueline Drive from "R1B" Single-Family Medium Density Residential District to the "RO" Residential Office District.

I am the owner--and have been for 21 years--of 37 Meadow Circle, access to which is through Jacqueline Drive. I am also the former assistant city manager and planning director of Oxford, for the period 1982 to 1994, and am presently an associate research professor in the Edward J. Bloustein School of Planning and Public Policy, Rutgers, the State University of New Jersey, in New Brunswick, where I teach city planning and head the School's Center for Planning Practice.

Because of teaching responsibilities I will be unable to appear personally on Tuesday, February 9, 2010, and have asked Attorney Kathy L. Ellison to represent me at the public hearing and take other necessary actions to prevent this rezoning from occurring. I request that this letter be made part of the case file, and forwarded to the City Council.

The Corrosive Impact of Spot Zoning Changes on Mature Neighborhoods

As a professional planner with 38 years of experience, I am most sensitive to the corrosive, incremental impacts of small-lot spot zoning changes upon mature, built-up neighborhoods such as the one that 5990 Contreras Road and 37 Meadow Circle is part of. I built my home (designed by Architect Robert Zwirn, the former chair of Miami University's architecture program) in this area in 1989 because I no longer wanted to be part of the unpleasant mixed use atmosphere of the Mile Square that has driven many owner-occupants out.

Like many others in Oxford, I wanted to live in an area with homogenous zoning, and be certain that the investment in my home would be protected from incompatible land uses such as the

types of uses that are permitted in the RO District (see below). The property at 5990 Contreras, a historic building, is a keystone and gateway to the neighborhood, symbolizing the stability one would expect for a residential area.

The McCarthy proposal would set a dangerous precedent that could be expected to set off requests for similar commercial and quasi-commercial rezoning in the future, requests that property owners like me will be forced to fight at our expense on a case-by-case basis.

As neighborhoods age, municipal decisions not to enforce or blithely amend land use regulations send powerful negative signals to residents and property owners, which in turn affect attitudes toward private investment and property maintenance. That is what will occur here.

One well-regarded article on zoning districting principles is on point with respect to this issue: "Once a single residential lot is zoned for commercial use, there is great incentive for owners of adjacent residential properties to ask for such zoning whether or not there is sufficient demand for commercial space to support their requests. This 'domino effect,' frequently fed by unfounded speculation, can severely damage the stability of a much larger residential area."¹

For far too long, the City of Oxford, capitulating to intense, insistent pressure from local Realtors and speculators in cases like this, has treated its older, historic homes and mature neighborhoods as a commodity whose only purpose is to be bought and sold rather than as a resource to be conserved for future generations.

It is particularly telling that Mr. Coe Potter, local Realtor, has mournfully characterized the historic home at 5990 Contreras as functionally obsolete (see below). This is the kind of thing you would expect someone like Mr. Potter to say. Potter's attitude and this thoughtless rezoning request by the McCarthys speak volumes about why the quality of Oxford's built environment has failed to match that of many other university communities.

I regard this proposal as a serious danger to the land use scheme of Oxford, one that should not have even gotten to the public hearing stage—hence the length and detail of this letter.

The remainder of this letter will deal with an analysis of the rezoning request in the context of the decision standards in the Zoning Code, examining it against the backdrop of the policies in the Comprehensive Plan.

Like many modern zoning codes, the Oxford Zoning Code has incorporated decision standards to structure the recommendation made by the staff and the Planning Commission to the City Council and to create a supporting basis for the Council's decision. **In enacting these standards, the City Council expected that they be applied and followed literally and exclusively and not casually.** Oxford Code Section 1135.01 (Zoning Code Amendments;

¹Dudley S. Hinds, Neil G. Carn, and Nicholas Ordway, "A Few Words About Maps and Boundaries," in *A Planner's Guide to Land Use Law*, edited by Stuart Meck and Edith M. Netter (Chicago: Planners Press, 1983), p. 74.

General) declares: "This section provides the procedures and *standards* by which this code *will* be amended." (emphasis supplied).

The Oxford Zoning Code sets forth the decision standards as follows in Section 1135.02(c) (Planning Commission and Council Review):

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

. . . . (1) Decision Standards. A proposed amendment shall be approved only if it meets at least one of the following criteria, *and if its benefits outweigh any potential pitfalls* [emphasis supplied]. . .

Map Amendments.

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

Under these provisions, the map amendment must thus meet one of the criteria listed from A to D and must also satisfy the criterion that the map amendment's benefits outweigh any potential pitfalls, a fifth standard. I contend that this rezoning application does not satisfy any of them.

In addition, the letter addresses whether the so-called "duplex" use established in 2004 is legitimate and whether the term, "functional obsolescence," as espoused by Mr. Potter, is in fact a term used by other real estate types, based on a literature search.

(1) The requirement of consistency of zoning with a comprehensive plan is intended to ensure that zoning benefits the public health, safety, morals, and general welfare of the community and not merely the private interests of individual property owners.

Like many municipalities, the City of Oxford has adopted a comprehensive plan to serve as a basis for land use decisions. The consistency requirement, which dates from the origins of land use controls in the United States in the early 20th century, guarantees that individual zoning decisions are not to be piecemeal or haphazard, but must advance broad governmental interests.

Under the consistency requirement, zoning must not be arbitrary or capricious in its designation of individual properties (see below). In short, a rezoning must make sense. It must meet the “sniff” test of rationality.

The current version of the Oxford Comprehensive Plan, adopted on November 4, 2008, less than 1 ½ years ago, incorporates a process for its interpretation by the city. It is reproduced below:

HOW TO USE THE LAND USE RECOMMENDATIONS

The Land Use Chapter will be consulted for any **development proposal** based on the following steps. If a proposal is not consistent with recommendations of any of these steps, the proponent should re-evaluate and make adjustments for (or provide justification for deviation) prior to submission. Once there is a formal submission, the staff report will identify whether or not the proposal is aligned with the following.

1. **Intent.** Development proposals will reflect the spirit and values expressed in the principles (statements of intent). Please see pp. 3.8 to 3.12.
2. **Location.** Development proposals will be consistent with the Conservation and Development Map (page 3.17).
3. **Character.** Development proposals will be consistent with the Concept area descriptions (Table 4, page 3.19) and the existing character (page 3.20).²

This is a standard approach to analyzing a development proposal against the comprehensive plan: (1) an examination of the written policies in the plan, especially those that deal with location of, and relationships between the various land uses; and (2) an examination of the uses, intensities, and densities as shown on a future land use map, assessing the proposal’s compatibility.

This method of analysis is intended to ensure that any zoning that results is not **spot zoning**. The Ohio Supreme Court has described spot zoning as “the singling out of a lot or small area for discriminatory or different treatment from that accorded surrounding land which is similar in character.”³

A treatise on land use law in Ohio has described the problem of spot zoning as follows:

An allegation of spot zoning is generally the result of a request to zone a parcel of land to a more intense land use classification. To sustain a piecemeal change from the zoning ordinance the challenger must argue that a rational relationship exists between the proposed zoning ordinance or amendment and the public health, safety, morals, and

2 ACP Vision + Planning & Development Economics, *Comprehensive Plan: Oxford Ohio* (adopted November 8, 2008), p. 3.13.

3 Willott v. Village of Beachwood, 175 Ohio St. 557, 559, 197 N.E.2d 201 (1964).

general welfare. The rezoning of any single parcel, like the rezoning of numerous parcels at the same time, is only justified when it is done in furtherance of a general plan properly adopted for and designed to serve the best interests of the community as a whole, not for the benefit of a particular individual or group. . .

. . . .When property is rezoned to specifically benefit an individual parcel in derogation of the plan, then spot zoning will be the result.⁴

(2) The McCarthy rezoning request does not satisfy any of the decision standards in the Oxford Zoning Code.

(a) There is no error on the Official Zoning Map or in the delineations between districts.

This property has been zoned for single-family purposes since at least 1979, based on my personal knowledge as the former assistant city manager and planning director of Oxford. The 1979 ordinance and map replaced the original zoning ordinance and map adopted by the then-Village of Oxford in the mid-1950s. The current R1B district boundary extends to include all single family homes along Jacqueline Drive, Meadow Circle, and Marti Court, running along the rear property line of the subdivision and along the railroad tracks that bisect Oxford. These are typical configurations. Zoning district boundaries are customarily placed along the rear lot lines of subdivisions. In addition, because they are permanent, railroad tracks are effective as district boundaries.

The McCarthys have not alleged in their application materials that there is an error in the Official Zoning Map or in the delineation between districts. The Oxford Comprehensive Plan, it should be noted, does not contain any recommendation calling for the rezoning of this parcel. Instead, the proposal by the McCarthys would modify the location of the lot line so that it would run along the rear (north) and side (west) lot line, singling out the property for special and individual treatment.

If the McCarthy request is granted and the district boundaries are changed, it would violate the zoning principle of maintaining like facings for zoning districts. The McCarthy property, now zoned for single-family use, faces into an R-1A Single-Family District. The recognition given to the importance of maintaining like facings is a strong one in contemporary planning practice:

In our urban society, a street address often connotes status. The owner of property on the other side of the street wishes to prevent any use on the other side that might threaten the street's prestige. Property is customarily approached from the front by guests, customers, potential tenants, and potential buyers. The uses and condition of property on the other side of the street are readily apparent to them and may affect their willingness to visit,

⁴ Stuart Meck and Kenneth Pearlman, *Ohio Planning and Zoning Law*, 2009 (14th) Edition (Eagan, MN: West Publishing, 2009), Text 8:41, Spot Zoning, p. 416. This treatise is quoted on page 1.1 of the Oxford Comprehensive Plan.

rent, or buy. . . . Boundaries that preserve like facings are easier to defend than those that do not.⁵

(b) The proposed amendment will not make the zoning map conform more closely to the Comprehensive Plan.

The decision standard in the zoning code for comprehensive plan consistency is concerned with the relationship between the zoning map amendment and use, density, intensity, and locational standards in the Comprehensive Plan. The Plan's adopted strategies emphasize the importance of plan consistency. They require "concurrence with the Comprehensive Plan" in rezoning and other development proposals, require staff reports to "reference the Comprehensive Plan," and require "interpretation of the Comprehensive Plan *by Planning Commission or City Council to be in writing.*"⁶ (emphasis supplied).

The McCarthy property is located in what the Comprehensive Plan's Conservation and Development Map and Character Area Map describe as "Neighborhood General 3," one of three specific neighborhood areas. The Character Area Map supports and is incorporated into the Conservation and Development Map, which distinguishes between developed areas and undeveloped areas of the City. The purpose of the Character Area Map, according to the Plan, "is to help guide future growth in each of the character areas. If and when these areas are developed, or in some cases redeveloped, they should reflect the design elements and land use patterns for that character area."⁷ The Character Areas are defined by lot size and coverage, density (although the Comprehensive Plan does not specify densities), street pattern and connectivity, and building areas.

To determine the planned characteristics of the Neighborhood General 3 (NG3) Character Area, one consults Table 3.5 in the Comprehensive Plan, the "Character Area Matrix." That table describes the NG3 as having "[r]esidential areas on the outskirts of the Mile Square with the lowest residential density." NG3 includes "areas of newer development within Oxford. Lot size within this zone is not consistent and may contain irregular lots. There is a significant change in the road network within Neighborhood General 3, moving from a linear to a curvilinear system and including cul-de-sacs." The Character Area matrix identifies a mix of single-family, attached single family, multifamily, and civic uses.

Office uses, including professional offices, are not included in NG3, as part of the future land use. No charitable reading of the Comprehensive Plan can find any policy direction for office or professional offices in Neighborhood General 3.

Rather, the Comprehensive Plan directs that office development is instead to be located in areas with good access and visibility, and not part of established residential areas. The Plan states:

⁵ Hinds, Carns, and Ordway, *supra* note 1, pg. 73.

⁶ Oxford Comprehensive Plan, *supra* note 2, p. 12.4.

⁷ *Ibid.*, p. 3.14.

Objective 4: Develop focused economic development and redevelopment incentive policies. . .

ED 4.2 Consider developing incentives such as tax credits, site development and redevelopment assistance and "One Stop" permitting to attract business to the Office Industrial Zoned area along south U.S. 27 and the newly proposed economic expansion area as shown on the Conservation and Development Map.

While the intent of the Comprehensive Plan is to support office uses as an economic development measure, the location of these uses are to be part of the proposed economic expansion area, an intense node of development shown with a hatched pattern on the Conservation and Development Map in the southeast portion of Oxford, along south U.S. 27 where the high visibility and high access character would ensure favorable future land use relationships.

Thus, the McCarthy proposal would not be consistent with the direction contained in the Comprehensive Plan for the location of office uses of any type. The proposal would conflict with the land use and development pattern in the Plan for NG3. New offices are to be concentrated elsewhere in Oxford, not in the midst of this residential areas, according to the Plan..

(c) There has been no substantial change in area conditions that necessitates the amendment.

The January 21, 2010, staff report by Jung-Han Chen, AICP, Community Development Director for Oxford, describes the nature of the neighborhood conditions: "Given that the site has been the same size since 1970 and has remained in the same zoning classification, it seems that the conditions of the neighborhood have not changed significantly in the last 40 years." Again, based on personal knowledge as one who has either lived or owned residential property in Oxford and approved zoning permits for all development in this area from 1982 to 1994, and owned 37 Meadow Circle since 1989, the staff report is accurate. There has been no change, substantial or otherwise.

(d) There is no legitimate need for additional land area in the zoning district that will be expanded.

This standard must be examined in conjunction with what the Comprehensive Plan allocates for future office land use. The Plan indicates that, while there is apparently 1 acre available for "Office-Residential," there are 47 acres available for "Office-Industrial," most of which is apparently concentrated in the southeast portion of the city, as the Plan designates. Professional offices can go any where in commercial, office, or industrial districts. The City of Oxford has ample land in good locations to satisfy these needs for office uses.

(e) The potential pitfalls of the rezoning outweigh the benefits.

The RO District, at Oxford Code Section 1143.09, describes its purpose as permitting “[o]ffice and services facilities . . . to support community needs in suitable locations that do not produce incompatible effects on adjacent residential neighborhoods. A mix of uses within one structure is encouraged. This district is appropriate adjacent to higher volume thoroughfares, as well as between commercial and residential neighborhoods.”

The purpose statement would suggest that, somehow, the RO district is a transitional office zone, used to cap off strip commercial zoning on major streets that also have residential uses. However, a close examination of the zoning code reveals that the types of uses permitted would have major impacts on the surrounding area.

The permitted uses in the RO district include professional offices of doctors, dentists, chiropractors, lawyers, engineers and similar-type professions limited to 2,500 square feet of gross floor area; hospitals, without limit on floor area; real estate, insurance, and similar-type offices limited to 2,500 square feet of gross floor area; barber and beauty shops, without limit on floor area, and instructional studios, without limit on floor area. Conditional uses permitted in the district include schools, places of worship, funeral homes, parking lots, and offices of non-profit organizations and foundations. All of these conditional uses, except for the nonprofit offices, have no limit on floor area.

The December 27, 2009, letter to the Planning Commission by Connie McCarthy indicates that the McCarthys intend to sell the building as a professional office. The letter by Mrs. McCarthy avoids the issue of the size limit on professional offices; indeed, whatever the McCarthys or their Realtor, Mr. Coe Potter, promise, they cannot bind a future property owner from seeking full use of the property and applying for variances.

The McCarthy property is approximately 5,400 square feet of floor area. Assuming that the new owner obtains a variance from the 2,500 square foot maximum on the basis of practical difficulties, the professional office building could be expected to contain as many as 18 employees, applying the floor-area-to-parking ratio in Oxford Code Section 1149.03(e) (parking requirements for offices and professional offices). This is an astonishing number of parking spaces in the midst of a residential area and would simply transform the character of the neighborhood.

Beyond that, a professional office of a doctor is in fact a high impact use. A zoning monograph by Charles Reed, AICP, a highly respected professional planner, points out:

Planning and trip generation is the largest planning concern for medical offices and clinics. Consider requiring parking ratios for medical clinics and offices separately from general offices in your zoning code. Consider requiring clinics to locate on arterial streets.

Medical offices and clinics need more parking than general offices. Parking surveys

show an average use by patients, employees, and the doctor of five spaces per doctor. This ratio varies greatly by medical specialty based on measures of trip generation and by size of clinic. . . . Parking needs by size of clinic is high for small clinics, as much as 9 spaces per doctor for clinics with 7 doctors or less, to 5 spaces per doctor for clinics containing more than 7 doctors. ⁸ (emphasis in original).

Based on this analysis, the uses permitted as of right or conditionally in the RO district would have, because of their nature or unlimited floor area, incompatible impacts on the surrounding residential area.

(3) The so-called duplex status of the McCarthy property is questionable and will require further investigation.

The staff report by Mr. Chen indicates that this property is a "duplex." This was a surprise to me. When I learned of this, I did a document request from the Community Development staff to determine how a single-family home in a single-family district becomes a duplex. As some of you may know, the City of Oxford housing staff had a long history of authorizing mysterious transformations of residential properties to higher density uses without documentation. This problem resulted in extensive litigation in the early 1990s over improperly issued housing permits.

I learned that in 2004, Mr. Peter McCarthy applied to Mr. Dan Johnson, then Planner and Zoning Administrator, for a determination on non-conforming use status for a garage apartment. McCarthy submitted a single letter by a former Miami University student who had stated he had lived for "a short time" in the apartment above the garage in the 1970s when the property was owned by Dave Osborne. This person had indicated that he was "not the first one to live there, nor the last."⁹

Under Oxford Code Section 1137.07(a), a nonconforming land use "shall not be reinstated if it is discontinued for a continuous one-year period and thereafter any use of the premises shall conform to the use regulations of the district in which the building or lot is located. The intent to continue a nonconforming use shall not be assumed to be evidence of its continuance." Section 1137.07(b) states: "A nonconforming structure or a lot that has been made conforming shall not be made nonconforming."

On the basis of my review of the memo to the file dated August 31, 2004, written by Mr. Johnson, ¹⁰ I have determined that Mr. Johnson failed to determine whether there had been in continuous effect an annual rental permit for garage apartment, and whether the apartment had been continually occupied as an apartment, or whether the use had been discontinued for a year or more, which would end its status as a nonconformity in a single-family use district. I have

⁸ Charles Reed, AICP, "Zoning for Medical Offices and Clinics," *The Zoning Report*, Vol. 6, No. 1 (January 22, 1988), p. 2.

⁹ Letter from Dennis Jena, August 24, 2004.

¹⁰ Dan Johnson, Planner & Zoning Administrator, City of Oxford, Memorandum, August 31, 2004, RE: 5990 Contreras Road—garage rental unit.

been told by Ms. Kathy Dale, AICP, planner, that archived rental permits are stored off-site.

Normally, certificates of nonconformity are granted by boards of zoning appeal after notice and a hearing, where the alleged facts of the nonconformity can be publicly discussed. Here the determination was done in secret, with no opportunity by the public to test the evidence submitted by Mr. McCarthy.

Mr. Johnson's administrative decision can be appealed to the Board of Zoning Appeals under Oxford Code Section 1129.07. I intend to investigate this matter further through an additional public records request to the City of Oxford and it is likely I will request Attorney Ellison to undertake an appeal to set aside Mr. Johnson's determination, terminating this nonconformity in a residential neighborhood.

(4) The term "functional obsolescence" as espoused by Mr. Coe Potter is a questionable characterization of a historic property.

The minutes of the December 8, 2009, Planning Commission meeting contain this excerpt:

Mr. Coe Potter, local broker/agent, spoke on behalf of the McCarthy's. Mr. Potter noted that this property was what realtors called functional obsolescence [sic], and him having struggled when showing as a single family use; their concern with location infringement of Arby's and rentals.

Since I own and live in a 160-year-old restored home in a historic district in Trenton, New Jersey, I was puzzled to hear a Realtor describe historic structures as functionally obsolete.

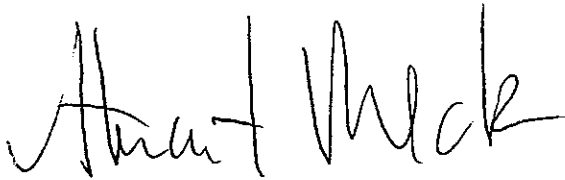
Consequently, I conducted a database search on the National Association of Realtors website and for the well-known Appraisal Journal, going back to 1965. I could not find any reference to this term as applied to residences, except one article on the Realtors website dealing with aging notebook computers.

If this is a term that Realtors use, as Mr. Coe Potter contends, the National Association of Realtors doesn't know about it. Historic homes are a unique resource for communities—that's what I tell my graduate students in planning. It's too bad one member of Oxford's real estate community thinks they are throwaways.

I thank the Planning Commission for its patience in reading this long letter. For the neighborhood along Jacqueline Drive where my house is located and other mature neighborhoods in the city, the quality of life for residents and property owners turns on whether the City of Oxford will enforce its zoning and related codes and carry out the land use patterns contemplated by its Comprehensive Plan with consistency, integrity, and sensitivity.

Historically, the city planning commission in the U.S. has been stabilizing rudder for sound community land use policy, assessing the long-term implications of development proposals and serving as the advocate of the comprehensive plan. I trust the Oxford Planning Commission will continue to perform that role in connection with the proposed rezoning.

Cordially,

A handwritten signature in black ink, appearing to read "Stuart Meck". The signature is fluid and cursive, with the first name "Stuart" and last name "Meck" clearly distinguishable.

Stuart Meck
Fellow, American Institute of Certified Planners (FAICP)
Professional Planner, New Jersey License No. 33LI00429100.

cc: Oxford City Council

/sm

Kathy Dale

From: marvin hurston [hurstons@zoomtown.com]
Sent: Tuesday, February 02, 2010 3:44 PM
To: Kathy Dale
Subject: FW: pls. reply; thanks

13

From: Kathleen Zien [mailto:zienkl@hotmail.com]
Sent: Monday, February 01, 2010 10:27 AM
To: marvin hurston
Subject: pls. reply; thanks

MONDAY, FEB. 1

MH: STILL WAITING FOR YOUR RESPONSE RE: ONE OF THE MEMBERS OF PLANNING INAPPROPRIATELY FORWARDING MY MESSAGE TO PLANNERS TO THE McCARTHY'S ABOUT THEIR REZONING REQUEST.

I SENT THIS MESSAGE OUT ABOUT 2 WKS. AGO; YOU HAVEN'T RESPONDED.
I CAN ONLY ASSUME YOU MAY HAVE SENT IT, BUT I WOULD LIKE YOUR CONFIRMATION OF THAT NONETHELESS.

From: zienkl@hotmail.com
TO: Planning Commission

ANYONE ON PLANNING COMMISSION CARE TO OWN UP AS TO **WHO** MAY HAVE CORRESPONDED WITH PETER AND CONNIE McCARTHY, OR FORWARDED MY OBSERVATIONS ABOUT THEIR REZONING CONCEPT REVIEW FOR 5990 CONTRERAS? (SEE MESSAGE BELOW)

I BELIEVE I SENT TO PLANNERS SOMETIME IN DECEMBER AROUND THE HEARING TIME AFTER I READ THE AGENDA.

I addressed it to the Planning Board, not the applicants.
Thanks for letting me know who did the forwarding.

KLZ

Date: Wed, 13 Jan 2010 23:15:30 +0000
Subject: 5990 Contreras Rd.
From: pecomcc@gmail.com (McCarthy email)
To: zienkl@hotmail.com

<Kathleen, I received a copy of the email you recently sent to members of the HAPC and Planning Commission regarding our application for a zoning change.... >

This email was brought in by Pete McCarthy on Monday, February 8, 2010. This was the FULL response made by Connie McCarthy to Kathleen Zien on January 13, 2010 (REFER TO EMAIL #6).

From: "Peter & Connie McCarthy" <pecomcc@gmail.com>
Subject: Fwd: 5990 Contreras Rd.
Date: February 8, 2010 8:22:50 AM EST
To: Peter McCarthy <pecomccarthy@earthlink.net>, "Peter & Connie McCarthy" <pecomcc@gmail.com>

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----- Forwarded message -----

From: <pecomcc@gmail.com>
Date: Wed, Jan 13, 2010 at 6:15 PM
Subject: 5990 Contreras Rd.
To: zienkl@hotmail.com

Dear Kathleen,

I know that you and my husband Peter have met but I don't think you and I have been introduced. I am a registered architect and cherish the beautiful historic home my family has lived in for the past eight years. I appreciate and share your passion for historic properties. I received a copy of the email you recently sent to members of the HAPC and Planning Commission regarding our application for a zoning change. There were a few assumptions in your letter that were incorrect and I'd like the opportunity to set the record straight. I'd also like to explain our reasons for this application.

First, the county records are incorrect regarding the addition on the north side of the house. This addition was built in the late 1980's when the Osborne's owned the house. The kitchen was remodeled during this same period. Neil Bufler did most of the work. We have made minor improvements to the property such as building the privacy fence. Plans for the fence were submitted to the Zoning Department. We have done no work requiring a building permit. Second, the original thirteen acres were mainly to the east and north of the house extending toward the railroad tracks. The large multi family complex directly to the east of us owned by Ned Hoelzer, is part of that parcel.

We have cared for the 5400 square foot property as much as our budget allows and make an effort each summer to decorate our porch and upgrade the landscaping. We received a Des Flours garden award just this past summer and are always thankful to receive many compliments from the community each year. We tragically lost a huge maple tree this past summer and are trying to come up with a landscaping design worthy of taking the tree's place. I mention this to convey that we understand that we have a treasure and it is our intent to protect the property for future generations. The house is in need of significant upgrades to the building envelope and mechanical systems. The utility costs are extremely high due to lack of insulation, drafty single pane windows and an inefficient boiler/radiator system. We added to the electric service a few years ago but still have nob and tube wiring in a large portion of the house. Our stone basement routinely floods in heavy rains contributing to mold problems. We have central air conditioning in the newer family room and kitchen area only. I'm sure with your knowledge of historic properties you can understand that these maintenance issues are ongoing. Another issue we have been burdened with over the past year is an increase in insurance for the property. We have always carried a higher than market value amount of insurance however our carrier is now forcing us to insure the property for close to a million dollars. We have checked with other carriers receiving similar or higher quotes. The needed upgrades, utility costs and insurance costs, coupled with the fact that Peter has been laid off for six months, have forced us to consider selling the house.

I am not sure if you are aware of the fact that there is a "mother-in-law" apartment (actually the old caretaker's apartment) above the garage that was built as part of the 1920's remodeling. We have a permit to rent this apartment and have a tenant there currently. Because of this unit we are nonconforming in the R1B zoning district and are considered a duplex. Current zoning would allow for the house to be 2 separate units, potentially becoming a student rental with a permit for eight. Current zoning would also allow the one acre property to be subdivided into three separate lots with the potential for additional units to be built. If we were looking at the property from strictly a business perspective, the scenario I just described would probably reap the greatest return. We feel this would destroy not only the house but also the surrounding green space and further degrade the neighborhood with rental property.

When we were approached by Coe Potter with the possibility of converting the house to office space while maintaining a residential facade this idea intrigued us. He spoke to us about how similar properties in Oxford such as The Crisis Center, Bonham House, The McGuffey Museum, etc. have been not only renovated but enhanced by the resources of an organization, resources that are out of reach for most home owners. We have also considered converting a portion of the house to office space for our own business and I have designed some plans that divide the house in a way that maintains its original character.

I appreciate your desire to see the house remain a single family home (even though the house is actually a duplex). As beautiful as the house is, our location is less than attractive for families looking for a large home. The enjoyment of sitting on our front porch is compromised by the sound of the surrounding businesses' drive throughs. The view from our lovely sunroom is apartment units. As you stated the house is a "gateway" to the single family district west of uptown. Our proximity as "gateway" and the nature of the businesses that surround us is precisely what lessens the houses marketability as an owner occupied residence. My fear is that even if we sold the house to a family they would soon face the same issues we are and for financial reasons would convert the house into a traditional duplex, opening the door for use as a student rental. In my mind the option of preserving the home as a professional office in a manner similar to the Dayton Street area in Hamilton would be a service to the house and community and is in keeping with the Comprehensive Plan.

I don't expect you to agree with our analysis but I do think we share the same goal which is the preservation of a historic Oxford home. From the sound of your letter, I got the impression you haven't been inside the home. Please feel free to call us and we would be happy to give you a tour.

Sincerely,
Connie McCarthy, AIA, LEED AP

Jung-Han Chen

From: Bill Brewer [bbrewer@designedlearning.com]
Sent: Friday, February 05, 2010 3:22 PM
To: Jung-Han Chen
Subject: FW: rezone request for 5990 Contreras Rd.

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From: Marsha Haffey [mailto:momhaffey@yahoo.com]
Sent: Friday, February 05, 2010 12:48 PM
To: Bbrewer@designedlearning.com
Cc: Rkeebler@cityofoxford.org
Subject: rezone request for 5990 Contreras Rd.

Dear Mr. Brewer,

I am contacting you to voice my objection to the request to zone 5990 Contreras Rd. as a business. What business needs to be next door to my home or anyone else's? Contreras is an attractive residential street & does not need to have its amenities sullied by a business. There are places in town with the proper zoning that could be used instead of standing empty. Though the Comprehensive Plan seeks to attract professionals to the city, a change like this does not guarantee new workers & income. It could be a place for businesses already operating in town to move & create just another empty space. Look at the way approved student rental complexes built in the past few years have left so many long standing rental properties vacant. Please do not vote to approve this rezoning request.

Sincerely'
Marsha A. Haffey
5106 Bonham Rd.
Oxford, Ohio

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.435 / Virus Database: 271.1.1/2667 - Release Date: 02/05/10 07:35:00

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Lynn Taylor

From: Kathleen Zien [zienkl@hotmail.com]
Sent: Friday, February 05, 2010 5:14 PM ✓
To: bill houk; John Harman (External); Bob Blackburn; Richard Keebler; Greig Rutherford (External); katecurrie@hotmail.com; kevin@mckeehans.com; retiredbogard@woh.rr.com; bbrewer@designedlearning.com; wongtw@muohio.edu; hurstons@zoomtown.com; prythedl@muohio.edu; kaysa@muohio.edu; smithml3@muohio.edu; kkpeterka@hotmail.com; henderlb@muohio.edu; dhaizman@aol.com; lloydhc@muohio.edu
Cc: Lynn Taylor; Kim Newton; Mary Ann Eaton; steve mchugh; Jung-Han Chen; Kathy Dale
Subject: common sense to promote participation?

I never mean to get anything of importance out by the last hour of the work week, but I've been working on this all day.

I realize we all want to beat the snow home...

Friday, 2/5/10 late afternoon

Just tossing this out to city staff, Council, Boards and Commissions:

I wonder if there's a better, or more inclusive and effective, way to have citizen input than the contact methods we currently use?

**** Could Council, staff and/or assorted boards and commissions consider a work session to brainstorm?

Perhaps updating the method(s), calendar timeline, distance limitations from a property line to be more inclusive for citizen participation at city hearings, can be addressed?

Case in point: the upcoming request Tues. Feb. 9, 2010 for rezoning 5990 Contreras, Pete & Connie McCarthy.

Since it's particular to my neighborhood, I'm more sensitive to it.

As I drive by the house and read the posted meeting sign with the notice of "Map Amendment" as the subject, that seems benign to most drive-bys. Although it is the literal terminology of what's officially listed under 1135.02, it means little to most and doesn't sound like it's important.

It would be of interest to know how much more attention (and concern) a posted sign that said "Property Zoning Change" might have been.

I realize the city must set a distance limitation for mailed announcements or you'd be sending 100's of forms each month.

I don't know how or when the "200 ft. limit from the property line" was determined.

As a distance comparison, our property lot is 90 x 130. From my N. Joseph Dr. curb to the S. side of Contreras would be beyond that 200' limit. It's not really much distance!

As I review the comment form that was sent for the Planning Commission hearing, it's minimal message had the case number and date of hearing.

The brief descriptive was:

"ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

If you cannot attend....return by Feb. 2, 2010..."

In the case of the pending Contreras request (since it had been a Concept Idea at December 2009 Planning) ---- couldn't the one page Staff Report w/ "Conceptual Review" have been stapled to those who received the Comment Form?

The staff report had the description and Zoning Code Map Amendment criteria: A thru D Decision Standards.

There was no staff recommendation that would bias.

Attaching pg. 11 of the Dec. agenda would have been at least of minimal help to those on the hallowed 200 ft. list.

When comment cards are sent without any explanation, [in this case, without the Dec. staff report, or the submitted floor plan of current and proposed use that was provided by the applicant] -- comment forms guarantee little, if any, return. Those who may receive a card may not know what it's about.

People don't know what to write because they don't know the issue. Their work hours don't permit time to call the Planning Dept. to understand why it was sent.

It's unfortunate, particularly since the 5990 Contreras corner is a significant one that begins our residential neighborhood, some may have received a comment form but didn't know how to respond to it.

If you don't live on a lot next to 5990 Contreras, sending Comment Forms to owners on Dick, Joseph, James and both sides of Contreras, west of Dick to Hilltop may have offered Planners a different story. Those within 200 ft. is ineffective for this proposal when 3 immediate neighborhoods of single family homes are impacted. (Jacqueline-Marti Ct.,- Meadow Circle, Wespiser Place, Hill & Hollow)

For those who asked me, I suggested they submit their own made-up form. Many who will be affected by a potential change or who have something to say didn't know they could.

Although the city does what they have to for minimal notice, a family who lives 5 homes from the McCarthy home and pass it many times a day, contacted the Planning Dept. because they didn't qualify in distance to receive a comment form.

As most citizens are in the 98th percentile of never attending a city meeting, never reading an agenda nor watching meetings on tape, what are the odds that you even get returned responses? Slim to none –

Since there is 30 day Legal Notice in the OXpress of meetings, there's probably a similar timetable of 30 days for the Comment Forms to be sent.
In 30 days, they are forgotten.

I know, having talked w/ some neighbors, that although they may have received comment forms in early January, they had no idea what it was about....or it's been lost in junk mail piles.

While I may be one of 1% to review agenda paper trails of applications, it's discouraging to read many applications with Staff Comment: "No Public Comment Forms have been returned."

Assume worst-case scenario (*particularly you, city decision makers*) -- that the public wasn't informed, didn't understand, or the form was inadvertently tossed in the trash.
Never assume "Silence means consent."

Although the city may have done the task required by law for public notification, although well-meaning, it seems to be an ineffective method that yields little, or poor, results.

Commissions and Council [should] welcome public comment. That's why we're all here - -- to dialogue and understand impacts to the community before making decisions for the benefit of one to the disadvantage of many.

For those who are more comfortable speaking than writing, I hope some will attend Tuesday's meeting and be encouraged to come to the podium.
Some may attend just to be a 'presence' in the room. Also helpful.

Because we all have busy lives, or families that need attention, some can never attend meetings nor feel comfortable doing so. Although it's unfortunate, it's understandable.

People think others will carry the mantle.
Never depend on anyone else to do the job you can (and should) do yourself.

If members of Council, boards or commissions see only the applicant in an empty courtroom, there may seem to be less accountability.

Minutes are rarely read by the public for followup, reporting in the Ox Press is often weeks late, and whatever decisions are made, may be thought of as only affecting the applicant.

It's not until a demolition takes place, a change of use, or a rezone next door to your kitchen window....that the public says "WHEN or HOW was that allowed!"

Oxford is small enough that every decision affects us all.

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Kathy Dale

From: Kathleen Zien [zienk@hotmail.com]
Sent: Sunday, February 07, 2010 6:06 PM
To: Kathy Dale
Subject: 200 ft. or 200 yards?

I'm thinking I was correct for distance limitation for Comment Forms as **feet**.

If it was 200 YARDS that would be 2 football fields in length, and surely just about all of Joseph Dr. would have been in that hatched circle on the map to Contreras.

thnx.k

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Jung-Han Chen

From: Kathy Dale
Sent: Monday, February 08, 2010 11:41 AM
To: Jung-Han Chen; Lynn Taylor
Subject: FW: 60 seconds times "X"

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From: Kay, Susan <kaysa@muohio.edu>
Sent: Monday, February 08, 2010 10:29 AM
To: Kathy Dale <kdale@cityoffoxford.org>
Subject: FW: 60 seconds times "X"

From: Bill Brewer [bbrewer@designedlearning.com]
Sent: Sunday, February 07, 2010 5:08 PM
To: 'Kathleen Zien'
Cc: Kay, Susan
Subject: RE: 60 seconds times "X"

Hi Kathleen,
I am not the Chair of Planning as of January. In fact, I may not make the meeting Tuesday and I know I can not make the work session. My term expires after the May meeting. You might want to send this to Susan Kay. I will copy her as well.
Bill

From: Kathleen Zien [mailto:zienkl@hotmail.com]
Sent: Sunday, February 07, 2010 4:59 PM
Subject: 60 seconds times "X"

just for you....

Sunday, February 07, 2010

I ask your time indulgence (beforehand) for my public comments at Tues. 2-9-10 Planning Commission -- McCarthy application to rezone 5990 Contreras.

You know I try to be very thorough.
I've spent the past month+, many hours, and dozens of drafts doing my homework – auditor files, city records, Smith Library and a drive to Hamilton's Dayton-Lane district.

I'll try and speak in 4/4 time, but not so fast that you can't understand it. I hope I'm not the only one speaking that night; (I may make up for the time that no one may come to the podium?)

Information is important and I hope you are willing to hear it.

When Councilor Steve Fee served (I think he may also have been Co's rep to Planning), if someone was to their allotted time and still talking, he'd say, "If they took the time to research, I'm hear to listen." I hope you will do the same.

I'd look forward to the day when I could be up-and-back, reseated in 3 mins., (less adrenalin and rehearsal for me), but with all the data I found, that's not possible this time.

This agenda item is of great concern to me, how it was handled in December...and what information I've since found out. I hope to present more thorough information than you may have been provided at your Dec. 'concept' meeting.

As you have kindly and professionally offered me in the past, I do appreciate your full attention...*it's possible to miss the message when you're distracted by the second hand.*

Often I am the only public voice at a meeting. Whether I'm one or one dozen, I thank you.

kz

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Version: 8.5.435 / Virus Database: 271.1.1/2670 - Release Date: 02/07/10 19:35:00

Lynn Taylor

From: Kathy Dale
Sent: Monday, February 08, 2010 11:42 AM
To: Jung-Han Chen; Lynn Taylor
Subject: FW: One staff report of import missing?

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From: marvin hurston <hurstons@zoomtown.com>
Sent: Monday, February 08, 2010 11:38 AM
To: Kathy Dale <kdale@cityofoxford.org>
Subject: FW: One staff report of import missing?

From: Kathleen Zien [mailto:zienkl@hotmail.com]
Sent: Sunday, February 07, 2010 4:53 PM
To: kathy dale (city planner); jh chen; bbrewer@designedlearning.com; johnharman@usa.net; rkeebler@cityofoxford.org; wongtw@muohio.edu; hurstons@zoomtown.com; prythedl@muohio.edu; kaysa@muohio.edu
Cc: lynn Taylor (city of Oxford)
Subject: One staff report of import missing?

SUNDAY, 2/7/10

Dear Planners and staff:

As I review this week's Planning agenda, is there a reason why K.Dale's Staff Report that appeared for the Conceptual Review (p. 11 of Dec. 8, 2009 Planning agenda, rezoning 5990 Contreras) is not within the Feb. 9 PC agenda? or did I miss it...?

Isn't it considered part of the papertrail on this case? Doesn't all information, particularly from staff, usually continue from one agenda to the next?

I didn't think Mr. Chen's report would supersede Ms. Dale's as the Description differs slightly from Mr. Chen's, and hers is supplemental to it.

Ms. Dale's 2nd paragraph in that Dec. report was of note: 'Staff has also reviewed the concerns of rezoning property to a district that it is not contiguous with. Nonetheless, the property owner wishes to discuss this conceptually with the Planning Commission before pursuing any further.'

*** The posted sign for the meeting that was on the front lawn of the house is gone after Friday's snow. Buried? Conveniently removed?
Any chance that can be re-inserted / re-posted on Monday.

Two days is still 2 days til the meeting.
Otherwise, "Out of sight, out of mind."

Thanks.

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Lynn Taylor

From: Kathy Dale
Sent: Monday, February 08, 2010 1:38 PM
To: Lynn Taylor
Subject: FW: Tuesday 2/9/10 snow forecast

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From: Kathleen Zien <zienkl@hotmail.com>
Sent: Monday, February 08, 2010 1:20 PM
To: Jung-Han Chen <JHChen@cityofoxford.org>; Kathy Dale <kdale@cityofoxford.org>
Cc: Mike Dreisbach <MDreisbach@cityofoxford.org>; bbrewer@designedlearning.com
<bbrewer@designedlearning.com>; John Harman (External) <johnharman@usa.net>; Richard Keebler
<rkeebler@cityofoxford.org>; wongtw@muohio.edu <wongtw@muohio.edu>; hurstons@zoomtown.com
<hurstons@zoomtown.com>; prythedl@muohio.edu <prythedl@muohio.edu>; kaysa@muohio.edu
<kaysa@muohio.edu>
Subject: Tuesday 2/9/10 snow forecast

Dear Kathy & Mr. Chen:

Today's up-to-date, noon weather forecast for Tuesday does not sound good.

Snow starting Monday night, continuing thru Tues. morning rush hour....day - into - evening.

By 5 PM Tues., the projection is 7-9" of snow by evening rush hour Tues. 2/9...(deeper than last Friday's)

With that much weather info. known ahead of time (maybe you have another reliable source like M.Dreisbach in our Service Dept. who must keep track of forecasts for preventive measure)...**is there a chance that tomorrow's Planning mtg. may be cancelled?** Better to know and plan 24 hrs. ahead, then try and make contact with multiple people's schedules (board, staff, applicant, citizens) at the last minute -- within hours of the meeting.

I know your Planners typically pencil in the 2nd Tues. of the month, but when you call a special mtg. or reschedule, there's more calendar juggling for all.

IF you all determine the mtg. is cancelled, please contact me.

So....Mtg. cancelled until _____date_???, or still on.

I have blind copies of this message to citizens who were interested in the meeting and/or attending. I don't know if you Reply All if the blind copies would automatically receive the sender's message? I never tried it.

We shall see. I'll hope someone on my blind copy list will let me know, so I don't have to re-forward the decision to all....

With the amt. expected to come out of the skies, you may have difficulty getting to work from Cincy or Mr. Chen from Middletown?

PLEASE LET ME KNOW AS SOON AS YOU COME TO DECISION. THANKS.
I'M NOT ON EMAIL THIS AFTERNOON, BUT WILL CHECK AFTER 5 PM, OFFICE
CLOSING....

THANKS, K

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Kathy Dale

From: Kathleen Zien [zienkl@hotmail.com]
Sent: Monday, February 08, 2010 3:53 PM
To: Lynn Taylor
Cc: Jung-Han Chen; Kathy Dale
Subject: Ms. weatherwoman

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Thanks for temp. info.

I'll wait for the call. Then I can get a cancel SOS out to some....

when Mike D. has staff shoveling you from the OUTSIDE in order to open the drs. to city bldg. to get out.

weather may prevent K.Dale, Mr. Chen or S.McHugh from a commute perhaps. If they're not there, the meeting can't go on, can it? Pls. advise.

IF YOU DO KNOW SOMETHING BY THE END OF WORKDAY, PLS. CALL TONIGHT. 523 - 1496

Kathleen L. Zien
KLZ Handweaving Studio - Stone Petal Gardens
PO Box 161 - Oxford, OH 45056-0161
[513] 523-1496

From: ltaylor@cityofoxford.org
To: zienkl@hotmail.com
Date: Mon, 8 Feb 2010 14:40:12 -0500
Subject: RE: Tuesday 2/9/10 snow forecast

Kathleen-

Regarding the meeting tomorrow, as far as we know it is still on. We probably won't know anything until Tuesday afternoon. The Planning Commission would be the one to cancel the meeting. Everyone lives in town except for staff and Mr. McHugh.

Thanks

Lynn

Lynn Taylor
City of Oxford
Administrative Assistant
Community Development Department
101 E. High Street
Oxford, Ohio 45056
p. (513) 524-5204
f. (513) 524-5266

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

From: Kathy Dale
Sent: Monday, February 08, 2010 1:38 PM
To: Lynn Taylor
Subject: FW: Tuesday 2/9/10 snow forecast

Kathy Dale

From: Kay, Susan [kaysa@muohio.edu]
Sent: Monday, February 08, 2010 5:16 PM
To: Kathy Dale
Subject: FW: Rezoning of property on Contreras

Here's one more.
Susan

From: Elaine Rauckhorst [elaine_rauckhorst@yahoo.com]
Sent: Monday, February 08, 2010 2:08 PM
To: Johnharman@usa.net; hurstons@zoomtown.com; Kay, Susan; Rkeebler@cityofoxford.org
Subject: Rezoning of property on Contreras

Dear City Officials,

I understand that the property at 5990 Contreras is being considered for rezoning from residential to commercial. As you are well aware, there are many vacant commercial spots all over town. Why would we want to create another commercial area? Please do all that you can to keep this property and all property on Contreras with a residential designation.

Thank you,
Elaine Rauckhorst
129 Country Club Dr.
(off Olde Farm, which is off Contreras)

Lynn Taylor

From: Kathy Dale
Sent: Thursday, February 18, 2010 4:46 PM
To: Lynn Taylor
Subject: FW: The next "real" PC mtg. for March, '10

Kathryn A. Dale, AICP

City of Oxford
 City Planner
 Community Development Department
 101 E. High Street
 Oxford, Ohio 45056
 p. (513) 524-5204
 f. (513) 524-5266

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From: Kathy Dale
Sent: Tuesday, February 16, 2010 10:50 AM
To: 'Kathleen Zien'
Cc: Lynn Taylor
Subject: RE: The next "real" PC mtg. for March, '10

Kathleen,

Last week we called all of our applicants and PC members before rescheduling the meeting to tomorrow night. At first Mr. McCarthy said he could make it to the meeting, but hours after we had rescheduled and started to advertise he called back and indicated that he looked at the calendar wrong and thought we had meant to reschedule for tonight (exactly one week instead of Wed.). We told him we couldn't reschedule again so he would either have to have representation there or request for it to be tabled until the next regular meeting.

We have resent letters to those within the notification requirement, I believe there was another notice in this past Friday's paper, it should be on public access and is on the City's website. Signs were also posted at the Courthouse last week. A new yard sign will also go up – well it will be a top a snow pile at least...Lynn will, make sure it's visible when installed.

Kathryn A. Dale, AICP

City of Oxford
 City Planner
 Community Development Department
 101 E. High Street
 Oxford, Ohio 45056
 p. (513) 524-5204
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From: Kathleen Zien [mailto:zienkl@hotmail.com]
Sent: Sunday, February 14, 2010 3:07 PM

To: Kathy Dale

Subject: The next "real" PC mtg. for March, '10

I KNOW YOU WON'T GET THIS UNTIL TUES. AM. WHEN YOU RETURN TO WORK AFTER HOLIDAY, ...STRUGGLING TO DRIVE INTO OXFORD, ANKLE DEEP IN SNOW.

IF THE FORECAST WILL BE CORRECT (3-9" -- GIVE OR TAKE A FOOT!) IT'S GOOD THAT YOU HAD A ONE DAY PRESIDENT'S HOLIDAY AT HOME W/O THE STRESS OF THAT DRIVE TO/FROM. HOW FAR DO YOU LIVE FROM OXFORD? 10 OR 40 MILES?...OR MORE. TO NORTHGATE IS ABOUT 22. I SUSPECT YOU'RE FURTHER?

----SEE BELOW....KZ

From: ltaylor@cityofoxford.org

To: zienkl@hotmail.com

Date: Wed, 10 Feb 2010 08:55:04 -0500

Subject: Upcoming Planning Commission Meetings

Kathleen-

I wanted to let you know what was going on.

The rescheduled Planning Commission meeting for February 17, will only hear PC-03-2010 – Reckford Woods

Mr. McCarthy has requested his case be tabled until the regularly scheduled Planning Commission meeting on March 9, 2010.

****** KD, WAS THERE A REASON THE APPLICANT OFFERED REQUESTING THE NEXT MONTH VS. THIS WEEK WED. ?**

So, if you would like to notify those who you have been talking to regarding this case, please let them know that the Public Hearing for PC-04-2010 will now take place on **March 9, 2010** at 7:30.

THANKS KD, AND LT....I TOLD AS MANY AS I COULD. HOPEFULLY, NO ONE WILL BE AT THIS WED'S. MEETING EXPECTING TO HEAR CONTRERAS.

Staff will follow through on all other notifications.

Thanks

Lynn

Lynn Taylor

City of Oxford

Administrative Assistant

Community Development Department

101 E. High Street

Oxford, Ohio 45056

p. (513) 524-5204

f. (513) 524-5266

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Jung-Han Chen

additional public comment

From: Janis Dutton [jldutton@iac.net]
Sent: Monday, March 08, 2010 2:03 PM
To: bbrewer@designedlearning.com; John Harman (External); mannwell41@woh.rr.com; publication
kaysa@muohio.edu; Richard Keebler; prythedl@muohio.edu; wongtw@muohio.edu
Cc: Kathy Dale; Jung-Han Chen
Subject: McCarthy property re-zoning

*distributed @ 3/9/10 mtg
(after publication)*

34

Planning Commission Members,

I am concerned about the economic hardship rationale apparent in the McCarthy's request to spot zone their property. First, spot zoning is inherently problematic and should receive the highest analysis of the decision standards set forth in the zoning code. This request meets none of the standards you are required to follow, especially since the supposed hardships of surrounding uses existed long before the McCarthy's purchased the property and the comprehensive plan and zoning maps are relatively recent. There is no error on the zoning map, and it is ludicrous to make the argument that Oxford needs more office space when there are so many vacancies in the office space we already have.

As to economic hardship, the entire country is experiencing the hardships of the downturn of the economy and crash of the housing markets. A significant number of properties in Oxford have been on the market for years. Some are empty. Are you prepared to spot zone these properties as well? Though it is not on the market, my home on West Vine St. is only a few hundred yards from a large multi-family complex, a gas station, car dealer, and other businesses on 27 North. If we could divide it into offices and artist studios we might recoup some of the losses incurred in the current recession.

The Comprehensive Plan is a legal contract with the citizens of Oxford collectively. Your responsibility is more to the surrounding property owners who were guaranteed certain protections under that contract than to individual applicants, especially when this particular request is batting 0 for 4 in your decision standards.

Janis Dutton

1 Marsden

5106 Bonham Rd

residential/specialty green zone
PC-04-2010@3/9/10 nktc

25

When I first heard about this request, I thought it was none of my business. I don't live on that street. It will have no effect on me or my home. And then I realized that it does affect me & my property. Oxford is a community & I am part of this community. If this rezoning is allowed it will affect more than just the Contreras neighborhood. It would set a precedent that other property owners could point to when they find it profitable to rezone their own property.

The city of Oxford needs to look at properties like this as a valuable asset to the community as a whole, not just as a commercial item to be parlayed for the enrichment of an individual property owner & real estate professional.

We need to protect our residential neighborhoods. We must not allow what has happened in the mile square to be dropped into pockets all over town. And speaking of the mile square, I believe there is unused office space there that should be used before residential areas are rezoned to that purpose.

The Planning Commission needs to place the community's wellbeing above that of the individual property owner & real estate person. Please remember that Oxford has a zoning code & Comprehensive plan. Any applicant & his request must adhere to those guidelines. And it is your responsibility to see that they do.

Thank you.



March 28, 2010

Gini Maddocks
211 S. Elm Street, E
Oxford, Ohio 45056

To Whom It May Concern

I am writing regarding the coexistence of commercial and residential property. In my situation at located at 211 S. Elm Street, there are 4 apartments and a 1st floor business located in the same building. I rent both an apartment and a business suite at this location and have the unique perspective of both situations.

I'm glad to say that we maintain a highly professional, service oriented business that easily coexists with our renters because our landlords, Chris Peterson and Errol Gundler, are highly selective of the people to whom they rent. We coexist as professionals and discriminating residents, dedicated to keeping our grounds and building in good shape. We care about our building as demonstrated by the upkeep and our landscaping efforts. We pitch in and take care of it together--as a micro-community effort.

We have 3 off-street parking places and share street parking with the Whistle Stop and residents near by. We are mindful to maintain our residential appearance and believe it is a feature that our clients enjoy. We are both professional and residentially appealing. It is this sort of effort that keeps Oxford unique in its homey atmosphere. I urge you to keep this in mind as you deliberate the McCarthy property on Contreearas.

Sincerely,

Gini Maddocks

Planning Commission Meeting
March 9, 2010
McCarthy Statement

I'd like to thank the commission for the discussion at the December meeting regarding our property. We've given a lot of thought to this application and know that this will not be an easy decision for you as the decision to make the application was not easy for us. We are in the unique position of owning what we think is the only century old owner-occupied house of its size in Oxford. We love this house and make this request as a way to preserve this stately property for generations to come.

As we stated in our application our house is non-conforming in the R1B district because it contains a rental unit and thus is categorized as a duplex. Our house is at the eastern edge of the R1B district with a strip of R3A multifamily that separates us from the GB district at Lynn Ave and the Locust St./High St. corners. The house has been categorized in some of the public comments as the keystone property that defines the residential district at Contreras Rd., a district of mainly single story homes on one-third acre lots. Our house is a 19th century era Queen Anne Victorian, three stories and 5400 square feet on a one-acre lot. This house may be the most prominent structure in the R1B area but it hardly defines the area - it stands out because it is unique and large with a large yard. Thirteen acres surrounding the house were originally part of this houses' estate that was annexed into the city in the 1960's. The estate was divided in the early 70's into what today are the R1B and R3A districts. When the R1B district boundaries were drawn our house was not the model used to define what R1B describes, the neighboring single and occasional two story homes did. Our house does not meet the definition of medium density single family home and is nonconforming. Was a mistake made at the time these district boundaries were drawn? That is hard to answer as the house neither meets the R1B or adjacent R3A categories, complicated by sitting a stone's throw away from an expanding GB district, the dilemma we find ourselves in today is created, which is that our 5400 square foot property is seriously limited in its function as an owner occupied residence because of its location at the edge of multi-family rentals and a general business district.

To answer the question, "Has there been a substantial change in area conditions?" Pete has researched zoning maps of the area dating from 1979.

We believe the area to our ^{east}~~west~~ and south has significantly changed in the past 30 years.

Oxford's current zoning designations recognize that historic properties just outside a business district are particularly well suited to a mixed use category of Residential Office, or RO. As we learned at the December meeting, RO is a residential category that allows a restricted professional office use and maintains the appearance, setbacks and lot coverage of residential districts such as R1B. RO is meant to transition and buffer a residential district from a GB district, with functions that are not disruptive to residential life. For historic properties, the RO designation provides an elegant setting and allows an income producing function that helps an owner preserve these lovely but high maintenance properties. The RO designation would allow professionals such as myself to run a business with employees out of my home. It's important to note that RO does not preclude an owner occupied function but it does allow flexibility and income potential for the owner. The comprehensive plan supports an increase of professional office space and mixed-use structures in the city limits. We believe this house would be an asset to the city as a mixed-use building or professional office.

Looking around our community we've seen almost all the older homes become student rentals. The exceptions are some properties in the RO districts north and south of High St. that have either a 100% office use or are mixed use properties - most of these properties were grand homes at one time. They seamlessly blend into the residential area. I'd like to point out 103 W. Walnut as a prime example of a stately but somewhat deteriorated home given a new life with a much-improved appearance as an office. We believe our home meets the spirit of the RO designation and the income

potential would allow the ongoing maintenance, mechanical upgrades, new windows, tuck pointing, roof repairs, drainage correction, landscaping, etc. the property needs.

If you can bear with me, I'd like to describe a scenario that would be allowable under the R1B zoning. In its current non-conforming state with a rental unit above the garage, the house could be renovated into a standard two family duplex opening the door to becoming a 100% rental. Our acre lot has the potential to be subdivided into three lots of similar size to the surrounding neighbor lots on which separate housing units could be placed. Ironically, this would be in keeping with the neighborhood. Because of high utility costs, the costs of maintaining a 114-year-old structure and most importantly the location, we believe this scenario is inevitable under the current zoning.

We would rather not see this happen and believe the neighborhood is better served by keeping the estate, meaning the house and the grounds intact. Some of the public comments indicate concern that office use = increased parking. RO dictates that parking be to the back or side of the street face and that lot coverage can be no greater than 35%, the same standards they adhere to under R1B. An advantage to this property is that there is street parking available along Jacqueline Dr. Should additional parking be desired on site to support an office function, the acre lot is needed to remain within the 35% thus preserving almost 2/3 of an acre of green space and provides some distance between the house and our neighbors.

Although we have received a lot of positive feedback from our neighbors, there are at least two of them who provided written comments to you, there are understandably those who oppose this plan and fear further creep of non single-family development. We can understand this since that is what has happened to us. Mindful of that we were reassured to learn the restrictions RO provides in maintaining a residential appearance and allowable uses that minimally impact the residential community to our west and north. I've asked myself if we were to divide the house into separate units and live there, would I rather share the house with 4 unrelated people in a rental unit or share it with a doctor's, lawyer's, or architect's office? Which would I choose? Without question, I would choose the professional office housemate who I know would maintain the house and yard to a professional standard as a neighborhood stakeholder.

There are also public comments that state a concern that if this zoning change is approved a precedent would be set allowing homeowners on Vereker Dr. and Contreras to convert their homes to offices. My comment back is that our application is based on the fact that we have a unique home unlike our neighbors, that the current zoning does not accurately describe this property and that we know of no property along Vereker or Contreras that is nonconforming and a unique historic home of estate size. We are asking that our home be given special consideration because of these qualities.

We thank you for your consideration of this application.

Lynn Taylor

Comment after 3/9/10

From: Kay, Susan [kaysa@muohio.edu]
Sent: Thursday, March 11, 2010 9:47 AM
To: Lynn Taylor
Cc: kdale@cityofoxford.ord
Subject: FW: Thanks

mtg

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For the record.
Susan

From: Stuart Meck [stumeck@rci.rutgers.edu]
Sent: Wednesday, March 10, 2010 11:24 AM
To: Kay, Susan
Cc: 'Kathy Ellison'
Subject: Thanks

Susan,

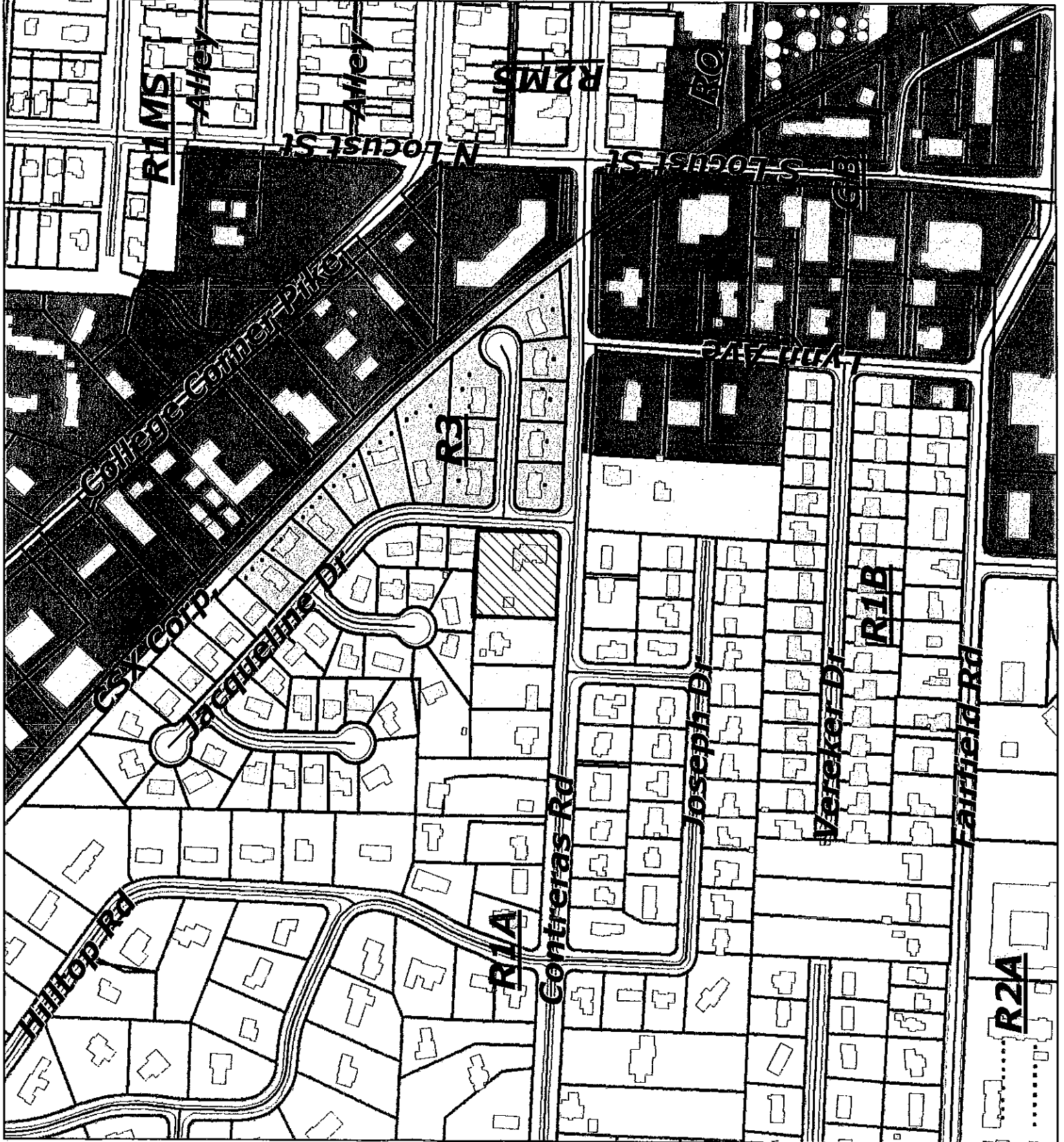
I received a report from Kathy Ellison regarding the Oxford Planning Commission's recommendation on the McCarthy rezoning on Contreras last night. In particular, I learned that you walked the Commission members through each of the decision standards and got them to vote on each one. This is the way a planning commission is supposed to function, and I am pleased at the outcome. Thank you for your leadership.

Stuart Meck, FAICP/PP
Associate Research Professor
and Director, Center for Planning Practice
Edward J. Bloustein School of Planning and Public Policy
Rutgers, The State University of New Jersey
33 Livingston Avenue, Suite 200
New Brunswick, NJ 08901
Tel. 732-932-3822, ext. 640
Fax 732-932-0934
Email: stumeck@rci.rutgers.edu
"The light at the end of the tunnel is New Jersey."

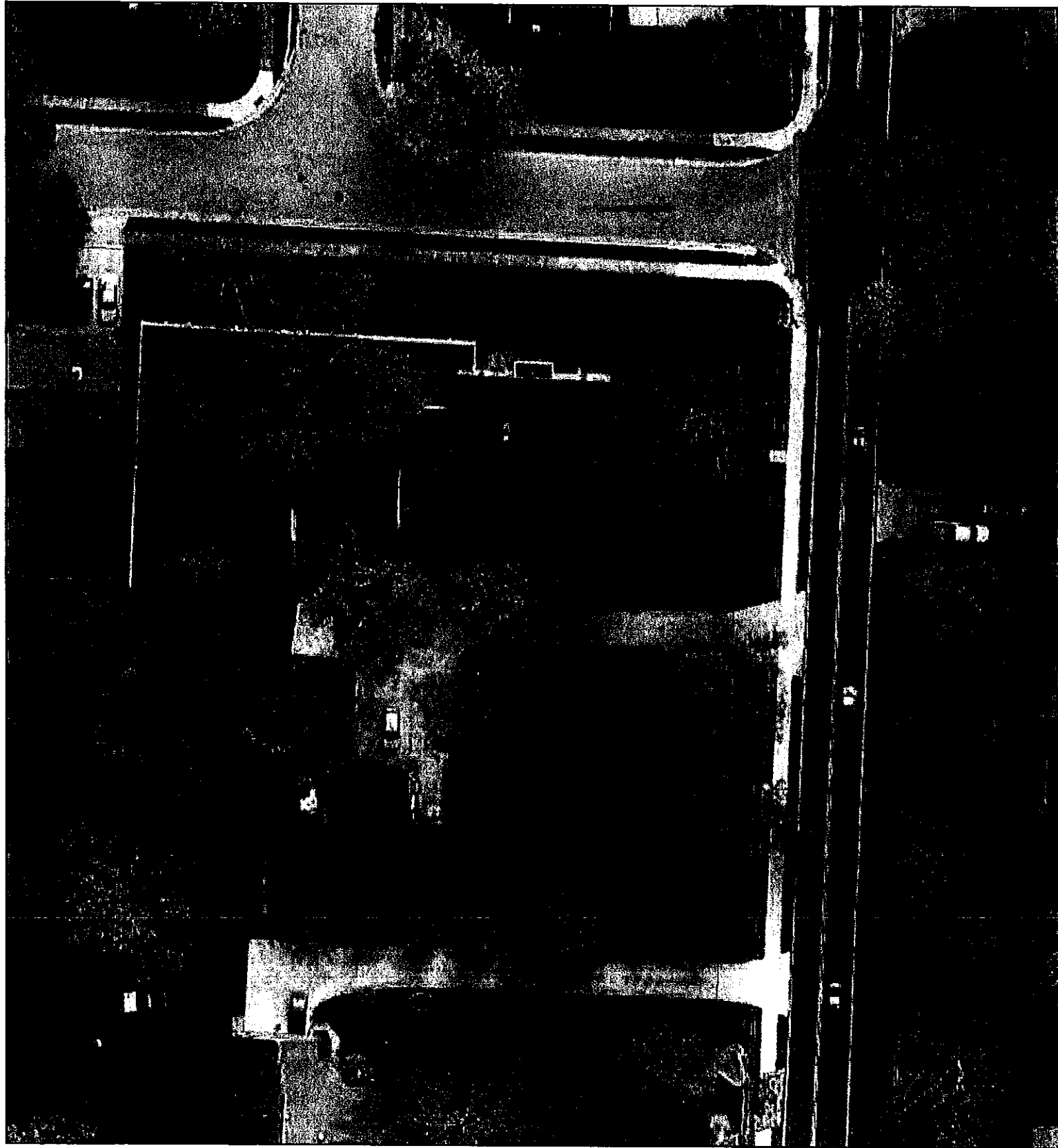
PC-04-2010

5990 Contreras

Rezoning Application
from R1B to GB

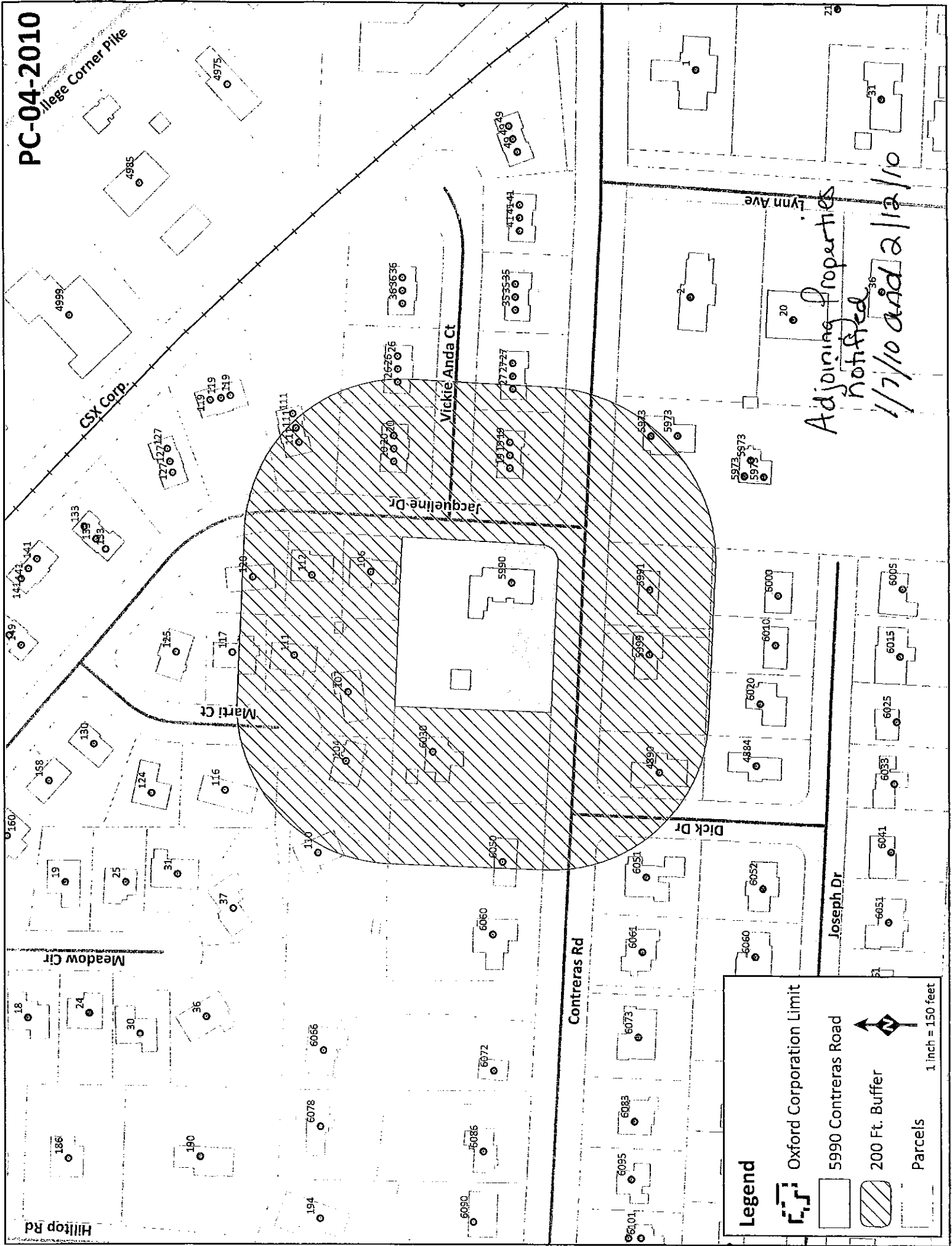


PC-04-2010
5990 Contreras



PC-04-2010

Allege Corner Pike



Legend

- Oxford Corporation Limit
- 5990 Contreras Road
- 200 Ft. Buffer
- Parcels



1 inch = 150 feet

Adjoining Properties
Notified
1/7/10 and 2/12/10

Zoning Map Amendment Application
City of Oxford, Ohio

2/9/10 mtg
3/9/10

REQUIRED INFORMATION

Name of Applicant: Peter & Connie McCarthy
(Attach a Letter of Agency if the applicant is not the property owner.)
Mailing Address: 5990 Contreras Rd.
Oxford, OH 45056
Telephone Number(s): 513-523-3541 (H) Email Address: pcomccarthy@earthlink.net
513-545-4459 (C)
Location of Property: 5990 Contreras Rd.
(Indicate address if there is an existing structure or subdivision name and lot number if subdivided.)
Legal Description: attached
Total Area: 1 Acres / Square Feet (circle one)
Existing Use of Property: duplex residential
Current Zoning: R1B
Proposed Zone(s): R0
Proposed Use: Professional Office

SUBMISSION REQUIREMENTS

Please submit a vicinity map, at scale and a metes and bounds description of the property, the statement described below and the required fee of \$150.00, made payable to the City of Oxford. The entire submission must be prepared in accordance with Chapter 1135, Zoning Code Amendments, of the City of Oxford Zoning Code.

On a separate sheet of paper, provide the names and addresses of all adjoining property owners within 200 feet of the site, including those across streets, roads, alleys and highways. NOTE: The Butler County website (www.butlercountyohio.org/auditor) is very helpful when searching for the mailing address of adjoining property owners. Once the site is up, click on online searches, then click on real estate. It will allow you to search by owner, address or parcel number. *Property Owner names will not be provided in the agenda packet.

Attach a statement which responds to the following questions:

- What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
- How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
- How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
- What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).
- Why is the current zoning classification of the property no longer appropriate?

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

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

SIGNATURE OF APPLICANT: Connie McCarthy Date: 12-28-09

PRINTED NAME: Peter McCarthy Connie McCarthy

FEE / RECEIPT

\$150 Fee Paid / Receipt Number: 6389

Peter & Connie McCarthy
5990 Contreras Rd.
Oxford, OH 45056
p: 513-523-3541
e: pecomccarthy@earthlink.net

Planning Commission
City of Oxford
101 East High St.
Oxford, OH 45056

December 27, 2009

Members of the Planning Commission:

We are applying for an amendment of the zoning map at our personal residence, 5990 Contreras Rd. The proposal is to change the zoning from R1B to RO which would allow our 5400 sqft home to be used as professional office space. The following statement addresses the questions on the application.

1. *What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?*

A zoning change from R1B to RO supports the Comprehensive Plan in several ways. One of the plan's goals is to increase the number of high paying jobs that will attract and retain professionals, generating revenue for the city through income taxes. This zone change would add 5000 sqft of potential office space within the city limits suitable for high-income professionals such as doctors, lawyers or architects.

A second goal is to "Honor and preserve the historic character and quality of Oxford while embracing high quality which compliments existing development." The income generated by a professional business would allow for a high quality preservation of the historic elements of this 1890's era home while upgrading the mechanical systems to energy efficient standards. This type of maintenance is very difficult to perform with a middle class family income. Increasing utility and insurance costs have made it impossible for us to maintain the property to the high standards it deserves.

Other relevant factors include promoting businesses that meet the daily needs of residents within walking distance of residential areas, providing public green space (the property grounds contain well established trees and large lawn and garden areas creating a park like setting), and preserving Oxford's small town character.

2. *How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.*

The property is bordered to the east by a large multi-family complex. Neighbors directly to the south include a multi-family complex and a single-family home that has been a rental for years. Neighbors to the west and north are typically owner occupied single-family homes. The property is in close proximity to the General Business District on Lynn Ave. that includes fast food restaurants, banks, a veterinary clinic and a doctor's office. There is also a medical office complex at the corner of Locust, Church and High St. The proposed zoning would extend the professional

office use currently in the area and the RO designation would maintain the residential look of the house and not change the general character of the neighborhood.

3. *How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?*

It is anticipated that the current public facilities are adequate for a professional office use.

4. *What mitigating actions might be suggested to offset problems resulting from adverse impacts on private property and public facilities (e.g., landscape screening, drainage improvements, changes in traffic signalization, provision of additional turn lanes).*

We anticipate minimal issues with the surrounding private property. There is an existing barrier fence along the east and north boundaries of our property. Our existing driveway is approximately 90 feet from the driveway of the private residence to the west and is shielded by trees. Our property size is one acre with existing lot coverage at approximately 25%, well below the maximum allowable lot coverage of 35%. The property contains a number of large deciduous trees and garden beds that soften the landscape. Although there is room within the existing requirements to increase the paved parking area, additional landscaping may be desired if the paved parking area is expanded. Traffic along Contreras Rd. is not anticipated to increase significantly with this zoning change.

5. *Why is the current zoning classification of the property no longer appropriate?*

The 5400 sqft. home was built on a thirteen acre lot in 1896. In the early 1970's, twelve acres to the east and north were sold to developers while one acre remained with the house. The majority of the area that was sold is currently multi-family residences. Business development along Lynn Ave. has increased significantly in the past few years. Our property in R1B borders R3 and is approximately 200 feet from the Lynn Ave. GB district with little acoustical or visual separation. The proximity to these zones severely limits the home's marketability as an owner occupied single-family residence. Currently the house is nonconforming, being a duplex in the R1B district. R1B zoning would allow additional residences to be erected on the acre estate through a lot split. As an alternative, we believe the building's potential as professional office space with a large percentage of green space will help preserve the integrity of this historic building while maintaining and even enhancing the neighborhood in a manner consistent with the goals of the Comprehensive Plan.

Please let us know if there are additional questions or concerns that we could discuss prior to the Planning Commission meeting.

Respectfully,

Peter and Connie McCarthy



1" = 100'

016.000

OXFORD CORPORATION

MARTI CT.

SEE PAGE 15

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EXHIBIT A - LEGAL DESCRIPTION

Tax ID Number(s): **H4100-016-000-047**

Land situated in the County of **Butler** in the State of **OH**

Situate in the City of Oxford, Butler County, Ohio and being a part of Lot No. 1119 of said City and being bounded and described as follows: Beginning at a point in the south line of said Lot No. 1119 and in the north line of Contreras Road located South 89 degrees 09 minutes East 235.55 feet from the southwest corner of said lot; thence North 0 degree 51 minutes East 203.77 feet; thence South 89 degrees 09 minutes East 214.20 feet; thence South 0 degree 51 minutes West 203.77 feet to a point in the south line of said lot and in the north right-of-way line of said road; thence North 89 degrees 09 minutes West along said south line and right-of-way line 214.20 feet to the point of beginning

Commonly known as: 5990 Contreras Road, Oxford, OH 45056

DATE: August 31, 2004

TO: Peter McCarthy, current property owner
File

FROM: Dan Johnson, Planner & Zoning Administrator

RE: 5990 Contreras Road -- garage rental unit

This garage rental unit at this address is henceforth considered a legal nonconforming land use. The structure appears to have existed in its present form and been used as a single-family dwelling unit since before the land was incorporated into the City of Oxford and before any codified regulations would have prohibited its legal use in this manner. Information has been submitted to support this finding and it shall remain in this file for reference.

The property owner is hereby made aware that a legal nonconforming use on even a portion of the lot makes the entire lot nonconforming. This may affect the rights of the property owner to make alterations to this and other structures on the property that would not otherwise be at issue.

August 28, 2004

To Whom It May Concern:

I lived for short time in the apartment above the garage at 5990 Contreras Road while a student at Miami in the mid 1970's. I also worked at Ozzie's for Dave Osborne, who was the owner of the house at that time. One summer I rented that room from Ozzie. I know that I was not the first one to live there, nor the last.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Jena", with a stylized flourish at the end.

Dennis Jena
Oxford, Ohio

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance

Originating Department

Council Meeting Of: 04/6/10

Joe Newlin

Account Code No. #: NA

Prepared By

Budgeted Amount: NA

03/30/10

Date Prepared

Agenda Title: **MERCHANT SERVICES RESOLUTION**

Recommendation: **Approve**

Discussion:

BACKGROUND

The Request for Proposals for bank depository services and merchant services for next five years was issued in November to all institutions with branches in Oxford, and was due by 2:00 p.m., January 29, 2010. Five local banks responded to the merchant section of the RFP. Proposals were received by the following banks:

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

BASIS FOR DECISION

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

First we reviewed the pricing structure offered by each bank there was a noticeable higher cost associated in the fee structure offered by First Financial Bank and LCBN Bank. We learned that both banks use second parties to fill this need and we believed this was the cause for the rates. Meetings were held between our staff and the remaining institutions and all offered a variety of interchange rates that were lower than our current rates and those received from the other two institutions. What set Fifth Third Bank apart was the on line payment opportunities that will not cost the City any additional expense.

Based on our qualitative review of the proposals received (see attached Exhibit A), we are recommending Fifth Third Bank to provide merchant services for City of Oxford.

Approved By:

Department Head:
Acting City Manager:

Initial Date

10/3/30
APD 4/1/10

RESOLUTION NO.

RESOLUTION AMENDING RESOLUTION NO. 4514 DESIGNATING PUBLIC DEPOSITORIES AND AWARDING THE DEPOSIT OF ACTIVE PUBLIC FUNDS FOR A FIVE-YEAR PERIOD COMMENCING APRIL 3, 2010.

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

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

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

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

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

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

A depository account will be retained with Fifth Third Bank for processing Merchant Service transactions commencing June 1, 2010, and ending June 1, 2015.

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

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

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

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

Joe Newlin

From: Donovan, Sean [Sean.Donovan@53.com]
Sent: Friday, March 12, 2010 9:37 PM
To: Joe Newlin
Cc: Heidi Hill
Subject: RE: City of Oxford RFP - Merchant Services
Attachments: FTPS Payment Form Builder - 11-09 FINAL.pdf; FTPS VPOS - 11-09 FINAL.pdf

Joe,

FTPS is suggesting the use of the Skipjack Payment Application for the City of Oxford's processing. Skipjack is very flexible, as it includes a Virtual Terminal that is web based and can be used for in person "swiped" transactions as well as "call in" based payments. They system has the ability to collect the data such as invoice number, citation number, etc. This data is collected in the Skipjack reporting system and can be reviewed in real time. The VT also allows the City to e-mail receipts to customers in lieu of a paper receipt (think green).

Also, we discussed the Skipjack Form Builder, this product allows the City of Oxford to create an online payment page for just about anything and everything. This form can be created in just a few minutes, and the City can create as many as they would like at no extra charge. I would be happy to create a mock up payment page for you to review. I will just need to know the data you wish to collect from your customer.

I have attached a few product slicks that specifically discuss the Virtual Terminal and Payment Form products for your review.

Also, keep in mind that we will register the City for the lowest available interchange rates including: Utility (V,MC,D), Emerging Market (V, MC Debit), and Public Sector (MC Credit). American Express is also an option as they have a special low rate that is based on a State of Ohio negotiated contract.

We can provide daily deposits to the financial institution of your choice. All settlement from Visa/MasterCard/Discover will be in the City checking account within 24-48 hours.

Please let me know if I can answer any additional questions.

Have a nice weekend.

Sean

From: Joe Newlin [mailto:jnewlin@cityofoxford.org]
Sent: Friday, March 12, 2010 9:29 AM
To: Donovan, Sean
Cc: Heidi Hill
Subject: RE: City of Oxford RFP - Merchant Services

Sean,

Could you send me a summary of our discussion concerning on-line payments – ability to accept different payments (utilities, recreation etc.) through simple creation of forms, no additional cost to the City for these services, and any other relevant information you provided during our discussion.

Thanks

From: Donovan, Sean [mailto:Sean.Donovan@53.com]
Sent: Monday, March 08, 2010 11:47 AM
To: Joe Newlin
Subject: City of Oxford RFP - Merchant Services

Joe,

3/29/2010

Has a decision been made regarding merchant services for the City of Oxford? Is there any additional information you need from me regarding the Fifth Third proposal?

Regards,

Sean M. Donovan | Fifth Third Processing Solutions
Public Funds Merchant Specialist
38 Fountain Square Cincinnati, OH 45263
☎: 513.202.3877 📠: 513.358.3571 ✉: sean.donovan@53.com

Visit us online: www.ftpsllc.com

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.

This e-mail transmission contains information that is confidential and may be privileged. It is intended only for the addressee(s) named above. If you receive this e-mail in error, please do not read, copy or disseminate it in any manner. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please erase it from your computer system. Your assistance in correcting this error is appreciated.



SKIPJACK™

Virtual Point of Sale

Comprehensive and Efficient Payment Processing

The SKIPJACK Virtual Point of Sale solution (VPOS) is a comprehensive payment processing, management and reporting solution designed to meet the needs of businesses that process mail order/telephone order (MOTO) or retail payments.

Whether you are a terminal based merchant looking to upgrade to a robust point-of-sale (POS) system, or are already using a POS software solution but looking for more options, reporting, flexibility and support, SKIPJACK'S VPOS can help meet your needs.

VPOS is simple to use. Merchants simply:

- 1** Key or swipe the card data and associated payment data
- 2** Click the "Process" button
- 3** View the real time response

VPOS incorporates browser-accessible real-time reporting for instant, one-click viewing of several key reports.

SKIPJACK is one of North America's leading payment gateways and is a division of Fifth Third Processing Solutions, LLC, the fourth largest transaction acquirer in the nation.¹ Together, SKIPJACK and Fifth Third Processing Solutions provide powerful payment solutions that help merchants minimize their risks and maximize their profits.

¹ By Purchase Volume - Nilson, March 2009.

ADVANTAGES

- Improved payment process efficiency
- Eliminates the need to store credit card data
- Improved reconciliation and data mining capability
- Multiple reporting and search options
- No software to install
- No per seat licensing fee, unlimited number of users
- Simple to use — minimal training required
- No costly hardware-based POS terminals

KEY FEATURES

- Collect, store and retrieve a wide variety of information for each payment
- Card swipe or manual key entry support*
- Powerful transaction management functions (void, refund, re-bill, etc.)
- Recurring payment support with nine recurring schedule options
- Comprehensive transaction reporting and search tools
- Tax and shipping calculations
- Configurable line item detail
- User rights and password management
- Secure "anytime/anywhere" access from any PC connected to the Internet
- Support for all major credit cards
- Level 2 and Level 3 data support
- PCI Compliant

* With the addition of a card swipe device



Virtual Point of Sale

Virtual Point of Sale

Basic Information

* Account: Test Account (TSYS)

* Customer Name: Charles Smith

Customer Address: 124 Main St

Customer City: Boston

Customer State: Massachusetts

Customer Zip: 02370

Customer Country: United States

Phone #: 6175651212

Email Address: csmith@anywhere.com

Order Number: 18439282

Comments: For pick up

Approval Code: []

☒ Key Credit Card Information ☐ Swipe Credit Card ☐ Validate Card

* Credit Card #: 3756999999999999

CVV2: []

* Expiry (MM/YY): 03/2012

* Amount: \$129.56 ☐ Refund

Order Information

Tax and Shipping Information

Level 2 Data Information

Recurring Payments Information

Submit Clear

Customer information

Voice authorization option

Keyed and swiped option

Credit card data

Line item detail support

Tax and shipping calculations

Level 2 and Level 3* data support

Recurring payments support

* Account must be configured for Level 3 data

Optional Line Item Detail

Order Information

Number of Items: 5

Item Number	Description	Unit Price	Qty
1278	Blue Hat	\$14.95	1
2938	Gray Socks	\$6.99	2
5958	Gloves Medium	\$19.95	0
3889	Scarf	\$12.99	2
3770	Mitens Child	\$5.99	3

Printable Receipts

Print Confirmation

===== TRANSACTION RECORD =====

May Vendor
4 Test Drive
Houston, TX
30323 US

Change Status Type: CREDIT
Amount: \$5.00
Card Number: *****2225
Card Type: VISA
Date/Time: Wed, Sep 2, 2009 5:14:39 PM
Reference #: 46L111F00TACHSHSLR0053
Transaction ID: 5202854353722.022

Status: SUCCESSFUL

Sample Transaction Report

Settlements: 08/14/2009 - 08/14/2009

Records: 10

Account	Date	Transaction Status	Credit Card Type	Amount	Credit Card Loss #	Approval Code	Order Number	Transaction ID	Customer Name	Batch Number
Test Account (TSYS)	08/14/2009	Sold	VISA	\$3.99	2225	745819	0000000000000000	0000000000000000	John Doe	000000000000
Test Account (TSYS)	08/14/2009	Sold	VISA	\$17.00	2225	745819	0000000000000000	0000000000000000	John Doe	000000000000
Test Account (TSYS)	08/14/2009	Sold	VISA	\$0.00	2225	745819	0000000000000000	0000000000000000	John Doe	000000000000
Test Account (TSYS)	08/14/2009	Sold	VISA	\$5.00	2225	745819	0000000000000000	0000000000000000	John Doe	000000000000

Reporting

- Transaction search
- Transaction report
- Daily summary
- Custom reporting
- Transaction support request
- Void, Refund, Re-Authorize, Re-Bill and Settle options

System Requirements: Internet Explorer 6.0, Mozilla Firefox 1.5, Opera 8.53, Safari. Internet connection (high speed connections will result in improved performance). A Skipjack-supported USB swipe device is required for retail transactions. Please contact Skipjack Customer Support for specific supported models and processors.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Human Resources

Originating Department

Council Meeting Of: April 6, 2010

Mary Ann Eaton

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

March 29, 2010

Date Prepared

Agenda Title: Report regarding the March 24, 2010 Civil Service Commission Meeting.

Recommendation:

Discussion: The Civil Service Commission held a regular meeting on Wednesday, March 24, 2010 at 7:00 p.m. Those members present were: Phil Russo, Chair; Susan Lipnickey; Karen Martino and Charles Crain.

Donna Heck, Human Resources Director; Tom Horvath, Police Lieutenant and Mary Ann Eaton, Recording Secretary were in attendance for the City.

Also present was Linda Wendt from the Talawanda School District.

The Commission accepted the annual State Personnel Board of Review - Report of Activities for 2009.

The Commission reviewed and approved a six month extension of the Temporary Appointment for the Police Records Specialist position.

Lt. Horvath updated the Commission with regard to the status of a proposed test for the position of Police Officer.

The Commission Reviewed and approved the Civil Service Examination for Cafeteria Workers for the Talawanda School District.

The next meeting is scheduled for April 28, 2010.

Approved By:

Department Head:

City Attorney:

Acting City Manager:

Initial Date

[Signature] 3/30/10

[Signature] 4/1/10

[Signature] 4/1/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: March 16, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

March 11, 2010

Date Prepared

Agenda Title: An Ordinance Accepting the Annexation Petition From The City Of Oxford, Butler County, Ohio For 0.559 Acres Of Land In The Township Of Oxford, Butler County, Ohio And Accepting Said Territory To Be Annexed.

Recommendation: Adopt the Ordinance

Discussion:

The City supports the construction of a traffic control signal at the intersection of US-27 and Southpointe Parkway and to have that signal located in the City of Oxford so it can be accepted, operated and maintained by the City.

City Council adopted Ordinance No. 3086 on November 17, 2009 authorizing the annexation of 0.559 acres of contiguous territory owned by the County and directed the City Attorney to prosecute the proceedings necessary to effect said annexation.

The Board of County Commissioners of Butler County, Ohio adopted Resolution No. 10-02-0276 on February 25, 2010 approving said annexation in the interest of improved traffic safety at the intersection of US-27 and Southpointe Parkway.

It is necessary for the City to accept the annexation by adopting the proposed Ordinance.

Approved By:

Department Head:
City Attorney:
City Manager:

Initial Date

 3/14/10

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE ANNEXATION PETITION FROM THE CITY OF OXFORD, BUTLER COUNTY, OHIO FOR 0.559 ACRES OF LAND IN THE TOWNSHIP OF OXFORD, BUTLER COUNTY, OHIO AND ACCEPTING SAID TERRITORY TO BE ANNEXED.

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

SECTION 1: On February 8, 2010, Stephen M. McHugh, Law Director, of the City of Oxford, Butler County, Ohio filed a petition with the Board of County Commissioners of Butler County, Ohio to obtain annexation to the City of Oxford, Butler County, Ohio territories consisting of 0.559 acres of land contiguous to territory owned by the City of Oxford, Ohio, which is owned by the County, and is located entirely within the same county as the City of Oxford, Butler County, Ohio.

SECTION 2: The Board of County Commissioners did, by Resolution No.10-02-0276 adopted on February 25, 2010, approve the annexation of the proposed territory to the City of Oxford, Butler County, Ohio as hereinafter described.

SECTION 3: The Board of County Commissioners did, through the Clerk of the Board of County Commissioners, Butler County, Ohio, certify a transcript of the proceedings in connection with the map and petition required herein to the Clerk of Oxford City Council who received the same on March 1, 2010 and which documents are on file with the Clerk of Oxford City Council.

SECTION 4: The proposed annexation, as applied for in the petition of the City of Oxford, Butler County, Ohio, owners of the real estate in the territory sought to be annexed and filed with the Board of County Commissioners, Butler County, Ohio, in which the petition prayed for annexation to the City of Oxford, Butler County, Ohio of certain territory adjacent thereto as hereinafter described, and which petition was approved for annexation to the City of Oxford, Butler County, Ohio by the Board of County Commissioners is hereby accepted and deemed annexed to the City of Oxford, Butler County, Ohio. The territory to be annexed is more particularly described in Exhibits "B" and "C", attached hereto and incorporated herein.

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

ADOPTED:

MAYOR

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)



318. S. College Avenue
Oxford, Ohio 45056
P 513.523.4270
F 513.523.3785
www.bayerbecker.com

October 18, 2009

DESCRIPTION:

Right of way to be annexed
0.559 acres

LOCATION:

Southpointe Parkway and U.S. 27
Oxford Township
Butler County, Ohio

Situated in Section 36, Town 5, Range 1 Oxford Township, Butler County, Ohio and being parts of Millville Oxford Road (U.S. 27) and Southpointe Parkway formerly known as Woody's Way as recorded in P.B 318 Pg. "B" of the Butler County Recorder's Office containing 0.559 acres of land being further described as follows:

Beginning at the northeast corner of Lot 4 of Edwards Subdivision as recorded in said P.B. 318 Pg. "B", said point also being on the east right of way of said Southpointe Parkway formerly known as Woody's Way;

Thence with said east right of way of Southpointe Parkway formerly known as Woody's Way S 57°31'51"W for 224.78 feet to a point;

Thence continuing with said east right of way of Southpointe Parkway formerly known as Woody's Way, on a curve to the left, having a radius of 15.00 feet, an arc distance of 23.79 feet, chord bearing S 12°05'36" W for a distance of 21.37 feet to a point, said point being on the east right of way of said Millville Oxford Road (U.S. 27);

Thence with said the east right of way of said Millville Oxford Road (U.S. 27) S 33°20'39" E for 346.29 feet to a point;

Thence S 64°57'44" W for 30.32 feet to a point, said point being on the centerline of said Millville Oxford Road (U.S. 27);

Thence with said centerline of said Millville Oxford Road (U.S. 27) N 33°20'39"W for 407.60 feet to a point, said point being the intersection of said centerline of said Millville Oxford Road (U.S. 27) and the extension of the west right of way of Woody's Way;

Thence with said extension of the west right of way of Woody's Way and continuing with said right of way N 57°31'51" E for 270.01 feet to a point, said point being on the northwest corner of said right of way of Woody's Way;

Thence S 33°20'39" E for 50.00 feet to the point of beginning, containing 0.559 acres of existing right of way, more or less and being subject to all legal highways, easements, restrictions and agreements of record.

COMMISSIONERS
BUTLER COUNTY

CIVIL & TRANSPORTATION ENGINEERING

LANDSCAPE ARCHITECTURE

PLANNING

SURVEYING

RECEIVED

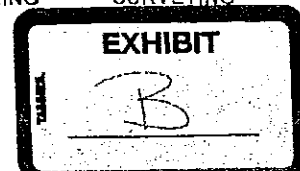
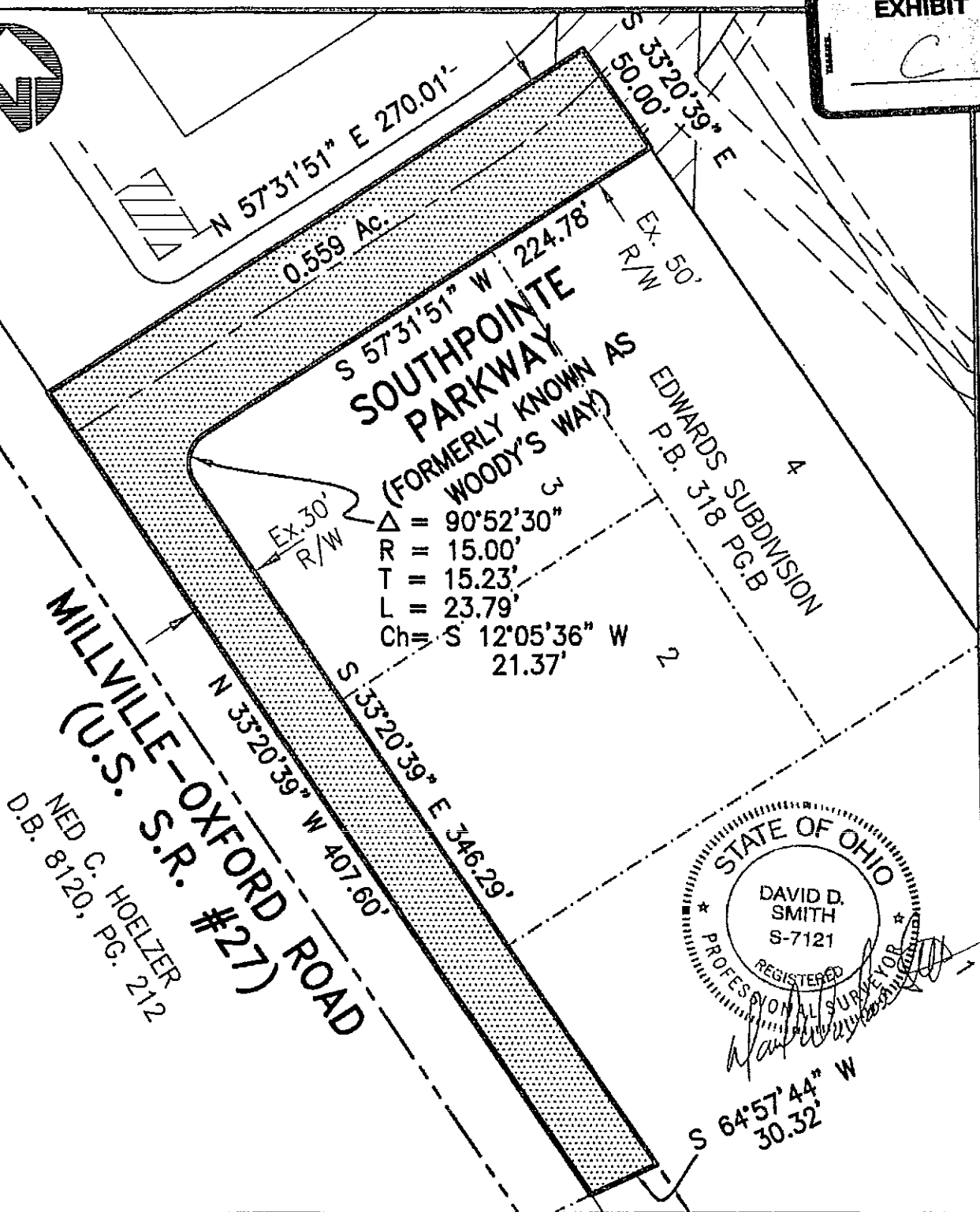


EXHIBIT
C



Section 35
Section 36

Drawing:
03104.000 AX 091016
Scale
1"=60'
Drawn by:
bdh
Checked By:
DDS
Issue Date:
10-16-09

SOUTHPOINTE CROSSING
SECTION 36
TOWN 5, RANGE 1
OXFORD TOWNSHIP
BUTLER COUNTY, OHIO
ANNEXATION PLAT

bayer becker
318 S. College Avenue
Oxford, OH 45056 - 513.523.4270

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: April 6, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

March 16, 2010
Date Prepared

Agenda Title: Legislative Authority Notice - Transfer permit from KSR Drive Thru Inc DBA Oxford Pitstop 5182 College Corner Pike & Drive Thru Oxford, Ohio 45056 to Bappas Inc DBA Westgate C Store 5182 College Corner Pike & Drive Thru Oxford, Ohio 45056.

Recommendation:

Discussion: This is a transfer as indicated above.

The permit is for:

C1 - Beer only in original sealed container for carry out only.

C2 - Wine and certain prepackaged mixed drinks in sealed containers for carry out only until 1:00 a.m.

D6 - Sale of intoxicating liquor on Sunday between the hours of 1:00 p.m. and midnight.

This transfer will go through the normal process with all required inspections being conducted by the Ohio Liquor Commission.

Approved By:

Department Head:	Initial Date
City Attorney:	
Acting City Manager:	<u>4/1/10</u>

NOTICE TO LEGISLATIVE
AUTHORITY

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

TO

0434117		TRFO		BAPPAS INC DBA WESTGATE C STORE PLUS 5182 COLLEGE CORNER PIKE & DRIVE THRU OXFORD OHIO 45056
PERMIT NUMBER				
06	01	2009		
ISSUE DATE				
03	05	2010		
FILING DATE				
C1	C2	D6		
PERMIT CLASSES				
09	088	A	F02555	
TAX DISTRICT RECEIPT NO.				

FROM 03/09/2010

4901188				KSR DRIVE THRU INC DBA OXFORD PITSTOP 5182 COLLEGE CORNER PIKE & DRIVE THRU OXFORD OHIO 45056
PERMIT NUMBER				
06	01	2009		
ISSUE DATE				
03	05	2010		
FILING DATE				
C1	C2	D6		
PERMIT CLASSES				
09	088			
TAX DISTRICT RECEIPT NO.				



RECEIVED
MAR 11 2010
City of Oxford

MAILED 03/09/2010

RESPONSES MUST BE POSTMARKED NO LATER THAN.

04/09/2010

IMPORTANT NOTICE

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

REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 0434117

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING. ☐

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

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

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

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

FOR OFFICE USE ONLY
NEW TRANSFER
PERMIT # 042417

OHIO DEPARTMENT OF COMMERCE
DIVISION OF LIQUOR CONTROL
6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005
Telephone: (614) 644-2431 http://www.com.ohio.gov/liqr

OFFICER/ SHAREHOLDERS DISCLOSURE FORM

SECTION A. (This form must accompany all applications of a corporate business entity)

Name of Corporation Bappa's, Inc.	DBA Name Westgate C-Store Plus
Permit Premises Address 5182 College Corner Pike	City, State Oxford, OH Zip Code 45056
Township, if in Unincorporated Area n/a	Tax Identification No. (TIN) 26-2730029

SECTION B.

1. Is stock publicly traded? If "YES", indicate exchange _____ & Do NOT complete SECTION D.	☐ YES ☒ NO
2. Does any stockholder own 5% or more shares? If YES, complete SECTION D.	☒ YES ☐ NO
3. Total Number of shares issued 100	

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement enforcement action, or collect taxes.

SECTION C. List the top five (5) officers of the captioned corporation. If an office is NOT held please indicate by writing NONE.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO n/a		
2) President Hiren C. Desai		3/12/57
3) Vice-President n/a		
4) Secretary Vandana H. Desai		9/22/59
5) Treasurer Vandana H. Desai		9/22/59

SECTION D. Stockholders holding 5% or more outstanding shares. Note: If you answer Question 1 YES, do not complete this section

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191. If none, please indicate by writing "NONE".

1) Stockholder's Name Hiren C. Desai	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address 5399 College Corner Pike	Tax Identification No. (if applicable) n/a	
City and State Oxford, OH	Zip Code 45056	
Telephone No. (513)523-5000	Date of Birth 3/12/57	50
2) Stockholder's Name Vandana H. Desai	Social Security No. (if Individual)	NUMBER OF SHARES HELD (NOT PERCENTAGE)
Residence Address 5399 College Corner Pike	Tax Identification No. (if applicable) n/a	
City and State Oxford, OH	Zip Code 45056	
Telephone No. (513)523-5000	Date of Birth 9/22/59	50

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE TO LIST STOCKHOLDERS)

STATE OF OHIO,

COUNTYss

I, Hiren C. Desai being first duly sworn, according to law, deposes and says that he/she is (Title) President
of the Bappa's, Inc., a corporation duly authorized by law to do business in the State of Ohio, and that the

statements made in the foregoing affidavit are true.

(Signature) [Signature] (Print Name and Corporate Title) Hiren C. Desai, President

Sworn to and subscribed in my presence this 26th day of

February

2010

LARRY ROBERT BOLIN, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My Comm. Has No Expiration Date

[Signature]
(Notary Public)

n/a
(Notary Expiration)

DLC4030

FOR TTY USERS DIAL 1-800-750-0750

Rev. 6-08

09 BUTLER	088 OXFORD			POPULATION	22,887
CLASS	RATIO	PERMIT QUOTA	PERMITS ISSUED	PERMITS AVAILABLE	APPLICATIONS ON FILE
C1	1,000	23	18	5	0
C2	1,000	23	19	4	0
D1	2,000	12	12	0	3
D2	2,000	12	12	0	4
D3	2,000	12	12	0	3
D3A	0	0	7	7	0
D4	2,000	12	1	11	0
D5	2,000	12	11	1	5

March 16, 2010

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 6, 2010

Kathryn A. Dale
Prepared By

Account Code No. #:

March 18, 2010
Date Prepared

Budgeted Amount:

Agenda Title:	Board of Zoning Appeals Meeting Report – March 17, 2010
----------------------	--

Recommendation:	N/A
------------------------	------------

DISCUSSION:

Public Hearing:

BZA-03-2010

327 W. Spring Street, Circle K/Marathon Gas Station, replacement of a manual gas pricer sign with a LED sign, and rearrangement of sign faces, Rick Self, Agent, Applicant

The Applicant is proposing to replace the manual gas pricing panel with electronic LED numbers. The Applicant is also proposing a face change of the Circle K sign which does not require any variances. The zoning code does not specifically address LED technology. Section 1151.05(e)(3) states that fuel stations are permitted to display fuel prices with a changeable copy sign. When reviewing the sign definitions in Section 1151.07 a changeable copy sign is defined as “a sign consisting of characters, letters or illustrations that can be changed by mechanical, electronic or manual means”; however, the definition still does not address the specific electronic format nor does it address LED. The code states under Section 1151.03(d)(5) that moving signs, flashing signs, and animated signs are specifically prohibited. In order for a sign to move, flash or be animated it would have to be electronic. The LED technology is typically affiliated with this sort of changeable electronic signage. One can assume that fuel stations are permitted to have electronic signs, but it all is dependent upon how the electronic sign is used.

As aforementioned, because LED is not specifically addressed, the code historically has been interpreted strictly as to say they are not permitted. The code sections analyzed are not clear and in some respects are ambiguous to each other. This will require further review of the zoning code regulations regarding new technologies in signage.

The Applicant stated that the sign will not have the capability internally to allow the sign to flash or move. The Applicant clarified that the sign with the LED format will only be advertising one price for one product and will not advertise other products or special sales. He also stated that it will advertise only the lowest gas price for regular grade gas and not the other grades because most people know that each higher grades increase by 0.10 cents. The Applicant also clarified for the Board that there will be no increase in signage size.

No public comments were received.

The BZA deliberated and made the following Findings of Fact regarding the replacement of a manual gas pricer with an LED sign variance request:

1. That, the property would yield a reasonable return and could be beneficially used without the variances because the site will remain as a gas station and the current sign and means of advertising gas prices can remain.
2. The variance request is not substantial because only the method in which gas is advertised is changing.
3. The character of the neighborhood would not be substantially altered; the adjoining properties would not suffer substantial detriment as a result of the variances being granted because the properties in question are located in a business district.
4. The variance would not adversely affect the delivery of governmental services because there was no response from any City department reviews indicating that the variance request would negatively affect any governmental services.
5. The Board found that the property owner was, in all likelihood, not knowledgeable of the zoning restriction regarding LED signage when it acquired the property, because LED signs are a relatively new technology.

6. The Applicant's predicament can be feasibly obviated through some other method other than a variance by continuing to advertise the price of gas as they currently do.
7. The spirit and intent behind the zoning requirements would be observed and substantial justice would be done by granting the variances because allowance is inherent per Section 1151.05(e)(3) even though the code does not specifically address the specific LED technology.
8. Other relevant factors include the belief by the Board that the code is ambiguous regarding electronic signage, and may in fact permit LED signage.

After considering and weighing these facts and circumstances, the Board found that practical difficulty was shown sufficient to warrant granting the variance requested, and voted 3-0-0 to **APPROVE** the application with the following conditions.

1. That, the proposed work be constructed as approved with this appeal and that no changes or modifications be made without the consent of this Board.
2. That, the LED signage shall only be used as a changeable copy sign in connection with fuel sales, as those terms are used in Chapter 1151 of the Zoning Code; and
3. That, the copy shall remain fixed at all times other than when changing the price of fuel, and that at all times the sign shall not be flashing, animated, moving, or otherwise operated contrary to the design provisions of Section 1151.03.

New Business:

The BZA asked that the Planning Commission and City Council further review electronic signage in the zoning code.

Other Business:

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

The next regular meeting is scheduled for April 21, 2010.

Approved By:

Department Head:
City Attorney:
Acting City Manager:

Initial	Date
<u>JHC</u>	<u>3/17/10</u>
<u>WCS</u>	<u>4/1/10</u>

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Finance
Originating Department

Council Meeting Of: 4/6/10

Account Code No. #: see below

Joe Newlin
Prepared By

Budgeted Amount: _____

3/29/10
Date Prepared

Agenda Title: 2010 SUPPLEMENTAL BUDGET #3

Recommendation: Approve

Discussion: Supplements to the 2010 Budget

Capital Equipment Fund

Increase in revenues 53,333.00

Miami customary portion (1/3) the purchase price of a new EMS Squad budgeted at \$160,000.

Decrease appropriations (100,000.00)

Decrease in budgeted principle and interest payments - \$36,900 and \$4,100 2 ton dump, \$53,100 and \$5,900 EMS Squad.

Increase in appropriations 270,000.00

Estimated budget figure for the purchase of 2 ton dump \$110,000 and EMS Squad \$160,000.

Capital Improvement Fund

Increase in revenues 393,041.84

OPWC portion of the cost for High Street Improvements between Beech and Collage.

Decrease in appropriations (120,000.00)

Reverse prior year's encumbrance for City's share of high Street Project.

Increase in appropriations 510,443.95

Total cost of High Street Improvements between Beech and Collage.

Increase in revenues/appropriations	393,041.84
Advance from General Fund for OPWC portion of High Street Improvement project to be repaid upon verification of payment by OPWC.	
Decrease in revenues	(40,000.00)
Decrease in revenue from budgeted transfer from the General Fund.	
Decrease in appropriations	(155,000.00)
Decrease in budgeted appropriation for the City's portion of paving for Rt. 732.	
Increase in appropriations	40,000.00
Increase for 2010 Street Resurfacing Program due to bid coming in higher than budgeted.	
Increase in appropriations	75,000.00
Increase for pending final Right of Way payments on three parcels of US 27 Phase III not budgeted for.	
General Fund	
Increase in revenues	54,000.00
Increasing revenue for Oxford Township's contribution for EMS services for 2010.	
Increase in appropriations/revenues	393,041.84
Advance to Capital Improvement Fund for OPWC portion of High Street Improvement project.	
Decrease in appropriations	(498.13)
Decrease in budgeted transfer to the Park Bond Debt Fund due to the fact we received funds from our underwriter after reconciliation on their part of estimated cost of issuance of last years refinancing and actual figures.	
Decrease in appropriations	(3,324.91)
Love insurance provided us with an analysis of the allocation of expense by department. We've revised the allocation of the payment of insurance premium by fund based on this analysis. This was done to properly charge the fund incurring the expense. Therefore there is a need for decrease in appropriation for some funds and an increase in appropriation for some funds.	
Decrease in appropriations	(40,000.00)
Decrease in appropriation from budgeted transfer to the Capital Improvement Fund.	
Increase in appropriations	40,000.00
Increase in appropriation for transfer to the Street Fund to purchase salt at current years pricing. On our current contract must receive salt before April 30 th . Transfer will take effect immediately.	

Street Fund

Decrease in revenue/appropriations

40,000.00

Increase in revenue from transfer from the General Fund to make purchase of salt at current year's contract price.

Water Fund

Decrease in appropriations

(5,471.91)

Love insurance provided us with an analysis of the allocation of expense by department. We've revised the allocation of the payment of insurance premium by fund based on this analysis. This was done to properly charge the fund incurring the expense. Therefore there is a need for decrease in appropriation for some funds and an increase in appropriation for some funds.

Sewer Fund

Increase in appropriations

8,679.49

Love insurance provided us with an analysis of the allocation of expense by department. We've revised the allocation of the payment of insurance premium by fund based on this analysis. This was done to properly charge the fund incurring the expense. Therefore there is a need for decrease in appropriation for some funds and an increase in appropriation for some funds.

Refuse Fund

Increase in appropriations

91.41

Love insurance provided us with an analysis of the allocation of expense by department. We've revised the allocation of the payment of insurance premium by fund based on this analysis. This was done to properly charge the fund incurring the expense. Therefore there is a need for decrease in appropriation for some funds and an increase in appropriation for some funds.

Parking Fund

Increase in appropriations

4,427.00

Love insurance provided us with an analysis of the allocation of expense by department. We've revised the allocation of the payment of insurance premium by fund based on this analysis. This was done to properly charge the fund incurring the expense. Therefore there is a need for decrease in appropriation for some funds and an increase in appropriation for some funds.

Park Improvement Bond Fund

Increase/decrease in revenues

498.13

Increases in bond proceeds revenue due to above mentioned check received from our underwriter and subsequent decrease in transfer revenue.

Approved By:

Department Head:

City Manager:

Initial Date
9/14/10
10/1/10

		<u>General</u>	<u>Water</u>	<u>Sewer</u>	<u>Refuse</u>	<u>Parking</u>	<u>Total</u>
EDP	\$ 3,867.00	\$ 9,961,871.00	\$ 1,751,108.00	\$ 2,084,784.00	\$ 1,456,050.00	\$ 499,255.00	\$ 15,753,068.00
Crime/Bond	\$ 1,702.00	63.24%	11.12%	13.23%	9.24%	3.17%	100.00%
CGL	\$ 31,817.26	\$ 27,971.72	\$ 4,916.90	\$ 5,853.82	\$ 4,088.41	\$ 1,401.85	\$ 44,232.70
Wrongful Acts/E&O	\$ 6,846.44						
	<u>\$ 44,232.70</u>						
Law		\$ 3,764.96					\$ 3,764.96
Property		\$ 5,767.29	\$ 7,954.59	\$ 19,335.32		\$ 2,008.80	\$ 35,066.00
Inland Marine		\$ 1,939.03	\$ 357.48	\$ 357.49			\$ 2,654.01
Auto		\$ 31,835.09	\$ 5,082.12	\$ 6,915.85		\$ 1,042.27	\$ 44,875.33
Breakdown per Analysis							
2010 Budget		\$ 71,278.09	\$ 18,311.09	\$ 32,462.49	\$ 4,088.41	\$ 4,452.92	\$ 130,593.00
		\$ 74,603.00	\$ 23,783.00	\$ 23,783.00	\$ 3,997.00	\$ -	\$ 0.00
Adjustment needed		<u>\$ (3,324.91)</u>	<u>\$ (5,471.91)</u>	<u>\$ 8,679.49</u>	<u>\$ 91.41</u>	<u>\$ 4,452.92</u>	<u>\$ 4,427.00</u>
General Fund Operating Expenditures		\$ 10,551,871.00					
Budgeted							
Western Knolls Payment		\$ (590,000.00)					
Adj. General Fund Operating Expenditures		<u>\$ 9,961,871.00</u>					
Sewer Fund Operating Expenditures		\$ 2,646,005.00					
Budgeted							
Debt Payment		\$ (561,221.00)					
Adj. Sewer Fund Operating Expenditures		<u>\$ 2,084,784.00</u>					
Refuse Fund Operating Expenditures		\$ 1,755,894.00					
Budgeted							
Debt Payment		\$ (299,844.00)					
Adj. Refuse Fund Operating Expenditures		<u>\$ 1,456,050.00</u>					

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Police

Originating Department

Council Meeting Of: April 6, 2010

Account Code No. #: 412.000.41201/412.110.52330

Steve Schwein

Prepared By

Budgeted Amount: \$21,000/\$6,000

March 31, 2010

Date Prepared

Agenda Title: Supplemental Budget # 3

Recommendation: Pass the Ordinance

Discussion: The amount of income anticipated in fund 412.000.41201 for 2010 was originally budgeted at \$21,000 (monies paid by individuals seeking the Alcohol Education Program) and expenditures in fund 412.110.52330 at \$6,000 (monies paid for our Education Provider, Access Ohio). Based on arrests for alcohol-based offenses and enrollment in the Alcohol Education Program, we anticipate a new budget income of \$40,000 and new expenditure of \$15,000 for 2010. Please provide fund 412.000.41201 with a supplemental increase of \$19,000 and fund 412.110.52330 with a supplemental increase of \$9,000.

Approved By:

Department Head:

City Attorney:

City Manager:

Initial Date

SDS 13/31/10

1

~~MBD~~ 4/1/10

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3089. SUPPLEMENTAL BUDGET ORDINANCE NUMBER 3 TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OXFORD, BUTLER COUNTY, STATE OF OHIO, 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 revenues be made:

CAPITAL EQUIPMENT FUND 140	53,333.00
CAPITAL IMPROVEMENT FUND 141	393,041.84
GENERAL FUND 110	54,000.00
PARK IMPROVEMENT BOND FUND 152	498.13
ENFORCEMENT AND EDUCATION FUND 412	19,000.00

SECTION 3: The following increase/(decrease)in appropriations from unencumbered balances be made:

CAPITAL EQUIPMENT FUND 140	(100,000.00)
CAPITAL EQUIPMENT FUND 140	270,000.00
GENERAL FUND 110	(498.13)
GENERAL FUND 110	(3,324.91)
WATER FUND 321	(5,471.91)
SEWER FUND 331	8,679.49
REFUSE FUND 341	91.41
PARKING FUND 130	4,452.92
CAPITAL IMPROVEMENT FUND 141	(120,000.00)
CAPITAL IMPROVEMENT FUND 141	510,443.95
CAPITAL IMPROVEMENT FUND 141	393,041.84
GENERAL FUND 110	393,041.84
ENFORCEMENT AND EDUCATION FUND 412	9,000.00
GENERAL FUND 110	(40,000.00)
GENERAL FUND 110	40,000.00
CAPITAL IMPROVEMENT FUND 141	(155,000.00)
CAPITAL IMPROVEMENT FUND 141	40,000.00
CAPITAL IMPROVEMENT FUND 141	75,000.00

SECTION 4: The following advances be executed:

Advance from:

GENERAL FUND 110	393,041.84
CAPITAL IMPROVEMENT FUND 141	393,041.84

Advance to:

CAPITAL IMPROVEMENT FUND 141	393,041.84
GENERAL FUND 110	393,041.84

SECTION 5: The following increase/(decrease)in revenues be made:

CAPITAL IMPROVEMENT FUND 141	393,041.84
GENERAL FUND 110	393,041.84

SECTION 6: The following transfers be executed:

Transfer from:	
GENERAL FUND 110	(498.13)
GENERAL FUND 110	(40,000.00)
GENERAL FUND 110	40,000.00

Transfer to:	
PARK IMPROVEMENT BOND FUND 152	(498.13)
CAPITAL IMPROVEMENT FUND 141	(40,000.00)
STREET FUND 122	40,000.00

SECTION 7: The following increase/(decrease)in revenues be made:

PARK IMPROVEMENT BOND FUND 152	(498.13)
CAPITAL IMPROVEMENT FUND 141	(40,000.00)
STREET FUND 122	40,000.00

SECTION 8: The following increase/(decrease)in appropriations from unencumbered balances be made:

STREET FUND 122	40,000.00
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SECTION 9: In all other respects, Ordinance No. 3089 shall remain in full force and effect.

SECTION 10: This ordinance shall take effect immediately upon its adoption.

MAYOR

ADOPTED: _____

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 6, 2010

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

March 25, 2010
Date Prepared

Agenda Title: Environmental Commission Meeting of March 24, 2010

Recommendation: For Review and Consideration

Discussion:

Environmental Commission members present at the Wednesday, March 24, 2010 meeting were: Chair, Mr. Charlie Ford; Vice-Chair, Mr. Wright Gwyn; City Council Representative, Mr. Greig Rutherford; Planning Commission Representative, Mr. Ted Wong; Mr. Kevin Armitage, and Mr. Vince Hand. A quorum was present. Minutes from the January 27 and February 24, 2010 meetings were unanimously accepted as presented.

Commissioners discussed the Institute of Environmental Science graduate student group's public service project investigating low impact development (LID) in Oxford. It was concluded that as the project is not yet completed, any recommendation(s) to City Council regarding the LID investigation would be premature.

Staff informed the Commission that the Proclamations for Earth Day, April 22, 2010, and Arbor Day, April 30, 2010 are tentatively on the April 6, 2010 City Council agenda. The Environmental Commission will be participating in EarthFest on Saturday, April 17, 2010 in the Uptown Memorial Park with environmentally-oriented information for distribution. The planting of the Arbor Day celebratory tree is scheduled for 11:30 a.m. of Tuesday, April 27, 2010 at the Oxford Community Park. A dedication ceremony will occur at the Oxford Community Park's Memorial Plaque at noon on Friday, April 30, 2010.

Commissioners requested that Chair, Mr. Charlie Ford, contact the Chair of the Planning Commission in an effort to schedule a joint work session between the two Commissions regarding open space cluster development. The Commissioners instructed Staff to include a request for a joint work session between City Council and the Environmental Commission in the meeting's Staff Summary Report.

Commissioners voted to change the monthly meeting to the first Wednesday of the month to better facilitate prompter communication with City Council. The current schedule of the fourth Wednesday occasionally results in almost three weeks between the Commission meeting and the Staff Summary Report being included in Council meeting agendas. Moving the meeting to the first Wednesday would reduce this to a maximum time period of slightly less than two weeks. This change is pending confirmation with the absent Commissioner that this would not conflict with their schedule.

Commissioners discussed energy aggregation. Vice-Chair, Mr. Wright Gwyn, relayed Forest Park's findings as they investigated this method of reducing energy costs to the municipal government and its citizens.

The Commission adjourned at 8:35 p.m. The next Commission meeting is tentatively scheduled for Wednesday, April 28, 2010 at 7:00 p.m. in the Municipal Building's Second Floor Conference Room.

Approved By:

Department Head:
Acting City Manager:

Initial	Date
<i>[Signature]</i>	3/26/10
<i>[Signature]</i>	4/1/10

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 6, 2010

Account Code #: EC090002 \$120,000
Ohio Public Works Commission \$400,000

Budgeted Amount: \$120,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

March 26, 2010
Date Prepared

Agenda Title: Reconstruction of High Street between Beech St. and College Ave.

Recommendation: Approval

Discussion:

In the summer of 2009, the City Council authorized Staff to pursue a grant from The Ohio Public Works Commission (OPWC) for the reconstruction of a portion of the brick surfaced area of High Street. In September 2009, the City was awarded a maximum of \$400,000 for the project with the OPWC paying a maximum of 77% of the project costs. The City has already encumbered the necessary local match for the project in the amount of \$120,000. This is a continuation of the reconstruction completed in the summer of 2008 on High Street between Main St. and Beech St.

The Oxford Water Distribution Division will begin installation of new water main within the project limits on April 5, 2010. The work will be completed by the end of April, and the street reconstruction can begin after the spring semester at Miami University is complete. Staff has attempted to coordinate the logistics of this job to coincide with low traffic volumes during the summer months. We will do our best to minimize inconvenience to vendors in the project area as well as to vehicular traffic. While a detour will be in place, both the northern and southern sidewalks will remain open during the project.

The rehabilitation of this street includes the removal, cleaning and inspection of all surface brick; correction of all sub-grade deficiencies; installation of a 6" aggregate base; installation of a 10" concrete base; installation of a 1" sand blanket; and relaying of the original brick pavers.

A request for bids was published in the Hamilton Journal on February 5 and 12, 2010. The plans were also filed with the three major plan review clearinghouses – Dodge Reports, Builder's Exchange, and Allied Construction. Sealed proposals were opened on February 19, 2010. Ten firms submitted bids with the following results:

Approved By:

Department Head:

Initial Date
MBD \ 3/29/10

Acting City Manager:

MBD \ 4/1/10

REI Construction	\$444,954.00
Adleta, Inc.	464,039.95
R. A. Miller	478,556.00
Trend Construction	480,200.00
Prus Construction	484,932.00
Nemann Construction	512,716.00
J.L. Kuck	515,913.00
W G Stang Construction	532,605.00
Main Line Construction	588,712.00
Sunesis Construction	620,632.80

Following the opening of the bids, the apparent low bidder was REI Construction. Upon review of the bidder's documentation, the firm did not fully meet the minimum standards set by the City for this project. The City met with the management of REI Construction and discussed the importance of the construction deadlines and the penalties that would be in force should deadlines not be met. After additional review, REI Construction formally requested to withdraw from the project. Staff then began an analysis of the next lowest bidder, Adleta, Inc. They are well qualified and have completed successful projects for the City of Cincinnati, City of Montgomery, and the Village of Gulf Manor all with very good references. Adleta, Inc. has also chosen Decorative Paving, Inc. as a sub-contractor to assist them with the placement of brick for the project. The City is familiar with their work and we look forward to working with them again on this project.

The lowest and best bid for the reconstruction of High Street between Beech St. and College Ave. was provided by Adleta, Inc. at a cost of \$464,039.95. Staff is requesting an authorized contingency amount of ten percent of the contract or \$46,404.00. It is Staff's recommendation that Council authorize the City Manager to enter into an agreement with Adleta, Inc. for a total amount not to exceed **\$510,443.95**. The OPWC will pay 77% of project costs up to a maximum of \$400,000 with the City paying the remaining 23% of costs and any amount above the OPWC maximum grant.

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID SUBMITTED BY **ADLETA, INC.** AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ADLETA, INC. FOR THE RECONSTRUCTION OF HIGH STREET BETWEEN BEECH STREET AND COLLEGE AVENUE AT A COST OF \$464,039.95 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT(10%) OF THE CONTRACT PRICE OR \$46,404.00 FOR A TOTAL COST NOT TO EXCEED \$510,443.95.

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

SECTION 1: The City advertised for bids in the *Hamilton Journal* on February 5, 2010 and February 12, 2010. Ten (10) sealed bids were open and publicly read on February 19, 2010. The lowest bid was provided by Adleta, Inc. in the amount of \$464,039.95.

SECTION 2: The City Manager and Service Director recommend Council accept the bid of Adleta, Inc. as the lowest and best bid for the reconstruction of High Street between Beech Street and College Avenue at a cost of \$464,039.95 and authorize the City Manager to enter into a contract with Adleta, Inc. for the reconstruction of High Street between Beech Street and College Avenue at a cost of \$464,039.95.

SECTION 3: Council hereby accepts the recommendation of the City Manager and Service Director and finds Adleta, Inc. to be the lowest and best bidder and accepts the bid of \$464,039.95 for the reconstruction of High Street between Beech Street and College Avenue.

SECTION 4: Council hereby authorizes the City Manager to enter into a contract with Adleta, Inc., at a cost of \$464,039.95 plus a contingency amount of ten percent (10%) of the contract price or \$46,404.00 for a total cost not to exceed \$510,443.95 for the reconstruction of High Street between Beech Street and College Avenue utilizing funds in an amount up to a maximum of \$400,000.00 designated to the City by the Ohio Public Works Commission.

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

MAYOR

ADOPTED:
ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: April 6, 2010

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

March 16, 2010
Date Prepared

Agenda Title: PC-06-2009 ZONING TEXT AMENDMENT, to add new Section 1143.13GB(R) General Business Redevelopment Design Overlay District regulations, and renumber subsequent zoning districts to accommodate the new Section as well as modify Chapters 1133, 1141, 1149 and 1151 to correctly cross reference new zoning district. **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The Planning Commission held a Public Hearing of this zoning text amendment request at its March 9, 2010 meeting.

The proposed amendment comes from a year-long effort of the Planning Commission to move forward with recommendations outlined in the 2008 Comprehensive Plan in addressing redevelopment issues in the Locust Street business center. The purpose of this amendment is to emphasis design elements in future redevelopment efforts in this area.

The Commission recognizes that changes will not occur overnight, but feel that there is a need to put some regulations in place that will capture the vision of the Comprehensive Plan. The Commission is very open to any future constructive suggestions in modifying the regulations.

The Planning Commission voted 6-0-0 to recommend approval of the text amendment to City Council.

Approved By:

Department Head:

Initial Date
JHC 3/16/10

City Attorney:

Acting **City Manager:**

MB 4/1/10

ORDINANCE NO.

AN ORDINANCE REPEALING ZONING CODE SECTION 1143.13, OI (OFFICE & LIGHT INDUSTRIAL) DISTRICT TO ADD NEW SECTION 1143.13GB(R), GENERAL BUSINESS REDEVELOPMENT DESIGN OVERLAY DISTRICT REGULATIONS, AND RENUMBERING SUBSEQUENT ZONING DISTRICTS TO ACCOMMODATE THE NEW SECTION AND TO MODIFY CHAPTERS 1133, PROVISIONS FOR ZONING DISTRICTS, 1141, ACCESSORY, TEMPORARY, SUPPLEMENTAL AND ENVIRONMENTAL REGULATIONS, 1149, VEHICLE MANAGEMENT AND 1151, SIGNS, TO CORRECTLY CROSS REFERENCE THE NEW ZONING DISTRICT.

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

SECTION 1: Council hereby finds that the City of Oxford Planning Commission held a public hearing on March 9, 2010 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Section 1143.13, OI (Office and Light Industrial) District to add new Section 1143.13 GB(R), General Business Redevelopment Design Overlay District regulations, and renumbering subsequent zoning districts to accommodate the new Section and to modify Chapters 1133, Provisions for Zoning Districts, 1141, Accessory, Temporary, Supplemental and Environmental Regulations, 1149, Vehicle Management and 1151, Signs, to correctly cross reference the new zoning district.

SECTION 2: Council hereby repeals Section 1143.13, OI (Office and Light Industrial) District to add new Section 1143.13 GB(R), General Business Redevelopment Design Overlay District regulations, and renumbers subsequent zoning districts to accommodate the new Section and modifies Chapters 1133, 1141, 1149 and 1151 as follows (language to be repealed is ~~stricken through~~ and language to be adopted is in **bold**):

CHAPTER 1133 Provisions for Zoning Districts

1133.01	Establishment of Zoning Districts.	1133.03	Essential services exempted.
1133.02	Compliance with regulations.	1133.04	Zoning districts for newly annexed territory.

1133.01 ESTABLISHMENT OF ZONING DISTRICTS.

(a) For the purpose of promoting the public health, safety and general welfare of the City of Oxford, Ohio the following districts are hereby established:

<u>Abbreviated Term</u>	<u>District Name</u>	<u>District Type</u>
R-1A	Single-Family Low Density Residential	Residential
R-1B	Single-Family Medium Density Residential	Residential
R-2A	Single- and Two-Family Residential	Residential
R-3	Multi-Family Residential	Residential
R-1MS	Single-Family Mile-Square Residential	Residential
R-2MS	Single- and Two-Family Mile-Square Residential	Residential
R-3MS	Single-, Two-Family, & Three-Family Mile-Square Residential	Residential
RMH	Planned Mobile & Manufactured Home Residential	Residential
RO	Office Residential	Residential
MU	University	Residential

UP	Uptown	Commercial
GB	General Business	Commercial
GB(R)	General Business Redevelopment Design Overlay	Commercial
OI	Office & Light Industrial	Industrial
LI	Light Industrial	Industrial
FP	Flood Plain	Overlay
MSO	Mile Square Overlay	Overlay
HDO	Historic District Overlay	Overlay

(b) In this Code and in all matters relating to this Code, the abbreviated terms shall be construed to have the same meaning as their corresponding district titles.
(Ord. 2782. Passed 5-20-03; Ord. 2838. Passed 2-15-05.)

1133.02 COMPLIANCE WITH REGULATIONS.

The regulations for each district set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (a) A use not listed within the use provisions of a zoning district shall be prohibited.
- (b) A use not provided for in a zoning district shall be prohibited unless the activity is deemed to be like in kind and similar to the uses allowed in the district and consistent with the intent of the district as interpreted by the Zoning Administrator.
- (c) No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, moved, converted, enlarged, reconstructed, structurally altered except in conformity with all of the regulations for the district in which it is located.
- (d) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except for a purpose permitted in the district in which the building or land is located to provide for greater lot coverage, height or bulk.
- (e) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.
- (f) No land, building or structure in any district shall be used or occupied in any manner as to create or maintain a nuisance. Any structure or use that is in violation of this Code and that is established after the adoption of this Ordinance shall be considered a public nuisance.
- (g) In any district, no more than one primary structure and its customary accessory use shall be located on a single recorded lot except as specifically provided elsewhere in this Ordinance.
- (h) Regardless of the zoning district, proposals for any area that falls within a Historic Architectural Preservation District must consult the current design guidelines of the Historical Architectural Preservation Commission and Chapter 1331 of the Oxford Codified Ordinance and must follow the procedures for approval contained therein. (Ord. 3062. Passed 07-07-2009.)

1133.03 ESSENTIAL SERVICES EXEMPTED.

(a) Agencies providing essential services shall make reasonable efforts to comply with the standards of this Zoning Code. If compliance with this code prevents the efficient and effective provision of the service, the standards of this Code may be waived by the City Manager.

(b) The location of such facilities shall be approved by the City Engineer. In residential subdivision and Planned Developments, such facilities shall be shown on the plans.
(Ord. 2782. Passed 5-20-03.)

1133.04 ZONING DISTRICTS FOR NEWLY ANNEXED TERRITORY.

The zoning district for the property annexed to the City shall be subject to the annexation agreement between the City and the applicant.
(Ord. 2929. Passed 10-17-06.)

CHAPTER 1141
Accessory, Temporary, Supplemental and Environmental Regulations

1141.01 Accessory regulations.
1141.02 Temporary regulations.

1141.03 Supplemental regulations.
1141.04 Environmental regulations.

1141.02 TEMPORARY REGULATIONS.

(a) Purpose. Temporary uses shall be permitted in applicable zone districts by the grant of a Zoning Permit issued by the Zoning Administrator in accordance with the requirements of this section.

(b) General Provisions.

- (1) The duration of the temporary period is stated hereinafter, provided, however, renewal of such permit may be requested.
- (2) Temporary uses shall be subject to all the regulations of the applicable zoning district.

(c) Permitted Temporary Uses. Permits may be issued for the following temporary uses, provided that they meet these requirements and are not otherwise in conflict with the provisions of this resolution:

(1) Uses.

- A. Carnivals or circuses are permitted in any Commercial or Industrial District or public parking lot or playground/field; however, no structure or equipment shall be within 500 feet of any residential property line. Maximum length of permit shall be seven days.
- B. Christmas tree sales are permitted in any district other than Residential Districts. Maximum length of permit for display and open lots sales shall be 45 days.
- C. Contractor's office and construction facilities are permitted in any district where use is incidental to a construction project. The structure shall be located on the lot on which construction takes place and shall be removed once construction ceases.
- D. Events of public interest shall be permitted in any district other than Residential Districts.
- E. Real estate sales offices and/or model homes shall be permitted in any district provided that a preliminary plat for such development has been approved by Council. Any such unit shall conform to all requirements for residential uses for the district in which it is located. Maximum length of permit shall be one year. Offices shall be removed upon completion of the development of the subdivision.
- F. Tent meetings are permitted in any district other than Residential Districts. Maximum length of permit shall be seven days.
- G. Seasonal merchandise, such as plants, garden supplies, pumpkins, fruit, vegetables, etc., may be sold outdoors within the ~~General Business, and Light Industrial~~ **GB, GB(R) and LI** Districts. Permits will be for a 60-day period and must be renewed if longer duration is desired, for a maximum of two renewals. Such activities shall be placed in such location that will not interfere with access drives into or within the site, nor will reduce space for required off-street parking facilities. Such facilities shall maintain a 30-foot setback from all adjacent thoroughfare rights-of-way.
- H. Searchlights drawing attention to the event are prohibited.
- I. The temporary outdoor sales of handcrafted items and artwork are allowed only in conjunction with a temporary event except as otherwise provided by this section.

- J. Temporary Shelter: When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional requirements.
1. Required water and sanitary facilities must be provided.
 2. Maximum length of permit shall be six months, but the zoning office may extend the permit for periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for extension shall be made at least 15 days prior to the expiration of the original permit.
 3. The mobile home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to the City to remove the shelter at the owner's expense upon termination of the permit.
- K. Any other use, temporary in nature, which the Zoning Administrator deems as beneficial to the public good and which does not impair the public health, safety and welfare.
- L. Garage Sales. Temporary garage sales in residential districts in order to allow residents to sell excess personal property are permitted, provided that the following conditions are met:
1. Each garage sale shall not exceed four days.
 2. Only two garage sales shall be permitted per calendar year at any individual location.
 3. No person conducting a garage sale under the provisions of this Article shall sell or offer for sale any food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Health Department.
 4. No fee or other charge shall be imposed upon members of the public attending any such sale.
 5. One non-illuminated sign not exceeding four square feet in size, no more than three feet in height above grade may be displayed on the property where the sale is being held.
 6. Special lighting and noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.
- M. Auctions of used household goods and property may be conducted at any individual location in a Residential District no more than once per year.
- N. Portable Storage Containers- Containers designed for the temporary storage of property that can be moved by truck or trailer (including intermodal storage units).
1. No zoning certificate is required if portable storage containers are to be placed on the premise no more than seven (7) days. The Zoning Administrator may permit any portable storage container to be placed on a property for up to thirty (30) days, provided the property owner has an active building permit or has demonstrated the need. An additional fourteen (14) day extension may be granted provided the property owner demonstrates extenuating circumstances.
 2. Any portable storage container must be located on a driveway or other hard surfaced area. Portable storage containers shall be a minimum of eight (8) feet from the back of the curb and shall not extend onto the sidewalk.
 3. Calamity Exception. If the portable storage container is being used to store personal property as a result of a major calamity (e.g. fire, flood or other event where there is significant property damage), the City Manager may extend the time period allowed in subsection N.1.

CHAPTER 1143 Districts

1143.01	R-1A Single-Family Low-Density Residential District.	1143.08	R-MH Planned Mobile and Manufactured Home Residential District.
1143.02	R-1B Single-Family Medium-Density Residential District.	1143.09	RO Office Residential District.
1143.03	R-1MS Single-Family Residential Mile-Square District.	1143.10	UP Uptown District.
1143.04	R-2A Single- and Two-Family Residential District.	1143.11	MU University District.
1143.05	R-2MS Single- and Two-Family Mile-Square Residential District.	1143.12	GB General Business District.
1143.06	R-3 Multi-Family Residential District.	1143.13	GB(R) General Business Redevelopment Design Overlay District
1143.07	R3MS Single- and Two-Family Mile-Square Residential District.	1143.143	OI Office & Light Industrial District.
		1143.154	LI Light Industrial District.

1143.13 GB(R) GENERAL BUSINESS REDEVELOPMENT DESIGN OVERLAY DISTRICT

(a) Purpose: This district is intended for redevelopment with a mix of small and medium sized commercial uses with a well defined streetscape and public spaces. It is centrally located to offer a variety of commercial entities to fit the needs of the entire community. The redevelopment project needs to offer pedestrians scale in design and layout to promote a different commercial shopping experience. The character of any new building structure should be reminiscent to the building form and style between the late 1800 to 1940's, commonly found in the Uptown District.



(b) Uses:

(1) Permitted Uses

A. Retail Services

1. Apparel and jewelry.
2. Books, stationery, newspaper, magazines, office equipment and office supply stores.
3. Department stores.
4. Drug stores selling health and personal care aides.
5. Food products, including groceries, meat, fish, baked goods, confectionary and beverages.
6. Flowers, potted plant and garden supplies.
7. Hardware, paint, home furnishing and other home improvement products.
8. Optical aides.

9. Photography, bicycles, gifts and toys, pets, music, sporting foods and other hobby and craft supplies.
10. Restaurants, not including drive-in or fast food.
11. Sales of new and used motor vehicles by dealerships holding franchise authorized by manufactures for the sale of new vehicles.

B. Personal and professional services.

1. Accounting, advertising, architectural, auditing, bookkeeping, legal, medical and offices for other similar professional services providers.
2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
3. Barber and beauty shops.
4. Cleaning, including dry cleaning and laundromats.
5. Home Improvement services, including carpentry, electrical, heating, plumbing and decorating.
6. Offices for nonprofit, charitable, labor and other service organizations.
7. Repair establishments for bicycles, household appliances, locksmiths, shoes and motor vehicles (if no gasoline is sold and repair work is done inside).
8. Theater, not including drive-ins.
9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.

C. Accessory buildings incidental to the principal use.

- (2) Conditional Uses: The following Conditional Uses are subject to review and regulations in accordance with Chapter 1147.

A. Retail services

1. Automobile service stations selling gasoline.
2. Bars and establishment serving alcohol.
3. Banks with drive-through facilities.
4. Building supplies, garden supplies
5. Drive-in and fast-food restaurants.
6. Sales of motorcycles and used motor vehicles, rental and service of motor vehicles, sales and rentals of boats and marine equipment and sales and rentals of trailers.
7. Temporary or outdoor sales of plants and garden supplies (See Section 1141.02(C)(1)G)

B. Personal and public services

1. Animal hospital or kennels.
2. Bowling alleys.
3. Cultural institutions, including libraries, art galleries and museums.
4. Hotels and motels.
5. Place of worship.
6. Funeral homes.
7. Indoor skating, arcades, and similar recreational uses.
8. Instructional studios.
9. Night Clubs, discotheques, and other entertainment facilities.

C. Other uses

1. Community-Oriented Residential Social Services Facilities (CORSSF's).
2. Shared Housing and Congregate Housing for the elderly.
3. Government owned and/or operated parks and recreation facilities.
4. Bed and breakfast homes.
5. Publicly owned and operated neighborhood recreation centers.

6. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
7. School: primary, intermediate, and secondary, both public and private.

(c) Site Development Regulations:

(1) Lot requirements. No minimum lot size or lot width is specified, however, lot size and width shall also be adequate to provide for parking, access drive spacing, yard space, structure(s), utilities, garbage and screening and other requirements stipulated in this Code.

(2) Minimum Yard requirements. (See Diagram #1)

- A. Front yard (building setback): 0'
- B. Side yard: 0' except abutting the residential district, a minimum 25 feet of transitional setback with landscaping screening shall be provided.
- C. Rear yard: 0' except abutting the residential district, a minimum 25 feet of transitional setback with landscaping screening shall be provided.

(3) Maximum front yard setback.

60 feet

(4) Structural requirements.

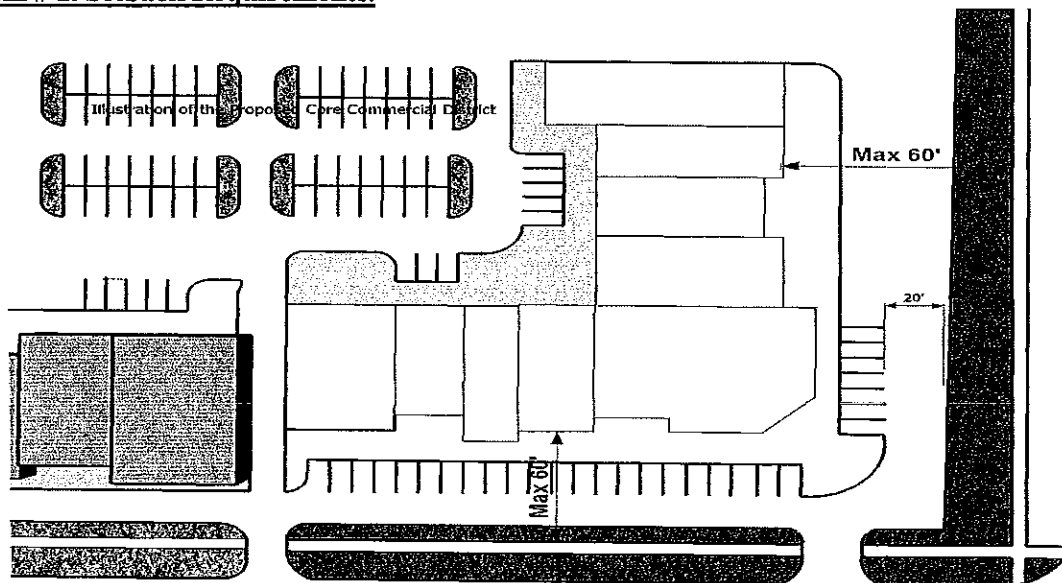
A. Building Height:

Minimum 20 feet

Maximum 45 feet

1. The height of all buildings shall reflect their relationship with the size, width and depth of the lot. The design of all buildings shall also take into consideration pedestrian activities.
2. A minimum of 5' pedestrian walk is required along the front of the building separating the parking area from the building.

Diagram # 1. Setback Requirements.



(d) Supplemental Regulations. (See Diagram #1)

(1) Off-Street Parking:

- A. A maximum of one-row of off-street parking, with necessary circulation isle shall be allowed in front of building. Other off-street parking shall be arranged either between buildings or behind buildings.
- B. Pedestrian bump-outs, connecting sidewalks are required for internal parking arrangements.
- C. Off-street parking area shall conform to the requirements stipulated in Chapter 1149 Vehicle Management.
- D. Bicycle rack space shall be provided at a rate of 3 bikes per acre, but no less than one rack of 3 bikes per site.

(2) Perimeter Landscaping Requirements:

- A. A landscaping area, minimum 10' width, must be provided along the street frontage of the site.
 - 1. The landscaping area may be utilized by the principal use of the building unless specifically prohibited by this Code.
- B. A minimum of 1 tree for every 50 linear feet of frontage shall be required in addition to any ground covering material for the landscaping area.
- C. Landscaping requirements in accordance with Chapter 935 and Chapter 1149 of the Oxford Codified Ordinance shall be satisfied.

(3) Façade Treatment:

- A. The front façade of the principal structure shall be finished, utilizing at least 50% of natural material including brick, stone, glass, or wood.
- B. Articulation. Any building façade, along the street frontage that exceeds 75 feet in length must have different articulation in height, and setback. Different horizontal articulation with material, color and opening shall also be utilized when building elevation is higher than 14 feet.
- C. Windows, awnings or other decorative architectural features shall be provided on the façade treatment.
- D. Windows and transparent doors must occupy a minimum of 60% of the entire building wall area measured between 2.5 and 7 feet in height above grade along the entire front facade. Opaque or darkly tinted glass or glass block is not considered to be transparent.

(4) Façade Orientation:

- A. Building façades shall be parallel to the adjacent facing right of way. To preserve the continuity of the street wall, at least 70% of the building façade must be located within the maximum front setback.
- B. Every principal structure shall have a principal front entrance that is oriented toward and within 45 degrees or parallel to the adjacent facing right-of way.

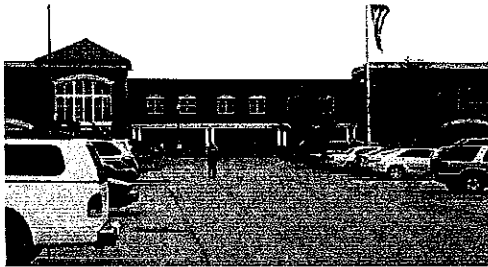
- (5) Each development is required, where feasible, to provide adequate space (including easements) for alternative modes of transportation such as bike paths, multi-use paths, bus stops and turn-arounds, etc. A direct sidewalk connection (which may include a marked crosswalk at sidewalk grade) must be provided between the primary front entrance and the public sidewalk network.

- (6) All merchandise, new and used shall be stored within a completely enclosed structure. Displays of boats, automobiles, mobile homes, recreational vehicles shall conform to Section 1141.01(a)(3) and 1141.01(a)(4).

- (7) All utility boxes must be screened with appropriate landscaping material such that they are not visible from a right-of-way or other publicly accessible area.
- (8) All refuse collection and recycling containers must be enclosed or screened so as not to be visible from a right-of-way, excluding alleys, or publicly accessible areas:
 - A. The structure surrounding the container(s) must be enclosed on all sides, one of which includes a gate or door that can be secured.
 - B. The enclosure must be constructed of similar material as the building.
 - C. Containers shall not be located in the front yard.
 - D. The exterior perimeter of the enclosure(s), excluding the access point must be landscaped.
- (9) There may be more than one principal building, provided all buildings are occupied and used as retail, personal, and professional services.
- ~~(10) A concept plan presentation is required for a major redevelopment proposal, including significant new additions and any new building construction in this overlay district.~~

Recommended:

(a)



(b)



(c)

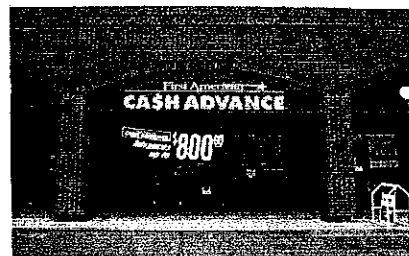


Not Recommended

(a)



(b)



(d)



(e)



Renumber Subsequent Sections. No Cross References affected by amendment.

1143.143 OI Office & Light Industrial District.

1143.154 LI Light Industrial District.

CHAPTER 1149
Vehicle Management

1149.01	Purpose.	1149.04	Residential regulations.
1149.02	Applicability of regulations.	1149.05	Non-residential regulations.
1149.03	General regulations.		

1149.01 PURPOSE.

(a) The regulations of this section are intended to minimize the traffic impacts of development on public streets and to assure that all developments adequately and safely provide storage and movement of vehicles in a manner consistent with good site design and site engineering practices. This section regulates off-street parking and loading, handicapped accessibility, and vehicular access from public streets.

(b) This section includes provisions that are intended to minimize potential nuisance to adjacent properties by limiting light pollution, requiring natural landscaping, and reducing the parking space requirement for vehicle management areas that are large.
(Ord. 2782. Passed 5-20-03.)

1149.02 APPLICABILITY OF REGULATIONS.

(a) Any new development, redevelopment, or change to a use or structure or site (whether conforming or nonconforming) shall meet the current vehicle management regulations for the entire use and structure and site.

(b) All residential uses of more than three dwelling units must meet the non-residential parking requirements (see Section 1149.05) except for the number of parking spaces required.

(c) All uses in a mixed-use structure or lot must comply with the requirements for non-residential uses. (Ord. 2782. Passed 5-20-03.)

1149.03 GENERAL REGULATIONS.

(a) All off-street parking and maneuvering areas shall be hard surfaced (includes concrete, asphalt, brick, stone, or bonded gravel). Loose materials are not permitted. The Zoning Administrator may permit alternate surfaces if they satisfy the intent of and satisfy all other provisions of this section.

(b) All off-street parking shall be located on the same site as the use for which it is required or intended.

(c) All off-street parking spaces shall contain a rectangular area a minimum of 9 feet wide and 20 feet long, except that parallel parking spaces shall be a minimum of 22 feet long.

(d) Computation Rules.

- (1) Any mixed-use structures or lots must provide parking in an amount equal to the sum of all the individual uses combined.
- (2) Any fractional spaces required shall be rounded up to the next whole number.

(e) (1) In the GB and GB(R) District, the numbers of required off-street parking shall be provided based on the square footage of the building as indicated in the following formula:

- a. One space for every 200 square foot of usable floor area for a building that is not greater than 10,000 square feet.
- b. One space for every 250 square foot of usable floor area for a building that is larger than 10,000 square feet, but less than 25,000 square feet of space.

- c. One space for every 300 square foot of usable floor area for a building that is larger than 25,000 square feet, but less than 50,000 square feet of space.
- d. One space for every 400 square foot of usable floor area for a building that has more than 50,000 square feet of space.

(2) Space Requirements.

Residential Uses

Single-Family	Number Required 2 per dwelling unit
Two-family	2 per dwelling unit
Three-family	2.5 per dwelling unit
Multi-family	2.5 per dwelling unit
Efficiency	1 per dwelling unit
Fraternity and Sorority	2 per each 5 beds permitted by a valid City of Oxford rental permit
Family community residence	1 plus 1 per each 2 support staff members
Group community residence	1 plus 1 per each 2 support staff members
Community residence	1 plus 1 per each 2 support staff members
Family day-care home, Type A	1 per each 6 children potentially enrolled
Family day-care home, Type B	1 per each 6 children potentially enrolled
Child day-care center	1 per each 6 children potentially enrolled

Non-Residential Uses

Amusement arcade	Number Required 1 per each 200 square feet
Auditoriums, churches, temples & other places of public assembly	1 per each 8 seats in main auditorium (for bench seating 20 inches equals one seat)
Bed & Breakfast	1 per guest room
Billiard parlor	2 per each billiard table
Bowling alley	5 per each alley
Bowling alley with restaurant	5 per each alley plus 1 per each 200 square feet of usable floor area in the restaurant

Non-Residential Uses (Cont.) Number Required (Cont.)

Car wash	1 per 6 wash bays
Cemetery	1 per each employee on largest shift plus 1 per each 2 seats in any chapel
Clinic, bank, independent offices	3 plus 1 additional per each 300 square feet of usable floor area over 1,000 square feet
Club or lodge	1 per each 5 members
Community center, library, museum, art gallery	1 per each 250 square feet of floor area plus 1 per each employee on largest shift
Funeral home	1 per each 30 square feet of usable visitation and funeral service area plus 1 per each employee on largest shift plus 1 per each funeral vehicle
Golf facility	10 per each hole plus 1 per tee at a driving range plus 50 percent of the spaces required for other on-site accessory uses
Hospital	1 per each 2 beds (excluding infant beds); 3 plus 1 additional per each 300 square feet of usable floor area over 1,000 square feet
Industrial wholesaling & manufacturing uses	2 per each 3 employees on largest shift for which building is designed plus 1 per each motor vehicle routinely stored on premises or in ratio of 1 space for every 1,000 square feet of total building area;

	provided, however, that if the number of spaces required by the building ratio is greater than that required by the employee ratios, additional parking spaces need not be provided physically but sufficient spaces shall be reserved for future physical development.
Miniature golf facility	1.5 per each hole
Nursing home	2 per each 3 beds
Offices with office buildings	3 plus 1 additional per each 300 square feet of usable floor area over 1,000 square feet
Other	As determined by Zoning Administrator based upon similarity to requirements for listed uses
Professional offices, studios, non-profit organizations	3 plus 1 additional per each 300 square feet of usable floor area over 1,000 square feet
Restaurant	1 per each 100 square feet of usable floor area. If a drive-through is present, each 20 feet of queuing between the points at which the order is taken and the where the food is served shall count as 1 space toward the total requirement, up to a maximum of 3 spaces.

Non-Residential Uses (Cont.) Number Required (Cont.)

Retail store, personal service establishment	1 per each 200 square feet of usable floor area.
School, elementary	1 per employee on largest shift plus 1 per classroom
School, high	1 per employee on largest shift plus 1 per each four students potentially enrolled
School, junior high	1 per employee on largest shift plus 1 per classroom
Skating rink	1 per each 300 square feet of floor area
Stadium or spectator arena	1 per each 10 seats (for bench seating 22 inches equals one seat)
Swimming pool	1 per each 75 square feet of water surface area

(f) Exceptions.

- (1) In the UP district, all dwelling units are exempt from parking requirements.
- (2) All non-residential uses in the UP and RO districts are exempt from parking requirements.
- (3) For non-residential uses that require more than 80 parking spaces, the Zoning Administrator may permit a reduction of up to 50 percent of the total number of required spaces. Regardless of any permitted reduction, all uses shall have adequate land area to provide the total number of spaces required by this Chapter. The applicant shall provide proof that the reduced total number of parking spaces is sufficient for the use and location. The Zoning Administrator is not obligated to permit a reduction. If the Zoning Administrator finds that the total number of parking spaces is insufficient for the use, the landowner shall construct additional parking spaces within one year of notification from the Zoning Administrator.
(Ord. 2939. Passed 12-19-06.)

1149.04 RESIDENTIAL REGULATIONS.

(a) Location.

- (1) 1 parking space may be located in a required front yard. All other parking spaces required or provided in excess of the minimum requirement shall not be located in the required front yard.
- (2) 1 required parking space may be a stacked space. All other required off-street parking spaces shall have direct access to a driveway or alley, without crossing

another space.

- (3) Parking spaces shall not be located within 3 feet of any lot line.
- (4) Unenclosed parking spaces shall not be located within 3 feet of any principal structure.

(b) Access and Maneuvering.

- (1) Curb cuts shall be a minimum of:
 - A. 30 feet from the intersection of two local roads
 - B. 50 feet from any intersection with a collector road
 - C. 70 feet from any intersection with an arterial road
- (2) Where a lot is adjacent to an alley, access may be from any location along the lot line except in a required front yard.
- (3) Driveways shall be a minimum of 2 feet from a side lot line.
- (4) A residential use shall have a maximum of one curb cut per 100 feet of frontage, or fraction thereof (e.g. a lot with 101 feet of frontage may have two curb cuts).
- (5) A residential use on a corner lot shall have its access from a local street, if available.
- (6) Driveways shall be a maximum of 18 feet wide at the right-of-way line.

(c) Utilization.

- (1) No vehicle or trailer shall be parked in any off-street parking area to warehouse or distribute goods, except for loading and temporary sales.
- (2) Off-street parking spaces for a non-residential use shall not be used by commercial vehicles that do not fit entirely within the parking space.
- (3) Vehicles with signs attached to them shall not be parked in a manner such that they circumvent the Signs provisions (see Chapter 1151).
- (4) Off-street parking areas shall not be used to display vehicles for sale, except as a permitted use.
- (5) The off-street parking of any recreational vehicle, boat and/or boat trailer, dual purpose truck camper or converted van, pickup camper or coach (designed to be mounted on automotive vehicles), motorized dwelling, tent trailer, travel trailer, utility trailer, bus or semi-tractor or commercial vehicle designed or used for carrying merchandise or freight shall be permitted in a residential district only under the following conditions:
 - A. All such vehicles must be parked on a permanently hard surface.
 - B. No more than one camping or recreational vehicle may be parked in a residential district on a front driveway that is permanently hard-surfaced or at the curb in front of the residence of the owner of such recreational vehicle for a period of time not to exceed 48 hours for the purposes of loading and unloading and/or preparation, except where specifically prohibited by other parking regulations.
 - C. No more than one commercial vehicle having empty weight of less than 4,000 pounds and not more than seven feet in height may be parked on any lot in a residential district provided that it is on a driveway that is permanently hard-surfaced.
 - D. No more than one vehicle less than 8,000 pounds empty weight and/or ten feet in height, or buses, boats and trailers less than 30 feet in length may be parked or stored on any lot in a residential district. However, such parking or storing shall be prohibited in any front yard provided that it is parked on a permanently hard surface.
 - E. The conditions set forth in Subsections 2 through 4 above shall not apply to commercial vehicles making service calls, including vehicles being used for moving personal goods.
- (6) Vehicles owned, rented or leased by a church, school or other institutional use, provided that such vehicle is parked or stored only on the property where such use is located and that the location and screening of such storage or parking area complies with the provisions of Subsection 3 above.
- (7) All permitted camping and recreational vehicles and equipment and commercial vehicles shall be kept in good repair and carry a current year's license and/or registration. Automotive vehicles or trailers of any kind or type without current

license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

- (8) Parked or stored camping and recreational vehicles and equipment or other similar habitable vehicles shall not be permanently connected to electricity, water, gas or sanitary sewer facilities; and at no time shall these vehicles or equipment be used for living, sleeping or housekeeping purposes. No person shall permanently remove the wheels or similar transporting devices of any habitable vehicle parked in any residential district, nor shall such vehicle be otherwise fixed to the ground by any person in any manner that would prevent the ready removal of said habitable vehicle.
(Ord. 2782. Passed 5-20-03.)

1149.05 NON-RESIDENTIAL REGULATIONS.

(a) Location.

- (1) Parking spaces shall not be located within the required front setback.
- (2) All paved areas of an off-street parking area shall be a minimum of 6 feet from any lot line or 10 feet from any lot line in a residential zoning district.
- (3) In the GB and GB(R) District, the maximum total number of off street parking spaces provided on site in front of the principal structure shall not exceed 70% (seventy) of the total number of required off street spaces.

(b) Access and Maneuvering.

- (1) Curb cuts shall be a minimum of:
 - A. 40 feet from the intersection of two local roads
 - B. 50 feet from any intersection with a collector road
 - C. 70 feet from any intersection with an arterial road
 - D. 30 feet from any other curb cut (measured at the lot line)
- (2) Driveways shall be a minimum of 10 feet wide and a maximum of 13 feet wide per lane at the right-of-way line.
- (3) Driveways shall be a minimum of 20 feet wide adjacent to parking spaces.
- (4) Maneuvering area shall be provided that permits all vehicles to exit the parking area in a forward motion, without reliance on an ability to turn around in an unoccupied parking space.
- (5) Separate entrance and exit lanes, and any intended internal circulation pattern shall be clearly marked.
- (6) Curb cuts shall be directly opposite existing curb cuts, where possible.
- (7) Parking areas in a commercial district with more than 10 parking spaces shall have separate entrance and exit lanes.

(c) Utilization.

- (1) No vehicle or trailer shall be parked in any off-street parking area to warehouse or distribute goods, except for loading and temporary sales.
- (2) Off-street parking spaces for a non-residential use shall not be used by commercial vehicles that do not fit entirely within the parking space.
- (3) Vehicles with signs attached to them shall not be parked in a manner such that they circumvent the Signs provisions (see Chapter 1151).
- (4) Off-street parking areas shall not be used to display vehicles for sale, except as a permitted use.

(d) Screening and Landscaping.

- (1) Off-street parking areas of more than four spaces must meet the landscaping requirements set forth in this chapter.

(e) Additional Requirements.

- (1) Handicapped accessible. The design and construction of all new, expanded, or comprehensively redesigned off-street parking areas shall comply with applicable requirements of the Americans with Disabilities Act (ADA).

- A. Location.
 - 1. Required handicapped accessible spaces shall be located on the shortest accessible route of travel to the use for which they are required.
 - 2. For buildings with multiple accessible entrances, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
 - 3. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- B. Marking.
 - 1. Handicapped accessible spaces shall be designated as reserved by a sign showing the international symbol of handicapped accessibility at a height such that the sign is visible when the space is occupied.
- C. Design.
 - 1. Accessible parking spaces shall be at least 8 feet wide.
 - 2. Each accessible space must have an adjacent loading isle at least 5 feet wide and 20 feet long.
 - 3. Two accessible parking spaces may share a common access aisle.
 - 4. Parking access aisles shall be part of an accessible route to the building or facility entrance.
 - 5. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
 - 6. The surface of handicapped parking spaces and access aisles shall not exceed 2 percent slope in any direction.
 - 7. The route from handicapped accessible spaces to the entrance of the use for which it is required (if applicable) may not exceed 5 percent slope.
 - 8. A minimum vertical clearance of 9.5 feet must be provided at handicapped accessible spaces and loading isles, and along at least one vehicle access route to such spaces from the site entrance and exit. (Ord. 2921. Passed 9-5-06.)

(2) Loading spaces.

- A. Number.
 - 1. One loading spaces shall be required for all non-residential uses and for residential uses with greater than three dwelling units.
 - 2. One additional loading space shall be required for each 20,000 square feet or fraction thereof of floor area over the first 10,000 square feet.
 - 3. All residential and non-residential uses in the UP district are exempt from the loading space requirements.
- B. Location.
 - 1. Loading spaces may be located anywhere on a lot.
- C. Design.
 - 1. Loading spaces must be a minimum of 10 feet wide by 25 feet long.
- D. Utilization.
 - 1. Loading spaces shall be utilized primarily for loading purposes. No vehicle shall occupy a loading space continuously for more than 48 hours. (Ord. 3019. Passed 10-7-08.)

(3) Queue and exit spaces.

- A. Queuing and exiting spaces are required for drive-through and other uses that result in cars lining up to access a service.
- B. Queuing and exiting spaces shall not interfere with required parking or adequate area for vehicle maneuvering.

- C. All queuing and exiting spaces shall contain a rectangular area a minimum of 9 feet wide and 20 feet long.
- D. Queuing spaces shall not be located in the required front setback.
- E. The following uses require queue and exit spaces:

Use	Queue Spaces	Exit Spaces
Car wash bays	3 per bay	1 per bay
Vacuum stations	1 per station	None
Drive-through convenience store	7 per bay	1 per bay
Drive-up banking	3 per bay	1 per bay
Drive-up pharmacy	3 per bay	1 per bay
Fuel pumps	1 per pump	None

(4) Parking lot design.

- A. All non-residential parking areas shall be screened from an adjacent residential district by a 6-foot high visual screen.
- B. Any parking space oriented in such a way as to have headlights shine into a residential structure shall have a fence, wall, or solid hedge of no less than 4' in height screening the headlights.
- C. All off-street parking areas shall be designed, constructed, and maintained to ensure that stormwater, dust, and debris do not adversely impact any other lot.
- D. Light fixtures shall be a maximum height of 16 feet above the adjacent ground.
- E. All unpaved areas adjacent to an off-street parking area shall be raised, landscaped, and separated from the parking area by a minimum 6-inch high concrete curb.
- F. A raised, landscaped, and curbed island a minimum of 4.5 feet wide (including the width of the curb) shall be provided at the front and at the ends of each row of parking spaces and at every interval of 7 parking spaces in a row. End islands shall extend to within 3 feet of the end of the parking space. The width requirement can be shared between adjacent facing rows or by the setback requirement adjacent to lot lines.
- G. Interior rows of parking shall have an access isle between each 15 parking spaces.

(5) Landscaping.

- A. Purpose.
 - 1. Trees and other vegetation help to limit the negative effects of large, paved areas by improving stormwater control, reducing erosion, avoiding unnatural microclimates, and improving aesthetics. This section requires minimum landscaping requirements to satisfy this purpose.
- B. Trees and landscaped areas.
 - 1. Trees
 - a. A parking area shall have 2 trees per parking facility plus 1 tree for every 5 parking spaces or fraction thereof generally distributed throughout the parking area. Any dead or severely diseased trees used to fulfill these regulations shall be replaced at the request of the Zoning Administrator.
 - b. Immediately following planting, each tree shall be a minimum of 6 feet tall and have a minimum 2-inch diameter at breast height (4.5 feet above adjacent grade). At maturity, each tree shall have a clear trunk at least four feet above the adjacent parking surface and average mature crown greater than 12 feet.
 - c. Each existing tree that meets the minimum regulations for

- a newly planted tree shall count as 1 tree.
- d. Each newly planted or existing tree with a minimum 6-inch diameter at breast height that is in a living and healthy condition shall count as 2 trees.
- C. Landscaped areas. All areas that are not paved shall be landscaped and shall satisfy the following regulations:
1. Shrubs, vines, and ground cover shall be healthy stock.
 2. Shrubs shall be a minimum of 1 gallon.
 3. Shrubs shall be maintained so that their height does not exceed 3 feet above the adjacent parking surface.
 4. Lawn grass shall be a species common to Southwest Ohio. Sod shall be used in areas subject to erosion.
 5. Synthetic or artificial lawns or plants may not be used in lieu of plant requirements.
 6. Concrete and asphalt shall not be used in landscaped areas. Decorative aggregate and other pervious surfaces may be used in landscaped areas if approved by the Zoning Administrator.
- D. Alternate design plan. If the design regulations in this chapter will not result in an appropriate parking area for the site on which a use is located or proposed, a property owner may apply to the Planning Commission for approval of an alternate design plan.
1. The application for an alternate design plan is available from the Planning Department and shall include:
 - a. A written description explaining how and why the proposed design better accomplishes the purposes of this chapter.
 - b. A site plan with the following elements:
 - i. The date, scale, north arrow, title and name of owner;
 - ii. An accurate 1" = 10' or larger scale site plan of the proposed parking facility with boundary lines and dimensions;
 - iii. Total area of the site;
 - iv. Existing and proposed utility lines, both overhead and underground, and easements on or adjacent to the site;
 - v. Existing and proposed improvements on the site, including all paving and structures (including structure height);
 - vi. The location, size, plant unit value and the common and scientific names of landscaping to be installed and maintained on the site;
 - vii. The current zoning and land use of surrounding properties;
 - viii. Any additional factors that affect the practical application of this section, such as notable topographic changes, watercourses, and bodies of water.
 2. The application shall be placed on the agenda of the next regularly scheduled Planning Commission meeting. The Planning Commission shall consider the application and make its decision based upon any element of the plan, the principal use of the property, and the existing use and configuration of adjacent sites.
 3. If the Planning Commission approves an application, it may impose conditions or modify the approved plan in any manner required to protect the public health, safety, and general welfare.
(Ord. 2921. Passed 9-5-06.)

CHAPTER 1151
Signs

1151.01	Purpose.	1151.05	Permanent signs.
1151.02	Administration.	1151.06	Temporary signs.
1151.03	General regulations.	1151.07	Definitions.
1151.04	Public property.	1151.99	Penalty.

1151.01 PURPOSE.

(a) The purpose of this Chapter is to regulate the display of signs that pertain to residential and nonresidential land uses and activities that take place on the same site as where the sign is located. These regulations are intended to:

- (1) Provide property owners and occupants an opportunity for effective identification.
- (2) Maintain and enhance the quality of the City's appearance by limiting the number, sign face area, total area, location, and design of signs permitted on all sites.
- (3) Protect residential zoning districts from the adverse impacts of excessive signs both from within residential districts and from surrounding districts.
- (4) Reduce sign clutter.
- (5) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
- (6) Provide reasonable and appropriate methods to identify goods sold or produced and services rendered in all zoning districts.
- (7) Control the size, location, and design of temporary and permanent signs so that the appearance of such signs will be aesthetically harmonious with their surroundings and will enhance the overall appearance of the built environment.
- (8) Eliminate any conflict that could be hazardous between private signs and traffic control devices and signs.
- (9) Preserve and perpetuate uncluttered and natural views, significant architecture, and cultural resources for the enjoyment and environmental enrichment of the Oxford residents and visitors.

(Ord. 2855. Passed 7-5-05.)

1151.02 ADMINISTRATION.

(a) Interpretation and Enforcement. The Zoning Administrator shall interpret and enforce this chapter. Appeal from the decision of the Zoning Administrator may be made to the Board of Zoning Appeals.

(b) Nonconforming Signs. Legal nonconforming signs are regulated at Chapter 1137, Nonconformities, Section 1137.10, Nonconforming Signs.

(c) Zoning Inspections. The Zoning Administrator is authorized to inspect any sign for compliance with this Code at any time.

(d) Installation and Maintenance. All signs shall be installed in a workmanlike manner and shall not be allowed to exist in a state of disrepair, which includes dysfunctional lighting, broken glass and plastic, rotted wood, peeling paint or vinyl, missing parts, rust, illegibility, and the like. The Zoning Administrator shall order the removal or repair of any sign that does not meet this standard after giving proper notice.

(e) Construction.

- (1) No sign shall be constructed of highly flammable materials.
- (2) Any glass other than that contained in incandescent bulbs, fluorescent bulbs or neon tubing which form part of any sign shall be comprised of glass approved by the building official for use in the particular application.

(f) Penalties for Violation. Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor pursuant to Oxford Code Section 501.99. Each day's continuance of a violation shall be considered a separate offense.

(g) Identification of Permanent Signs. Every permanent sign for which a permit is issued according to these regulations shall be plainly marked with the name of the responsible party and the permit number for the sign. Except for legal nonconforming signs, failure to display such information as required is prima facie evidence that the sign is a violation of this Code.

(h) Invalid Signs. A sign, whether conforming or nonconforming, that displays a commercial message that applies to an entity no longer in operation or to goods or services no longer provided shall be completely removed or the sign face replaced with a blank face within 45 days of such discontinuation of operation, sales, or service. The sign, sign structure, and mounting hardware must be removed in its entirety if a legal operation, sales, or service is not reinstated or established within 2 years of the original date of such discontinuation.

(i) Applications and Permits.

- (1) The application requirements, permitting procedure, and issuance of a permit shall be as determined by the Zoning Administrator in accordance with this code.
- (2) Temporary signs require obtaining a building and zoning permit unless specifically exempted below and shall be issued no sooner than 7 days from the date of application.
- (3) A permit is required for all signs permitted in this Chapter except as specifically exempted below.
- (4) The following signs do not require obtaining a permit but must comply with all applicable regulations in this chapter:
 - A. Street addresses as required by Oxford Code
 - B. Public signs
 - C. Nonresidential land use name plate signs
 - D. Nonresidential land use direction signs
 - E. Self-service facilities signs
 - F. Structure identification signs
 - G. Associations signs
 - H. Real estate signs
 - I. Construction signs
 - J. Flags
 - K. Noncommercial and political signs
 - L. Window signs
 - M. Special Event Signs
 - N. Building identification signs

(j) Fees. Permit fees for signs shall be as set forth by City Council.

(k) Measurement.

- (1) All sign face area shall be counted towards any total sign area regulation provided in this Code. Signs that are exempted from the permit requirement of this Code are not counted towards the total sign area permitted for a site or nonresidential occupant.
- (2) Where this Code regulates the total sign area or the sign face area of a sign based upon the site or structure relative to an adjacent public right-of-way, the following provisions apply:
 - A. If a site abuts only one public right-of-way, the area regulations are based upon only that right-of-way.
 - B. If a site abuts more than one public right-of-way, the number and area regulations are based upon all rights-of-way, however, the sign number and area permitted based upon each right-of-way shall only be oriented towards the right-of-way upon which the permitted sign area is based.

(Ord. 2855. Passed 7-5-05.)

1151.03 GENERAL REGULATIONS.

(a) Proposals for signs on properties within a Historic Architectural District, regardless of zoning district, shall consult the guidelines provided by the Historical Architecture Preservation Commission and must follow the procedures for approval contained therein.

(b) No signs are permitted other than those specifically permitted in this Code.

(c) The time, place, and manner of signs shall be regulated to protect the public health, safety, and general welfare as follows, unless specifically provided elsewhere in this chapter:

(d) Design.

- (1) Signs shall only describe or direct attention to a nonresidential occupant, business, commodity, service, person, product, service, or entertainment produced, provided, conducted, sold, offered, or performed on the same premises on which the sign is displayed.
- (2) No sign shall approximate the design or effect of public traffic control sign.
- (3) No sign shall be painted directly upon a residential structure.
- (4) No wall sign shall project more than 1 inch from the side of a building or structure that is adjacent to a public alley.
- (5) The following signs are specifically prohibited: moving signs, flashing or animated signs, balloons, gas or other inflated signs, portable signs, searchlights, streamers, spinners, pennants, flags (except as specifically permitted in this Chapter), and the like.

(e) Location.

- (1) No freestanding sign shall be closer to a lot line or the public right-of-way than the height of the sign, except as specifically exempted in this Chapter.
- (2) No sign shall be attached to a standpipe, fire escape, utility pole, utility cabinet, or other utility or safety device.
- (3) No sign shall be attached to a tree or other natural vegetation
- (4) No sign shall be upon or project above a roof line
- (5) Any wall sign that extends more than 3 inches from the surface to which it is attached shall be a minimum of 8 feet above the adjacent ground.
- (6) No sign or sign structure shall be attached in a place that is likely to restrict the view of any street intersection, railroad crossing, or pedestrian crosswalk
- (7) No sign shall be attached in a place or manner that is likely to restrict free ingress or egress from any door, window, or fire escape.

(f) Illumination.

- (1) Sign shall be only naturally illuminated unless specifically permitted to be direct or indirect illumination elsewhere in this Chapter.
- (2) No sign illumination shall be permitted that casts light towards a right-of-way or that casts light into an adjoining residential zoning district or where a light source is directly visible from off of the site.

(Ord. 2855. Passed 7-5-05.)

1151.04 PUBLIC PROPERTY.

For the purposes of this section, public property includes the property of any public governmental entity located in the City of Oxford including the City, Butler County, the State of Ohio, Miami University, the Lane Public Library, and the Talawanda City School District.

(a) Public Signs. Public signs and signs serving a public interest are permitted at any time, in any place, and in any manner deemed appropriate by the City Manager for the benefit of the public interest.

(b) Private Signs Over Public Property.

- (1) No privately owned signs may be affixed to or placed within the public right-of-way or on other public property, except as provided for in this Code. Wall signs attached to nonpublic structures that project into the public right-of-way are subject to the

- same provisions regulating signs that are on private property.
- (2) The owners of all signs installed in the airspace of or directly on or in a public right-of-way or other public property in accordance with this Code shall be required to maintain insurance protecting The City of Oxford, Ohio from any claims of liability relative to personal injury or property damage in the right-of-way or other public property resulting from such sign. Failure to maintain such insurance shall be cause to revoke a sign permit and shall be a violation of this Code.
- (c) Sandwich Board Signs. On the public right-of-way, in the GB, **GB(R)**, UP, and RO zoning districts each nonresidential occupant shall be permitted 1 free-standing sandwich board sign as follows:
- (1) The sign shall have a maximum total area of 16 square feet. The sign may have a maximum of two sign faces. The maximum area per sign face shall be no more than 12 square feet.
 - (2) The sign shall not extend more than five feet into the right-of-way .
 - (3) The sign shall not result in less than five feet of unimpeded sidewalk area adjacent to the sign.
 - (4) The City is authorized to require removal of such signs at any time deemed appropriate for the convenience and protection of the public health, safety, and general welfare.
- (Ord. 2855. Passed 7-5-05.)

1151.05 PERMANENT SIGNS.

(a) Nonresidential Land Use Identification and Advertising Signs in the following Districts. These regulations describe the signs permitted for the purposes of identification and advertising for nonresidential land uses in those zoning districts that permit nonresidential land uses by right. Such signs are primarily intended to provide for identification of such uses from off-site, but also include pedestrian-scale signs that are intended to provide more detailed information to people who approach the primary entrance to such land uses.

- (1) RO - Residential Office District. No more than a total of 1 wall or freestanding sign is permitted per nonresidential occupant in accordance with the following:
 - A. Wall Signs:
 1. No more than 1 sign as follows, for identification and advertising:
 - a. No more than 20 square feet
 - b. Attached between 9 and 18 feet above the adjacent ground
 - B. Freestanding Signs:
 1. No more than 1 sign as follows, for identification and advertising:
 - a. No more than 12 square feet per sign face
 - b. No closer than 10 feet to a side lot line
 - c. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
 - C. Illumination:
 1. Signs shall have only indirect illumination.
 - D. Proposals for signs on properties that fall within a Historic Preservation District in an RO zoning district must consult the HAPC sign guidelines and follow the procedures therein.
- (2) UP – Uptown District. No more than a total of 2 wall signs are permitted per nonresidential occupant in accordance with the following:
 - A. Wall signs:
 1. No more than 1 sign per nonresidential occupant as follows, for identification and advertising:
 - a. No more than 3 feet in height that extends horizontally across the entire façade of the structure
 - b. Attached between 9 and 18 feet above the adjacent ground
 - c. If a building has more than one business occupant, the owner of the building shall apportion the space allotted for

- signs among the various business occupants in accordance with the regulations above.
- d. If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.
- 2. No more than 1 sign per nonresidential occupant as follows, for a menu box:
 - a. No more than 2 square feet in area
 - b. Attached between 4 and 6 feet above the adjacent ground
 - c. Incorporates no text greater than 2 inches in height.
- B. Illumination:
 - 1. Signs shall have only indirect illumination.
- C. Proposals for signs on properties that fall within a Historic Preservation District in an UP zoning district must consult the HAPC sign guidelines and follow the procedures therein.

(3) **GB & GB(R) - General Business & General Business Redevelopment Design Overlay District.** No more than a total of 2 wall or freestanding signs are permitted per development site in accordance with the following:

- A. Maximum total sign area for all signs on a development site shall be no more than 2 square feet of sign area per linear front foot of the site.
- B. Wall Signs:
 - 1. No more than 2 signs as follows:
 - a. If the average front setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.
 - b. A sign may extend the width of a building in accordance with the maximum total sign area requirement.
 - c. If a building is on a corner lot or the corner of an alley, it is permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.
- C. Freestanding Signs:
 - 1. No more than 1 sign as follows:
 - a. No more than 48 square feet per side
 - b. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
- D. Illumination:
 - 1. Signs may be indirectly or directly illuminated.

(4) **OI & LI - Office and Light Industrial District & Light Industrial District.** No more than a total of 1 wall or freestanding sign is permitted per development site in accordance with the following:

- A. Maximum total sign area for all signs on a development site shall be no more than 1 square foot of sign area per front foot of the development site.
- B. Wall Signs:
 - 1. No more than 1 sign as follows:
 - a. If the average front setback of the structure is less than 100 feet, then the sign may be no more than 3 feet tall. If the average front setback of the structure is 100 feet or greater then a sign may be no taller than the average front setback of the structure multiplied by 0.04, but in no case taller than 12 feet.
 - b. If a building is on a corner lot or the corner of an alley, it is

permissible to have one additional wall sign on the side of the building facing the secondary roadway in accordance with the regulations above.

C. Freestanding Signs:

1. No more than 1 sign as follows:
 - a. No more than 48 square feet per side
 - b. No closer than 30 feet to a side lot line
 - c. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.

D. Illumination:

1. Signs may be indirectly or directly illuminated.

(b) Nonresidential Land Use Signs in Residential Zoning Districts. The following regulations describe the signs permitted for identification of nonresidential land uses such as day care, institutional, public, semi-public, charitable, non-profit, religious, or medical facilities in any residential zoning district as defined in Chapter 1133, Provisions for Zoning Districts. Such signs are primarily intended to provide for identification of such uses from off-site. Signs for legal nonconforming nonresidential land uses are regulated according to the Nonconforming Chapter of this Code and are not entitled to the signs permitted in this section.

- (1) No more than 1 sign per development site is permitted as follows:
 - A. The sign may be either a wall or a freestanding sign but not both
 - B. No more than 12 square feet in area
 - C. Indirect illumination only

(c) Name Plate and Direction Signs in Any District. These regulations describe the signs permitted for the purposes of controlling the flow of pedestrian and vehicular traffic on-site and for identifying the building entrances for nonresidential land uses in any zoning district. Such signs include vehicular and pedestrian-scale signs that describe building occupants, secondary entrances, intended travel directions, and parking regulations and are permitted in accordance with the following:

- (1) No more than 1 wall sign per principle structure as follows, to describe the names, address, and locations within the structure:
 - A. No more than 2 square feet in area
 - B. Attached between 4 and 8 feet above the adjacent ground
 - C. Attached either on or within 2 feet of a door.
 - D. Indirect illumination only
- (2) No more than 1 wall sign per secondary entrance to a principle structure, excluding that described in part 1 of this section, as follows, to describe the purpose of secondary entrances:
 - A. No more than 2 square feet in area
 - B. Attached on or within 2 feet of a door
- (3) No more than 1 wall or freestanding sign per development site as follows, to describe parking regulations:
 - A. No more than 4 square feet in area
 - B. Single sign face only
 - C. Display no commercial message except identification and address
 - D. Indirect illumination only
- (4) Any number of wall or freestanding signs as follows, to describe intended direction of vehicular travel on-site:
 - A. No more than 2 square feet in area
 - B. No higher than 4 feet
 - C. No closer than 5 feet to any lot line
 - D. Display no commercial message except identification and address

(d) Residential Land Use Signs. These regulations describe the signs permitted for the purposes of identification of residential land uses in any location. Such signs include addresses, large multi-family identification, and subdivision identification and are permitted in accordance with the following:

- (1) No more than 1 freestanding sign per development site as follows, for identification of residential structures with more than three dwelling units in the R3A zoning district:

- A. A maximum of 2 sign faces
 - B. No more than 24 square feet in area per sign face
 - C. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
 - D. Indirect illumination only
- (2) No more than 1 freestanding sign per street intersection at the boundaries of a subdivision as follows, for identification of the subdivision:
 - A. A maximum of 2 sign faces
 - B. No more than 48 square feet per sign face
 - C. No combination of a freestanding sign structure and sign shall be higher than 6 feet or wider than 12 feet.
 - D. Indirect illumination only
- (e) Other Permitted Specific Development, Land Use, and Accessory Land Use Signs.
 - (1) Street Number Signs. Signs for the display of street numbers as regulated in Oxford Code Section PM-304.3, Street Numbers.
 - (2) Building Identification Signs. No more than 1 wall sign per principal structure as follows:
 - A. No more than 6 square feet in area
 - B. Attached between 4 and 18 feet above the adjacent ground
 - C. The sign shall be naturally illuminated only.
 - (3) Fuel Sales. In addition to other provisions of this Chapter, a publicly available fuel dispensing station may use a 12 square foot area of no more than one permitted wall or freestanding sign for changeable copy to display the price of fuel. This may be applied on both sides of a two-sided sign.
 - (4) Self-service facilities. No such facility shall have more than 4 square feet of total sign area. Such signs shall be permanently attached to or be a part of the facility and shall not extend above it.
 - (5) Planned Developments. Signs for planned developments shall be regulated according to the approved final plan.
 - (6) Commemorative Structure Identification. Structure names, erection dates, commemorative plaques and the like are permitted on any structure if carved into stone or concrete or set in brick or in some other way permanently made a part of the structure or if made of metal and permanently adhered to the structure. This is intended to permit signs that will remain on the structure until it is razed and that is independent of the occupants. These signs shall be naturally illuminated only.
 - (7) Associations. Credit card, trading stamp, trade association window signs are permitted for any nonresidential land use in any zoning district. No symbol shall exceed ½ square foot in area. No more than 10 such signs are permitted per nonresidential occupant. These signs shall be naturally illuminated only.

(Ord. 2855. Passed 7-5-05.)

1151.06 TEMPORARY SIGNS.

Temporary signs are not subject to the sign area provisions described elsewhere in this Chapter.

- (a) Special Events. No more than 1 sign per nonresidential occupant, to advertise special events:
 - (1) No more than 30 square feet in area in a nonresidential zoning district
 - (2) No more than 16 square feet in area in a residential zoning district
 - (3) Single sign face
 - (4) Installed flat against a wall or stretched between pillars or other supporting members of a principal structure
 - (5) Placed or positioned at or below the lowest residential window sill.
 - (6) Installed for no more than 14 days
 - (7) Installed no more than 6 times per calendar year (January through December)
- (b) Real Estate. No more than 1 sign per lot per adjacent public right-of-way as follows, to advertise real estate:
 - (1) No more than 24 square feet in area per side in a nonresidential zoning district
 - (2) No more than 6 square feet in area per side in a residential zoning district

- (3) Must be freestanding
 - (4) Must not be permanently anchored to the ground or attached to concrete, asphalt, or other natural ground surface
 - (c) Construction.
 - (1) No more than 2 construction signs that together have a total sign area of no more than 32 square feet.
 - (2) The maximum number of sign faces per sign shall be limited to 1
 - (d) Flags. No more than 4 flags per principle structure are permitted for any land use in any zoning district.
 - (e) Noncommercial and Political Signs. Any principle structure in any zoning district may display no more than 5 noncommercial or political signs. Each sign may have a maximum of 2 sign faces (a double faced sign), each face with a maximum of 12 square feet in sign area. Signs may be wall, window, or freestanding. Signs shall be naturally illuminated only.
 - (f) Window Signs. Any land use in any zoning district may have window signs that obstruct no more than 50 percent of the glass within a structural frame of the wall in which it is located.
- (Ord. 2855. Passed 7-5-05.)

1151.07 DEFINITIONS.

- (a) Area, Sign Face – the area of the smallest rectangle that encloses all of the letters, figures or symbols that comprise the sign message, including any background forming an integral part of the display, but not including any structure supporting the sign, unless the support structure forms a part of the message being displayed.
- (b) Area, Total – the area permitted for a residential or nonresidential occupant, structure, site or other entity that is comprised of all separate sign face areas
- (c) Banner – a non-rigid cloth, plastic, paper, or canvas sign typically related to a public demonstration or for the promotion of civic, welfare or charitable enterprises.
- (d) Building Identification Sign – a sign intended to identify a building from beyond the site on which the sign is located.
- (e) Changeable Copy Sign – a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic, or manual means.
- (f) Commercial Sign – a sign proposing or promoting a commercial transaction or directing attention to a business, commodity, or service.
- (g) Construction Sign – a temporary sign identifying the persons, firms, or businesses directly connected with an ongoing construction project and other information or diagrams about the project.
- (h) Development Site – Any area of land that is characterized by a single, unified, integrated development or land use regardless of ownership or underlying legal land divisions.
- (i) Direction Sign – a sign intended to control the flow of pedestrian and vehicular traffic that does not contain any other commercial message.
- (j) Flag – any fabric or bunting that display only the symbol of an official public entity or political jurisdiction.
- (k) Flashing Sign – a sign that changes in intensity, color, or pattern of illumination at less than two-hour intervals when the sign is activated.
- (l) Freestanding Sign – a sign that is affixed to the ground and that is not affixed to any other structure.
- (m) Ground Sign – a freestanding sign structure that is affixed to the ground and that is not affixed to any other structure and that has a base that contacts the ground over at least 80 percent of the maximum width of the structure.

(n) Height, Sign – the distance between any part of the sign face area and the natural finished grade directly below it.

(o) Identification Sign – a sign that serves to identify only the names, addresses, and occupations conducted on or in the site, structure, building, or portion thereof on which it is located.

(p) Illegal Sign – either of the following:

(1) A sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.

(2) A sign that was legally erected, but whose use has ceased, or the structure on which the display is placed has been abandoned by its owner, not maintained, or not used to identify or advertise an ongoing business after a period of more than 45 days. See 1151.02(h)

(q) Illumination, Direct – a source of illumination enclosed entirely within a sign and not directly visible from outside of the sign.

(r) Illumination, Indirect – a source of illumination directed toward a sign so that a beam of light falls on the exterior surface of the sign.

(s) Illumination, Natural – illumination provided only by the sun, moon, and other broad environmental sources such as street lights, parking lot lights, and building lights and not provided with direct or indirect illumination as defined in this Chapter.

(t) Instruction Sign – an on-site sign designed to be visible on-site or immediately adjacent to the site by pedestrians and motorists and that conveys instructions with respect to the premises on which it is maintained. Examples of such signs include a sign designating the entrance to or exit from a parking area, trespassing sign, a danger sign, entry or exit signs, directional signs, service entrance signs, and on-site information signs.

(u) Menu Box – a pedestrian-scale, nonresidential occupant sign that provides an opportunity to change the message on a regular basis to provide information about a restaurant menu, scheduled entertainment, special events, and the like.

(v) Mural – a picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product, service, place, person or the identification of any business.

(w) Noncommercial and Political Sign – a sign other than a commercial, instructional, entry feature, construction, identification, outdoor advertising, professional or real estate sign.

(x) Nonconforming Sign, Legal – a sign that was lawfully erected or displayed under laws or ordinances in effect at the time of its installation, but that is not allowed under this Code.

(y) Nonresidential Occupant – Any single entity that is involved in the operation of a nonresidential land use.

(z) Off-Site Sign – a sign that is not an on-site sign as defined in this Chapter.

(aa) On-Site Sign – a sign directing attention to a business, commodity, service, person, or entertainment conducted, sold or offered on the same site on which the sign is located.

(bb) Portable Sign – a sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds.

(cc) Professional Sign – a sign indicating the name and occupation of a professional person or group of associated professional persons.

(dd) Projecting Sign – a sign that is wholly or partly dependent on a building for support or suspended from a pole attached to a structure and that projects more than 16 inches from the building at a

perpendicular angle or approximately perpendicular angle.

(ee) Real Estate Sign – a sign advertising the sale, rental, open house, or lease or other disposition of the structure, property, or land on which it is installed.

(ff) Roof Line – the uppermost line or point of the façade or parapet of a flat roof structure, or the lower edge of an eve, gable, or rake of a sloped roof structure including a mansard roof.

(gg) Roof Sign – a sign erected on or projected above the roofline of a building or structure.

(hh) Sandwich Board Sign – a sign with two hinged, connected or double-faced boards or other material that can be temporarily placed on the ground and is customarily placed on a sidewalk to advertise changing sales, specials, or products sold in the adjacent establishment.

(ii) Sign – any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or site by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

(jj) Self-service Facilities – machines, containers, and other external appurtenances that are publicly available and that are generally used by the public without assistance, such as canned and bottled drink dispensers, ice storage chests, propane tank corrals, automated teller machines (ATMs), gasoline pumps, air compressors, newspaper boxes, pay telephones, vehicle washing and vacuuming facilities, and the like, whether freestanding or attached to a structure.

(kk) Site, Development – See Development Site

(ll) Special Event Sign – a sign displaying a message about a grand opening, change in management, promotion, annual activity, sale, seasonal sale, temporary price change, new merchandise, new service, special service, and the like relative to the nonresidential occupant that displays the sign.

(mm) Temporary Sign – a sign designed, intended, or installed for a relatively short period of time and that consist only of materials that are not subject to degradation from exposure to inclement weather, the sun, or other natural hazards. Prohibited materials include uncoated paper, cardboard, untreated cotton, and other untreated natural fibers.

(nn) Wall Sign – a sign painted on or affixed flat against the wall of a building or structure, or a marquee, awning, or canopy in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 16 inches from such building or structure.

(oo) Window Sign – a sign painted on or affixed to a windowpane or glass door or displayed on the inside of the building or structure that is within two feet of a windowpane or glass door and is visible from a public right-of-way or adjacent property.
(Ord. 2855. Passed 7-5-05.)

1151.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor pursuant to Oxford Code Section 501.99(a). Each day's continuance of a violation shall be considered a separate offense.
(Ord. 2855. Passed 7-5-05.)

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	March 16, 2010
<u>Case Number</u>	PC-06-2010
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	To add a new Section 1143.13-GB(R) General Business Redevelopment Design Overlay District regulations and renumber subsequent zoning districts to accommodate the new section, and modify Chapter 1133, 1141, 1149 and 1151 to correctly cross reference the new zoning district.
<u>Public Hearing Information</u>	At the March 9, 2010 Planning Commission meeting a Public Hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on February 5, 2010.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 to recommend approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of the draft language.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated February 1, 2010. 2. Chapters 1143, 1133, 1141, 1149 and 1151 language modifications. 3. Zoning Code Text Amendment Application dated January 22, 2010.

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-06-2010

Date – March 9, 2010

APPLICATION

Applicant:	City of Oxford
Location:	South Locust St.
Owner:	
Action Request:	To add a new Section 1143.13-GB(R) General Business Redevelopment Design Overlay District regulations and renumber subsequent zoning districts to accommodate the new section, and modify Chapter 1133, 1141, 1149 and 1151 to correctly cross reference the new zoning district
Current Use:	Commercial
Current Zoning	"GB" General Business District
Surrounding Existing Land Uses:	Mix of Commercial and Single-Family Residential.

GENERAL DESCRIPTION

There are two major commercial corridors within Oxford. One is US 27 North and the other the Locust Street area. However, there are different characteristics separating the two; US 27 is a major thoroughfare more suitable for automobile-oriented type of commercial activity; while the Locust Street area is geographically located in the center of the City, providing commercial activity to the overall community.

Several major development/redevelopment projects have taken place in the Locust Street corridor causing the Planning Commission to contemplate developing a different set of regulations necessary to promote future developments to permeate a certain look and ambience that has been lacking in the current suburban type of regulations.

Many months of work sessions spanning from January to October 2009 has brought this amendment before the Planning Commission for formal consideration. The Planning Commission looked at other development ideas in many different places and felt that the current regulations needed to be revised.

SURROUNDING NEIGHBORHOOD

North: "GB" General Business – 27 Corridor-automobile-oriented businesses
South: "Multi-family apartments and single family structures
East: "GB" General Business
West: Single family

COMPREHENSIVE PLAN

Land Use Principles:

1. The community's small college town character will be preserved and enhanced.
2. Uptown and new commercial developments will have a mix of uses that are distinctive and contribute to enhancing the community's overall identity.
3. Infill development and redevelopment of underutilized sites is a priority.
4. The development of new residential areas, and redevelopment of existing residential areas, will have strong residential qualities.

5. Green space and public spaces will be incorporated as part of future development.
6. Future growth at the edge of the city will preserve open space, protect the area's rural character, and be consistent with the other principles.
7. New commercial and light industrial development will be developed with pedestrian amenities and green spaces.
8. Streets will create an attractive public realm.
9. Places will be connected to create better opportunities to walk, bike and access public transportation throughout the community.
10. Environmental sensitive and sustainable practices will be encouraged in future development.

The Development Map contained in the Comprehensive Plan also identified this area suitable for redevelopment. The intent is to provide a mix of small and medium sized commercial uses with a well defined streetscape and public space.

OBJECTIVES AND STRATEGIES:

5. Support the redevelopment of commercial areas along Locust Street:

- LU 5.1 Focus future efforts on infill development and redevelopment of existing sites and not physical expansion of the commercial district
- LU 5.2 Focus future uses on community oriented.
- LU 5.3 Enhance the Zoning Code to provide for increased buffering between commercial and residential uses including screening, noise restrictions, lighting restrictions and trash receptacle screening.
- LU 5.4 Develop additional pedestrian and bicycle linkages along Locust Street.
- LU 5.5 Create architectural and site controls for traffic, retail and residential uses along locust Street to guide new development that complements the small town character and supports a mix of uses.
- LU 5.6 Provide incentive to increase the feasibility of developing vacant site s in targeted areas of the City.

PUBLIC COMMENT FORMS

No comments have been received to date.

STAFF ANALYSIS

The Planning Commission has worked months putting together a set of pedestrian-scale commercial regulations, given the rising concern that traditional zoning regulations cannot satisfy the vision of the community, as they have clearly been spoken in the Comprehensive Plan process.

The current deep setback that has been a dominating feature of the suburban commercial development neglects to provide the pedestrian-scale connection and further promotes an automobile reliance retail shopping experience. Given the adoption of the 2008 Comprehensive Plan Update, the desire to maintain a small town atmosphere, integrate pedestrian scale to commercial development and to reduce the emphasis of automobile-oriented placement, makes it critical to consider a new set of regulations to promote these objectives. Several redevelopment projects occurring in the Uptown District also reinforces the belief that current regulations need to be reformulated.

The issue is how to create a zoning category that would capture the vision of the community, is different than the city-wide stipulations, yet not undertake an overhaul of those city-wide regulations. An overlay district would be a way to maintain the underlying character, but craft different regulations. Currently, the Planned Development (PUD) is an overlay process, hence it has different requirements.

There are other advantages of creating an overlay district as well. One is that it could be used as an interim step prior to completely reworking the overall zoning regulations.

The main difference between the proposed overlay regulations from the existing ones is that the proposed regulations emphasizes the placement of buildings in close relationship with the public realm and pulling buildings closer to the right-of-way thus creating a more intimate public space. Additionally, the proposed regulations would promote the location of off-street parking to be on the side and rear of new redevelopment projects.

The general area for consideration is bordered by Contreras Road to the north, McGuffey Avenue to the west; College Avenue to the East and Foxfire to the south. The proposed regulations are aimed to encourage redevelopment with a traditional urban flavor and are worked toward accommodating the existing structures.

Based on the Planning Commission's discussions, staff has put together draft language to present to the Planning Commission for recommendation. One minor thing that staff has included in the language is requiring a concept presentation for any redevelopment project. The required submittal for a concept is not extensive and is very informal. With this process in place, the Planning Commission would receive a lot of feedback from the Applicant as far as the regulations and the processes go. That feedback would assist the Planning Commission in future discussions on how to fine-tune the regulations to achieve the vision of the Planning Commission.

The bulk of the changes are dealing with new regulations for the overlay district. However, with the creation of this district, other sections of the Oxford Zoning Code will also need to be modified as cross reference occurs repeatedly in the code that need to be updated as well. Therefore, in the attached proposed language, there are changes, even minor in nature, in other chapters of the Oxford Zoning Code related to vehicle management, signs regulations and temporary and accessory regulations.

RECOMMENDATION

Not applicable.

DECISION STANDARDS

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

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

Map Amendments

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

SUBMITTED BY:


Jung-Han Chen, AICP
Community Development Director

DATE: February 1, 2010

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant:

City of Oxford

(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address:

101 E. High St.
Oxford OH 45056

Telephone Number(s)

Email Address

SUBMISSION REQUIREMENTS

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

Add new section 1143.13GB(R)

& renumber/
modify

All applications must include:

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

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

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

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

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

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

SIGNATURE OF APPLICANT:

Jung-Han Chen

Date:

1/22/10

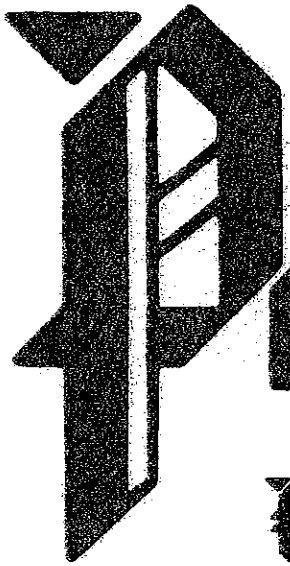
PRINTED NAME:

Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number:

NA



Office of the Mayor

Proclamation

Whereas: in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, trees can produce oxygen, provide habitat for wildlife, reduce the erosion of our precious top-soil by wind and water, cut heating and cooling costs, moderate the temperatures, and clean the air; and

WHEREAS, trees are a resource providing us with wood for our homes, fuel for our fires, paper, and countless other wood products; and

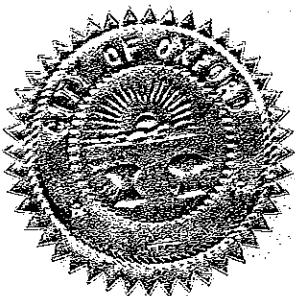
WHEREAS, associated with the management of the approximately 3,197 street and public trees in the community, the City of Oxford has fulfilled the requirements for "Tree City USA" for fourteen consecutive years.

NOW, THEREFORE, I, Richard Keebler, Mayor of the City of Oxford, Ohio, Tree City USA, do hereby proclaim that on the last Friday in April, April 30, 2010, the City of Oxford will recognize and participate in the national and international celebration of:

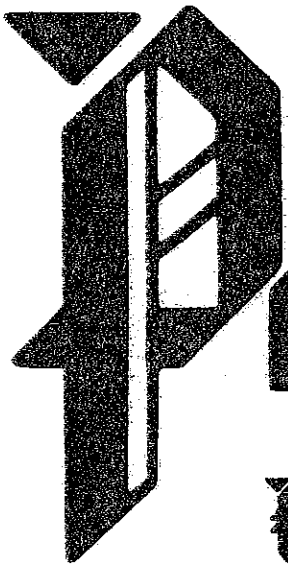
"ARBOR DAY"

I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

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 April, 2010.



RICHARD KEEBLER, MAYOR



Office of the Mayor

Proclamation

Whereas:

On April 22, 1970, United States Senator Gaylord Nelson of Wisconsin and Denis Hayes organized the first nation-wide day devoted to environmental awareness and education that was celebrated by an estimated 20 million Americans; and

WHEREAS, this day of environmental awareness and education is now celebrated world-wide in some 180 countries, with the participation of over 4,000 separate organizations; and

WHEREAS, individuals and institutions have a mutual responsibility to seek ecological, economical and ethical choices that enable the world, as well as our individual communities, to establish and maintain sustainable societies.

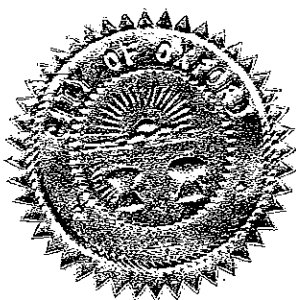
NOW, THEREFORE, I, Richard Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim that on Thursday, April 22, 2010, the City of Oxford will recognize and participate in the national and international celebration of:

'EARTH DAY'

I urge all citizens to celebrate Earth Day and to remind each person of their right and responsibility to the wise use of this global home, to heal, preserve and improve the Earth and the quality of life for this and future generations, and to approach every day as an Earth Day.

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 April, 2010.

RICHARD KEEBLER, MAYOR



CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager: Douglas Elliott, Jr.

Fire
Originating Department

Council Meeting Of: April 6, 2010

Account Code No. #: N/A

John Detherage
Prepared By

Budgeted Amount: N/A

March 30, 2010
Date Prepared

Agenda Title: A Resolution authorizing the Oxford Division of Fire to accept the donation of an EZ-IO intraosseous access system.

Recommendation: Adopt the Resolution.

Discussion: The Fire Department applied for a grant from the Butler Rural Community Connections program to fund the purchase of this system. This tool immediately accesses a patient's vascular system when the patient is a "hard stick" and no other means of access is available. A needle is placed into the arm or leg bone with a small "drill" to access the patient's bone marrow and provide the route for fluids, medications, and also blood products when the patient arrives at the hospital.

Approved By:

Department Head:

City Attorney:

Acting City Manager:

Initial Date

WJD 4/1/10

RESOLUTION NO.

A RESOLUTION TO ACCEPT A GIFT OF AN EZ-IO INTRAOSSEOUS ACCESS SYSTEM FROM THE BUTLER RURAL COMMUNITY CONNECTIONS PROGRAM.

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

SECTION 1: The Butler Rural Community Connections Program, has offered to give, and the City is desirous of accepting, an EZ-IO intraosseous access system to be used as a tool to immediately access a patient's vascular system.

SECTION 2: The City has the right to acquire property by gift pursuant to Section 715.01 of the Ohio Revised Code.

SECTION 3: The City Manager and Fire Chief recommend acceptance of the gift, and City Council has determined that the City would benefit from accepting the gift and that the same will be used for a proper municipal purpose upon acceptance.

SECTION 4: City Council hereby accepts the gift of an EZ-IO intraosseous access system from the Butler Rural Community Connections Program.

SECTION 5: It is found and determined that all formal actions of City Council concerning and relating to the adaption of this Resolution were adopted in an open meeting of City Council, and that all deliberations of the City Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

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

MAYOR

ADOPTED:

ATTEST

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

EZ-IO[®] Product System

For patients of all ages and weights

FEATURES

- Insertion is under 10 seconds
- Stable and secure
- Drug delivery equivalent to central venous catheter
- Effective, safe, multi-site placement for patients of all sizes
- Battery power makes insertion easy and controlled
- Standard Luer-lock catheter
- Delivers medications directly into the vascular system with serum levels equivalent to IV and central venous administration
- Simple removal

SPECIFICATIONS

EZ-IO G3 Power Driver – Sealed Lithium Battery (Reusable) – NEW

Power	Sealed lithium (no battery change required - 750 insertions)
Dimensions	16.5 cm X 11.4 cm X 6.4 cm (6.5 in X 4.5 in X 2.5 in)
Weight	380 grams with lithium (13.4 ounces)

EZ-IO Power Driver – Sealed Lithium Battery (Reusable)

Power	Sealed lithium (no battery change required)
Dimensions	23 cm X 13 cm X 8 cm (9 in X 5 in X 3 in)
Weight	910 grams with lithium (16.05 ounces)

EZ-IO PD Needle-Set (Disposable)

Size	15 gauge (1.8 mm) x 15 mm long
Weight	5 grams (in sterile pack)
Material	304 stainless steel
Other	latex free

EZ-IO AD Needle-Set (Disposable)

Size	15 gauge (1.8 mm) x 25 mm long
Weight	5 grams (in sterile pack)
Material	304 stainless steel
Other	latex free

EZ-IO LD Needle-Set (Disposable) – NEW

Size	15 gauge (1.8 mm) x 45 mm long
Material	304 Stainless
Other	Latex Free

EZ-IO Vascular Access Pack

Dimensions	16 cm X 25 cm x 10 cm (6.25 in X 10 in x 4 in)
Weight	450 grams (15.87 ounces)

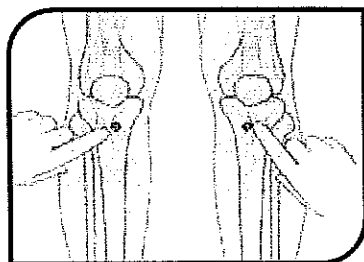


Immediate Vascular Access...
When You Need It Most[®]

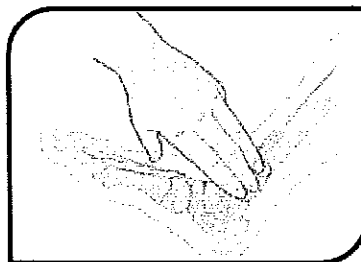
ORDERING INFORMATION:

Part #	Description	Contents
9001	AD Needle Sets – for patients 40 kg and greater	5 AD Sterile Needle Sets
	Size: 25 mm; 15 gauge	5 EZ-Connects
		5 Wrist Bands
		1 Directions for Use
9018	PD Needle Sets – for patients 3 to 39 kg	5 PD Sterile Needle Sets
	Size: 15 mm; 15 gauge	5 EZ-Connects
		5 Wrist Bands
		1 Directions for Use
9079	LD Needle Sets – NEW	5 AD Sterile Needle Sets
	Size: 45 mm; 15 gauge	5 EZ-Connects
		5 Wrist Bands
		5 Directions For Use
9017	AD Training Needles – for patients 40 kg and greater	1 AD Training Needle Set
9021	PD Training Needles – for patients 3 to 39 kg	1 PD Training Needle Set
9078	LD Training Needle	1 LD Training Needle Set
9050	Power Driver – Sealed Lithium Battery	1 Driver
9052	Power Training Driver – Not for Clinical Use	1 Driver
9058	G3 Power Driver – Sealed Lithium Battery – NEW	1 Driver
9059	G3 Power Driver – Training	1 Driver
Accessories		
9027	Vascular Access Pack (9050 only)	1 Vascular Access Pack
9029	Crash Cart or wall/bag mountable driver Cradle (9050)	1 Cradle
9007	Hard-sided Carrying Case (9050)	1 Case
9013	EZ-Connect 90° Low Profile Extention Sets	50 EZ-Connect Sets
9072	Crash Cart Soft Pack (9058)	1 Pack

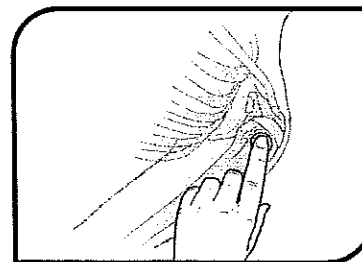
FDA CLEARED SITES:



Proximal Tibial



Distal Tibial



Proximal Humerus

722 Isom Road, San Antonio, TX 78216 USA
 (866) 479 8500
www.vidacare.com

vidacare

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Original Department

Council Meeting Of: 4/6/10

Account Code No. #: N/A

Gail Brahier
Prepared By

Budgeted Amount: N/A

3/31/10
Date Prepared

Agenda Title:

Recreation Advisory Board – 3/18/10

Recommendation: N/A

Discussion:

The Recreation Advisory Board met on 3/18/10 at the Oxford Senior Center and Community Building. Members present were Shaunna Tafelski, Chair, Brandy Darby, Holli Morrish, Mary Glasmeier and Ken Bogard, Council Representative. Staff Members present were Gail Brahier and Deanna Barbour.

Ms. Brahier advised the Board regarding cost sharing for field fencing at the OCP that fencing would need to be professionally installed. She updated the Board of the upcoming Egg Hunts, scheduled for 4/1 at 9:30 pm at the TRI ball field and 4/3 at 11 am at the OCP ball fields. Thanks to local businesses and Kiwanis, over 4,000 eggs have been stuffed with candy and gift coupons. Discussion continued regarding the adidas Blue Chip Showcase soccer tournament, held at the OCP April 16-18 (women's) and April 23-25 (men's). H. Morrish said their group which coordinates the community calendar noted there were a lot of activities these two weekends in Oxford. Ms. Brahier said the parks department was prepared and their only concern was the Red Brick Run, as they start the race on Bonham Road, and Leonard Howell is being used for adidas games. ~ continue ~

Approved By:

Department Head:
City Attorney:
City Manager:

Initial \ Date

gsb \ 3/31/10

\

1005 + 4/1/10

Ms. Brahier said she will be on site at Leonard Howell that morning to be certain all goes well. Mr. Bogard inquired about parking at Leonard Howell. Ms. Brahier noted there are 80 spots in the parking lot and the drive across the street would be also be used, adding the adidas tournament director has been asked to place 2 volunteers on site to assist with parking.

Discussion about the upcoming state little league tournament ensued. Ms. Brahier asked the Recreation Board if they would consider volunteering to assist serving one of the meals.

H. Morrish said they were waiting for a Tournament Coordinator to be selected from Miami Little League who will oversee the local event. Ms. Brahier said fields at the OCP will be used July 24 - 26 and Miami's McKie Field July 27 - 28.

M. Glasmeier gave an update of the progress of the Dog Park, noting the group has planned several fundraising projects and currently have enough money to begin the fencing. The group will be sponsoring a wine tasting, bake sale at Kroger's, and a presence at the Farmer's Market.

Upcoming Bicentennial events were reviewed:

March 29 – Robert T. Howard Lecture at Knolls of Oxford, featuring Valerie Elliott

April 24 - Kinetic Sculpture Race, slant walk to OCAC

May 1 – Des Fleurs will be planting "Oxford 1810-2010" in the flower bed uptown

May 22 – Wine Festival – 1 pm – 10 pm (volunteer opportunities available)

* There will be no Board Meeting in April

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council

Council Meeting Of: April 6, 2010

Originating Department

Account Code No. #: N/A

Mary Ann Eaton

Prepared By

Budgeted Amount: N/A

March 16, 2010

Date Prepared

Agenda Title: Resolution endorsing the Lane Libraries' operating levy and calling upon the voters to support the Libraries' efforts to meet the needs of the community by voting "Yes" on May 4, 2010.

Recommendation:

Discussion:

On January 28, 2010 the Hamilton City School Board approved a measure that will allow the Lane Libraries to move forward with placing a .75 mil operating levy on the May ballot.

The tax per year for a homeowner of a \$100,000 home would be \$22.97. If the levy passes, the first priority for the library system will be to preserve services and library resources at their current levels. The levy's passage may also allow for additional hours of operation, new materials added to the collection, and enhanced Internet access in the libraries.

The Lane Libraries system, which is 95% funded by the state, has seen a 20% decrease in funding since 2005.

Approved By:

Department Head:

City Attorney:

Acting **City Manager:**

Initial Date

 4/1/10

RESOLUTION NO.

A RESOLUTION ENDORSING THE LANE LIBRARIES' OPERATING LEVY AND CALLING UPON THE VOTERS TO SUPPORT THE LANE LIBRARIES' EFFORTS TO MEET THE NEEDS OF THE COMMUNITY BY VOTING "YES" ON MAY 4, 2010.

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

SECTION 1: The proposed 0.75 mill operating levy would continue the Lane Libraries' tradition of providing quality materials, services and programs designed to meet community needs.

SECTION 2: The Lane Libraries' goals for this levy are to protect current library services as State revenues continue to decline, to expand the hours of operation, to add new materials to the collection and to enhance technology and Internet access in the Lane Libraries' facilities.

SECTION 3: Council hereby supports the Lane Libraries' levy and agrees to be associated with information endorsing the Lane Libraries' levy.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE CURRIE

PREPARED BY: LAW(STAFF)

Lane Libraries Operating Levy

May 4, 2010

What are the specifics of this levy?

- **The library is proposing a .75 mill levy that will appear on the May 4 ballot.**
- Voters who live in the following school districts will see Lane's levy on their ballot in May: Fairfield City Schools, Hamilton City Schools, New Miami Local Schools, Ross Local Schools, Talawanda City Schools, and portions of Edgewood City Schools.
- The levy lasts 5 years. If it passes, the library system will begin receiving the funds in 2011.
- This is the first proposal of an operating levy in the library's history.

[illegible]

Why is this levy needed?

- The Lane Libraries, like many public libraries in Ohio, are funded largely (95%) by the State of Ohio. Due to an uncertain economic climate at the state level, the Lane system received approximately 1.1 million dollars less in 2009 than in 2008. Looking back further, our funding from the state has declined by 20% from 2005 to 2009. Moving forward, we expect to see a further decline in funding from the state. It is necessary to pursue an operating levy to maintain our current level of service.
- The passage of this levy, in addition to preserving current services, may allow us to implement additional services, including additional hours, adding more new materials to the collection and expanding Internet access in our facilities.

[illegible]

What does this mean to you?

- The tax per year for a homeowner of a \$100,000 home would be **\$22.97** (less than \$2 a month). This is equivalent to buying one hardbound book per year!
- The passage of this levy will help protect library services and resources that are a vital part of the community, allowing you to continue taking advantage of the valuable assets of the public library.

[illegible]

Want more information?

- If you'd like to know more about the Lane levy or learn how you can become involved, send an email to the Supporters of the Lane Libraries at supportersoflane@gmail.com.



Hamilton • Fairfield • Oxford • www.lanepi.org

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

City Council Meeting of: April 6, 2010

Account Code #: 141.720.51000 - \$250,000
141.720.50802 - \$155,000

Budgeted Amount: \$405,000

Service Department
Originating Department

Michael B. Dreisbach
Prepared By

March 26, 2010
Date Prepared

Agenda Title: 2010 Street Resurfacing and Maintenance Program

Recommendation: Approval

Discussion:

The 2010 Operating Budget includes \$250,000 for street and alley improvements. Staff has evaluated the surface condition of City streets in order to provide data for the compilation of the 2010 Street Resurfacing Program. Several factors were considered in recommending a street or alley for resurfacing including traffic volume, road base condition (or lack of a proper base), curb and gutter condition, drainage conditions, past street and utility cuts, proposed underground work scheduled, and current surface condition. Additionally, staff reviewed and updated the City Infrastructure Inventory which includes data on street, water, wastewater, and stormwater systems. Some streets that warrant resurfacing were removed from the list due to scheduled or proposed construction projects in 2010 or 2011 (i.e. Spring Street from Patterson to Campus because of significant demolition / construction activity by the University). A tentative resurfacing list has been identified for the 2010 street maintenance.

The list of streets proposed for improvement is attached and labeled "**Exhibit A**". In addition to a focus on improvements in the Emerald Woods area, there is also a significant focus on alley improvements in the Mile Square.

Staff also evaluated streets resurfaced in the past few years to assess the current condition and to maximize the longevity of recent improvements. By managing surface cracks with a sealing program, recently paved streets should maintain acceptable conditions considerably longer.

A request for bids was published in the Oxford Press and Hamilton Journal on March 12 and March 19, 2010. Sealed proposals were opened on March 25, 2010. Four firms submitted bids with the following results:

Approved By:

Department Head:

Initial Date
MBD \ 3/26/10

Acting

City Manager:

MBD \ 4/1/10

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARRETT PAVING MATERIALS, INC. FOR RESURFACING AND MAINTENANCE WORK AT A COST OF \$234,392.00 PLUS A CONTINGENCY AMOUNT OF TEN PERCENT(10%) OF THE CONTRACT PRICE OR \$23,439.20 FOR A TOTAL COST NOT TO EXCEED \$257,831.20.

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

SECTION 1: A request for bids was published in the *Oxford Press* and *Hamilton Journal* on March 12, 2010 and March 19, 2010. Sealed proposals were opened on March 25, 2010 with four firms submitting bids.

SECTION 2: Council hereby finds Barrett Paving Materials, Inc. to be the lowest and best bidder and accepts the bid of \$234,392.00 for the 2010 resurfacing and maintenance work as described in Attachment "A" attached hereto and incorporated herein.

SECTION 3: The City Manager is hereby authorized to enter into a contract with Barrett Paving Materials, Inc. at a cost of \$234,392.00 plus a contingency amount of ten percent (10%) of the contract price or \$23,439.20 for a total cost not to exceed \$257,831.20 for resurfacing and maintenance work as described in Attachment "A."

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

Barrett Paving Materials, Inc.	234,392.00
John R. Jurgenson Co.	243,116.00
Schumacher Dugan Co.	263,719.00
Mt. Pleasant Blacktopping Co.	282,974.00

Bids submitted included the following line item cost breakdowns:

- Asphalt milling
- Asphalt placing and compacting
- Traffic control
- Pavement / traffic marking replacements
- Blue reflective armored markers to indicate fire hydrant locations
- Yellow / white markers to enhance lane marking safety

In the 2009 resurfacing program, the City contracted with John R. Jurgenson Co. for asphalt installation at a cost of \$60.00 per ton. In the 2010 resurfacing program, the cost for per ton of asphalt installed is \$62.50, an increase of 4.2%. The City has been pleased with Barrett's performance in prior contracts and is looking forward to working with them again in 2010.

The lowest bid for the 2010 street maintenance program was provided by Barrett Paving Materials, Inc. at a cost of \$234,392.00. Staff is requesting an authorized contingency amount of ten percent of the contract or \$23,439.20. It is Staff's recommendation that Council authorize the City Manager to enter into an agreement with Barrett Paving Materials, Inc. for a total amount not to exceed **\$257,831.20**.

2010 Resurfacing

Exhibit A

Street Name	From	To
College Ave	Church	Withrow
College Ave	Withrow	Vine
College Ave	Vine	Sycamore
Silverleaf Dr.	Kehr Rd.	E. Terminus
Emerald Woods	Tollgate	Stone Hedge
Emerald Woods	Stone Hedge	Brigid Circle
Emerald Woods	Brigid Circle	Glos Dr
Emerald Woods	Glos Dr	Erin Dr
Brigid Circle	Emerald Woods	Terminus
Erin Dr	Chestnut	Brookview
Erin Dr	Brookview	Brill Dr
Erin Dr	Brill	Glos Dr
Erin Dr	Glos Dr	Tollgate
Heather Lane	Spring St	S Terminus
Alleys		
E/W btwn Spring & Linwood	Main	W Terminus
E/W btwn Spring & Linwood	Main	Heather Ln
E/W btwn Spring & Collins	Main	Poplar
E/W btwn Collins & Walnut	Poplar	Campus
E/W btwn Church & High	Beech	W Park Pl
N/S btwn Main & Beech	W Park Pl	Church
N/S btwn Main & Beech	Spring	Collins
N/S btwn Main & Poplar	Spring	Collins
N/S btwn Main & Poplar	Collins	Walnut

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 6, 2010

Kathryn A. Dale
Prepared By

Account Code No. #:

March 12, 2010
Date Prepared

Budgeted Amount:

Agenda Title:	Planning Commission Meeting Report – March 9, 2010
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Recommendation: N/A

Reports from Commissions, Boards, Committees & Staff:

Mr. Wong announced that the Environment Commission was provided a presentation by the IES students and thinks it would be a good presentation for the Planning Commission to see during one of their work sessions regarding Subdivision Regulations.

DISCUSSION:

Public Hearing:

PC-04-2010 **ZONING MAP AMENDMENT** 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants (*Tabled by Applicant*)

The Applicant requested a zoning map amendment of this property from R1B (Single Family Medium Density Residential District) to RO (Office-Residential District).

Numerous members of the public were present. Public comments received included concerns for traffic congestion, school bus loading zones on the corner of Jacqueline and Contreras, not being able to regulate appropriate uses if the zoning district was approved, potential variance request concerns, and concerns that the City should not be involved with potential financial hardships of the property owners ability to maintain such a large property, change in the neighborhood characters, as well as the effects or unforeseen hardships that the change may have on neighbors in the future.

Upon deliberating the testimony received and the four decision criteria for a map amendment, the Commission did not find that there was an error on the Official Zoning Map or in the delineations between districts thereon; that the proposed change made the zoning map conform more closely to the Comprehensive Plan; that there had been a substantial change in area conditions that necessitates the amendment; or that there is a legitimate need for additional land area in the zoning district that will be expanded.

The Planning Commission voted 5-1-0 to recommend ***DENIAL*** as presented, to City Council.

PC-06-2010 **ZONING TEXT AMENDMENT**, to add new Section 1143.13GB(R) General Business Redevelopment Design Overlay District regulations, and renumber subsequent zoning districts to accommodate the new Section as well as modify Chapters 1133, 1141, 1149 and 1151 to correctly cross reference new zoning district. **City of Oxford, Applicant**

The adopted 2008 Comprehensive Plan identified the Locust Street area as an area to be redeveloped in a pedestrian scales community business center, with quality design elements. The Planning Commission worked on this matter for months to come up with a set of regulations that can provide the vision of what the district should look like.

Some Commission Members voiced concerns during the work sessions regarding parking in front of the buildings and the variation in façades as building heights increased. They all agreed that this would be a work in progress but overall felt it necessary and once applications were received in this area and these new regulations are applied, then they would be able to determine if additional amendments are warranted.

Mr. Scott Webb, on behalf of the Chamber of Commerce, expressed concerns on the additional cost and lack of incentives these regulations will have on redevelopment. No substantial evident to document the increasing cost that would discourage any development projects. He also expressed concerns of prolonging a review time by requiring a concept review. The Planning Commission agreed to remove the provision. Another concern he shared along those lines was that if the requirements are not met, variances would have to be granted, again, potentially prolonging a review period.

The Planning Commission voted 6-0-0 to recommend **APPROVAL** with minor modifications, to City Council.

PC-05-2010 ZONING MAP AMENDMENT, to create a new GB(R) General Business Redevelopment Design Overlay District, **City of Oxford, Applicant**

Staff presented the proposed map amendment and the boundaries that correlate with Case PC-06-2010. Mr. Keebler inquired about property notifications in the GB District. The Planning Commission voted to table to the April meeting to notify property owners.

PC-07-2010 ZONING TEXT AMENDMENT, Chapter 1143.10 Uptown District Regulations, **City of Oxford, Applicant**

Three amendments were proposed to this chapter for clarification. The first proposal was to clarify that some of the commercial spaces Uptown were nonconforming in satisfying the 0.7:1 commercial size requirement. The second amendment deals with how common patio areas should be used and by which occupant(s) of a mixed use building. The third amendment is to clarify language in the Maximum Residential Density section to clean up any inconsistencies. There is also a legal concern on the current language that it creates a regulatory taking.

The Planning Commission voted 6-0-0 to recommend **APPROVAL** with minor modifications, to City Council.

Other Business:

Ms. Kay reminded everyone of the special work session Thursday, March 11, 2010 from 12p.m. to 1 p.m. at the Municipal Building regarding the subdivision regulations and presentation by the Engineering Department on the design manuals for storm water management and road widths, they use for subdivisions.

The next regular meeting is scheduled for April 13, 2010.

Approved By:

Department Head:
City Attorney:
Acting City Manager:

Initial	Date
JHC	3/17/10
WDS	4/1/10

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: April 6, 2010

Jung-Han Chen

Account Code No. #:

Prepared By

Budgeted Amount:

March 16, 2010

Date Prepared

Agenda Title: PC-07-2010 ZONING TEXT AMENDMENT, Chapter 1143.10 Uptown District Regulations, City of Oxford, Applicant

Recommendation: Approval

Discussion:

The Planning Commission held a Public Hearing of this zoning text amendment request at its March 9, 2010 meeting.

Recommended changes are to clarify the intent of the Issue 20 Charter Amendment and remove any inconsistencies or potentially unintended consequences from the interpretation.

The Planning Commission voted 6-0-0 to recommend approval of the text amendment to City Council.

Approved By:

Department Head:

City Attorney:

Acting **City Manager:**

Initial Date

JHC 3/16/10

JHC 4/1/10

ORDINANCE NO.

ORDINANCE REPEALING ZONING CODE SECTION 1143.10 OF THE CODIFIED ORDINANCES OF THE CITY OF OXFORD, OHIO, ENTITLED UPTOWN DISTRICT, AND ADOPTING NEW SECTION 1143.10, ENTITLED UPTOWN DISTRICT.

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

SECTION I: Council hereby finds that the City of Oxford Planning Commission held a public hearing on March 9, 2010 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Section 1143.10 of the Codified Ordinances of the City of Oxford, Ohio, and adopting new Section 1143.10 for the purpose of clarifying the intent of the Issue 20 Charter Amendment.

SECTION II: Council hereby repeals Section 1143.10 of the Oxford Code of Ordinances and adopts new Section 1143.10 as follows (language to be repealed is ~~stricken through~~ and language to be adopted is in **bold**):

1143.10 UPTOWN DISTRICT.

(a) Purpose. The purpose of this district is to preserve and encourage the continued vitality of the City's historic central business and civic activity area. Selected uses and regulatory standards are provided to guide development so as to achieve a mixture of appropriate uses in a functional, aesthetic and pedestrian compatible manner.

(b) **Applicability of Regulations. Any new development, redevelopment, additions or change to a structure or site (whether conforming or nonconforming) shall meet all regulations herein for the entire structure site and use, excluding interior remodeling for approved permitted or conditional uses provided the remodel does not reduce the square footage.**

(c) ~~(b)~~ Uses.

(1) Permitted uses.

A. Any combination of residential dwelling types as defined in Section 1159.05(8), A through E., on the second floor or higher.

B. Retail services shall not exceed 10,000 square feet of floor area on any given floor.

1. Apparel and jewelry.
2. Bars and establishments serving alcohol.
3. Books, stationery, newspapers, magazines, office equipment and office supply stores.
4. Drugs and pharmaceuticals.
5. Food products, including groceries, meat, fish, baked goods, confectionary, and beverages.
6. Flowers, potted plants, and garden supplies.
7. Hardware, paint, home furnishings, and other home improvements products.
8. Optical aids.
9. Photography, bicycles, gifts and toys, pets, music, sporting goods, and other hobby and craft supplies.
10. Restaurants, not including drive-in.

11. Other similar establishments engaged in retail trade except those included as Conditional Uses in subsection (c)(2) hereof.
- C. Personal and professional services shall not exceed 10,000 square feet of floor area on any given floor.
1. Accounting, advertising, architectural, auditing, bookkeeping, legal, and medical offices, and offices for other similar professional service providers.
 2. Banks, credit agencies, investment firms, real estate, insurance offices, and other similar establishments engaged primarily in financial services.
 3. Barber and beauty shops.
 4. Cleaners, including dry cleaning and laundromats.
 5. Home improvement services, including carpentry, electrical, heating, plumbing, and decorating.
 6. Offices for nonprofit, charitable, labor, and other service organizations.
 7. Repair establishments for bicycles, household appliances, locksmiths, shoes, and motor vehicles (if no gasoline is sold).
 8. Theaters, not including drive-ins.
 9. Other similar personal and professional services, such as employment agencies, travel bureaus, and ticket offices.
- D. Accessory buildings incidental to the principal use.
- E. Sidewalk uses.
1. This section is intended to provide for active use of private and public property in the Uptown District for outdoor cafes and retail sales. A sidewalk use requires a permit, shall be operated according to the provisions of this section, and is valid for one year and only for the location, design, and use approved.
 2. A sidewalk use may include outdoor activity on both private and public property as follows:
 - a. Private property in the front setback area or any courtyard or other partially enclosed area adjacent to a right-of-way may be utilized only for commercial activity related to the principal use on the first floor of the principal structure.
 - b. The public sidewalk and other paved portions of the right-of-way that are designed and constructed to accommodate pedestrians may be utilized only for commercial activity related to the principal use on the first floor of an immediately adjacent principal structure.
 3. A sidewalk use permit application shall include a fee, a scaled site plan, and other information sufficient to determine compliance with all of the following provisions:
 - a. The use may not extend more than five feet into the right-of-way; and
 - b. The use may not result in less than five feet of unimpeded sidewalk adjacent to the sidewalk use (street trees, parking meters, street sign poles, and the like are impediments); and

- c. The adjacent property owner and the operator of the use have a liability insurance policy that covers accidents and injuries on the public right-of-way for a minimum of one hundred thousand dollars (\$100,000) per person and three hundred thousand dollars (\$300,000) per accident, premiums are fully paid for the calendar year of the permit, and the City of Oxford is a named insured upon such liability policy; and
 - d. The use shall employ only displays, counters, tables, chairs, umbrellas, and planters that are moveable; and
 - e. Nothing related to the operation of the use shall be permanently installed on public or private property except anchors that do not protrude above the adjacent sidewalk surface and do not otherwise create a trip hazard; and
 - f. All materials shall be lightweight and easily removable; and
 - g. All roofs shall be made of a flame-resistant (per Ohio Basic Building Code and Ohio Fire Code), nonstructural material such as treated canvas or vinyl fabric; and
 - h. All illumination shall be confined within the perimeter of the use; and
 - i. All partitions shall be transparent 3 feet above the adjacent sidewalk surface.
- 4. The City Manager or designee shall require removal of anything or correction of any condition associated with a sidewalk use that threatens the public health, safety, or general welfare and shall revoke an approved permit if its holder fails to comply with any such order in a timely manner.
 - 5. The City Manager shall reinstate a revoked permit if the holder removes the immediate threat and provides sufficient proof that the threat will not recur.
 - 6. If a sidewalk use permit is revoked more than once during the year that the permit is valid, the permit shall not be reinstated and a new permit shall not be issued until after the original expiration date of the revoked permit.

(2) Conditional Uses. The following Conditional Uses are subject to review and regulation in accordance with Chapter 1147.

A. Retail services:

- 1. Any permitted retail use that exceeds 10,000 sq. ft. on any given floor.
- 2. Banks with drive-through facilities.
- 3. Building supplies, garden supplies.
- 4. Temporary or outdoor sales of plants and garden supplies.
- 5. Retail uses which do not provide a minimum ratio of 0.7:1 of the lot area.

6. Additional retail uses above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.

B. Personal and public services:

1. Any permitted personal or public service that exceeds 10,000 sq. ft. on any given floor.
2. Cultural institutions, including libraries, art galleries and museums.
3. Hotels and motels.
4. Places of worship.
5. Funeral homes.
6. Night clubs, discotheques, and other entertainment facilities.
7. Personal and Professional Services which do not provide a minimum of 0.7:1 of the lot area.
8. Additional personal and professional services above the street level which would cause the maximum permitted gross floor area ratio to exceed the 3:1 ratio.

C. Other uses.

1. Any combination of dwelling types as defined in Section 1159.05(8), A through E, on the first floor or basement.
2. Community-Oriented Residential Social Service Facilities (CORSSF's).
3. Shared Housing and Congregate Housing for the elderly.
4. Government owned and/or operated parks and recreation facilities.
5. Bed and breakfast homes.
6. Publicly owned and operated neighborhood recreation centers.
7. Day care facilities, including Day Care for child, Day Care Center for child, Day Care Home Type A family, and Day Care Home Type B family.
8. Schools: primary, intermediate, and secondary, both public and private.

~~(d)(e)~~ Site Development Regulations. (Unless superseded by Conditional Use Requirements)

(1) Lot requirements.

A. Minimum Lot Area:

1. Lots in the Uptown District shall be a minimum of three thousand (3,000) square feet.

(2) Yard requirements.

Front Yard

16.5 feet minimum *except*

* On High Street – at least 70 percent of building must meet the right-of-way line

Rear Yard

none *except*

* Adjacent to a residential district – 10 minimum.

Side Yard

none *except*

* Adjacent to a residential district – 6 feet minimum

(3) Structural requirements.

A. Building height:

Minimum – 23 feet and a minimum of 2 stories above street grade

Maximum – 48 feet and 4 stories maximum above street grade.

B. Gross Floor Area Ratio:

1. The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)

- a. Commercial space shall provide a minimum ratio of 0.7:1 of the lot area on the street level subject to the following:

- i. The basement of a structure may be used for retail, personal and professional uses but shall not be computed into the minimum 0.7:1 ratio.

- ii. **Uncovered outdoor eating areas shall:**

- a. Be associated with the first floor commercial occupant,

- b. Be located on the property and/or ~~not~~ on the public sidewalk, **only with a valid sidewalk permit.**

- c. ~~Shall~~ Be computed into the minimum 0.7:1 ratio, **but not the overall 3:1 ratio.**

- b. Residential space shall provide a maximum ratio of 2:1 of the lot area subject to the following:

- i. Outdoor patios, decks and balconies for residential use shall be computed into the maximum 2:1 ratio.

(4) Maximum Residential Density.

A. Occupancy shall be limited to one person per 200 square feet of lot area ~~occupying a unit under a valid rental permit; and~~

~~B. Occupancy limits shall not apply to individual dwelling units occupied by a family as defined in Section 1159.07(1).~~

SECTION III: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	March 16, 2010
<u>Case Number</u>	PC-07-2010
<u>Applicant Information</u>	City of Oxford, Applicant
<u>Requested Action</u>	Zoning Text Amendment
<u>Summary of Request</u>	Amendment to Chapter 1143.10(c) Uptown District Site Development Regulations
<u>Public Hearing Information</u>	At the March 9, 2010 Planning Commission meeting a Public Hearing was held at 118 West High Street. A legal notice of the hearing was published in the Oxford Press on February 5, 2010.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 to recommend approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission voted to recommend approval of the draft language.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated January 14, 2010. 2. Chapter 1143.10(c) language modifications.

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-07-2010

Date –March 9, 2010

APPLICATION

Applicant:	City of Oxford
Action Request:	Zoning Text Amendment to Chapter 1143.10(c) Uptown District Site Development Regulations

DESCRIPTION

After approximately two years of applying the Floor Area Ratio development standards in the “UP” Uptown District, Staff has encountered some issues needing clarified in the text to better apply the intent of the Issue 20 Charter Amendment.

PROPOSED AMENDMENT #1:

New Section 1143.10(b) – subsequent subsections renumbered as necessary.

Proposed Language:

(b) Applicability of Regulations. Any new development, redevelopment, additions or change to a structure or site (whether conforming or nonconforming) shall meet all regulations herein for the entire structure site and use, excluding interior remodeling for approved permitted or conditional uses provided the remodel does not reduce the square footage.

The proposed language is similar to language currently in the Vehicle Management Chapter which is applied anytime there is a major modification or addition to a site. The purpose of adding this language is to clarify that in the event a partial conforming or partial nonconforming situation occurs, any major modifications will result in total compliance with the structural and use regulations of this Chapter. For instance, some of the commercial spaces Uptown are nonconforming in satisfying the 0.7:1 commercial size requirement. Should the structure in which they are located be totally removed, rebuilt or added onto, the commercial requirement as well as the other site development regulations, structural regulations and uses would have to be met. The only exception to this would be if the permitted commercial use would be remodeled within the existing designated commercial space for another permitted use, provided the square footage remained the same and was not made more nonconforming by reducing the commercial square footage. This language would be applied even without the language being formally included in this Chapter, but is proposed in order to reinforce how procedurally this Chapter would be applied, enforced and helps alleviate any confusion the Nonconformities Chapter 1137 may cause.

PROPOSED AMENDMENT #2:

Section 1143.10(c)(3)B.1.a.ii.

Current Language :

“Outdoor eating areas associated with the first floor occupant, located on the property and not on the public sidewalk, shall be computed into the minimum 0.7:1 ratio.”

Proposed Language:

Uncovered outdoor eating areas shall:

- a. Be associated with the first floor commercial occupant,**
- b. Be located on the property and/or not on the public sidewalk, only with a valid sidewalk permit.**
- c. ~~Shall~~ Be computed into the minimum 0.7:1 ratio, but not the overall 3:1 ratio.**

Upon issues and concerns of how common patio areas are used and by which occupant(s) of a mixed use

building, the proposed language strengthens that outdoor areas must be affiliated with the commercial tenant. Because these areas typically are not part of the physical building and are used seasonally, the language further clarifies that the outdoor area may be calculated into satisfying the required commercial space, but will not negatively affect the overall bulk of the building size. The intent has always been that commercial occupants could calculate their outdoor areas into the required 0.7:1 ratio so in the event that remnant space would be required on an upper story, this remnant space could be eliminated and put to better use and design.

Should a Conditional Use permit be granted for first floor residential, any outdoor areas for ground floor residential would likely have additional conditions placed upon it during the review and approval process. Furthermore, the residential portion of these standards is specific that any outdoor areas such as patios, decks and balconies would be calculated in the maximum 2:1 residential space, potentially affecting how many occupants may occupy the mixed use building.

PROPOSED AMENDMENT #3:

Section 1143.10(c)(4)A. & B.

Current Language :

Maximum Residential Density.

- A. Occupancy shall be limited to one person per 200 square feet of lot area occupying a unit under a valid rental permit; and
- B. Occupancy limits shall not apply to individual dwelling units occupied by a family as defined in Section 1159.07(1).

Proposed Language:

Maximum Residential Density.

- A. Occupancy shall be limited to one person per 200 square feet of lot area occupying a unit ~~under a valid rental permit; and~~
- ~~B. Occupancy limits shall not apply to individual dwelling units occupied by a family as defined in Section 1159.07(1).~~

Many times Staff receives inquiries about development potential. A recent question posed raised some red flags causing Staff to research a potential issue with the current Maximum Residential Density language. The question posed was whether a building could include a mix of owner occupied units while maxing out the rental occupancy. Upon reviewing the language closer, indeed this is a possibility.

Example: Municipal Parking Lot

14,000 sq. ft. net lot / 200sq.ft. = 70 Occupants in 28,000 sq.ft. of residential floor space.

If a new development wanted to build lot line to lot line they could mathematically have a three story building, with the upper two floors for residential. Theoretically, they could put all 70 occupants under valid rental permits on the second story residential level and then offer condominium units on the third floor of the building which would be owner occupied. Owner occupied units do not require rental permits.

The intent of the regulations when initially created was that any new construction should be designed for its maximum occupancy only; rental or owner occupied. However because the language specifies the occupancy should be limited to 1:200sq.ft. for those under a valid rental permit, this would apply to only those units created for apartments. Staff is proposing that item "B" is eliminated from the current language because no matter if the language is in the code or not, a family of six related persons would have to be permitted in a unit, even if the rental permit was issued for 4 occupants. Furthermore, how this section is worded, it essentially exempts the provision in the Family definition regarding 4 unrelated occupants as well. Staff is recommending that the "valid rental permit" language is also eliminated to better clarify that no matter what types of units are created, the maximum occupancy for the entire residential portion of the building should be limited to 1:200 sq.ft.

The other issue that arises out of this section as currently worded is if an owner occupied unit should fail and that owner wished to obtain a rental permit. If the building has maxed out its rental permits in other units, the now failed owner occupied unit may apply for a rental permit and be granted 0 occupants. This could

potentially be viewed as a regulatory taking. Another option, which would likely be contested by the owners of the rented units, would be to redistribute the occupancy permits so the failed owner occupied unit could receive a rental permit.

DECISION CRITERIA

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

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

RECOMMENDATION

Not Applicable

SUBMITTED BY:

Kathryn A. Dale
Kathryn A. Dale, AICP
City Planner

Community Development Department

DATE: PC-02-2010 December 15, 2009 Withdrawn
REVISED January 14, 2010

Zoning Code Text Amendment Application
City of Oxford, Ohio

REQUIRED INFORMATION

Name of Applicant:

City of Oxford
(Attach a Letter of Agency if the applicant is not the property owner.)

Mailing Address:

101 E. High St.
Oxford, OH 45056

Telephone Number(s)

Email Address

SUBMISSION REQUIREMENTS

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

Chapter 1143.10 UP Regulations

All applications must include:

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

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

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

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

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

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

SIGNATURE OF APPLICANT:

Jung-Han Chen

Date:

1/22/10

PRINTED NAME:

Jung-Han Chen

FEE / RECEIPT

\$150 Fee Paid / Receipt Number:

NA

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development Department
Originating Department

Council Meeting Of: April 6, 2010

Jung-Han Chen
Prepared By

Account Code No. #:

Budgeted Amount:

March 16, 2010
Date Prepared

Agenda Title: PC-04-2010 ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

Recommendation: Denial

Discussion:

The Planning Commission held a Public Hearing of this zoning map amendment request at its March 9, 2010 meeting.

Many citizens came before the Commission to voice their concerns regarding the impact the proposed change may have to the neighborhood.

Based on the staff report and citizen comments, the Planning Commission determined that the request did not satisfy the Decision Standards outlined in Oxford Zoning Code Section 1135.02 (c)(1) and in a vote of 5-1-0 recommended denial of this zoning map amendment to City Council.

Approved By:

Department Head:

City Attorney:

Acting **City Manager:**

Initial Date

JHC 3/16/10

|
MB 4/1/10

ORDINANCE NO.

ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY THE ZONING MAP AMENDMENT APPLICATION TO REZONE PROPERTY LOCATED AT 5990 CONTRERAS ROAD FROM R1B (SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL) DISTRICT TO RO (OFFICE RESIDENTIAL) DISTRICT.

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

SECTION I: Council hereby finds in accordance with Section 1135 of the Codified Ordinances of the City of Oxford, the City of Oxford Planning Commission held a public hearing on March 9, 2010 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended denial of the Zoning Map Amendment application submitted by Peter and Connie McCarthy, Owners, to rezone property located at 5990 Contreras Road from R1B (Single Family Medium Density Residential) District to RO (Office Residential) District.

SECTION II: During the public hearing held on March 9, 2010 the City of Oxford Planning Commission applied each of the Decision Standards set forth in Section 1135.02(c)(1) of the City of Oxford's Planning and Zoning Code to the Zoning Map Amendment application submitted by Peter and Connie McCarthy. The Planning Commission members determined that the Zoning Map Amendment application did not meet the following Decision Standards set forth in Section 1135.02(c)(1):

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

Map Amendments

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

Based on the fact that the Zoning Map Amendment application did not satisfy one of the Decision Standards as is required by Section 1135.02(c)(1) of the City of Oxford's Planning and Zoning Code, the City of Oxford Planning Commission denied the application submitted by Peter and Connie McCarthy, Owners, for a Zoning Map Amendment to rezone property located at 5990 Contreras Road from R1B (Single Family Medium Density Residential) District to RO (Office Residential) District.

SECTION III: Council hereby accepts the recommendation of the Planning Commission and the reports submitted by the Planning Commission and incorporates the same herein and further denies the application submitted by Peter and Connie McCarthy, Owners, for a Zoning Map Amendment to rezone property located at 5990 Contreras Road from R1B (Single Family Medium Residential) District to RO (Office Residential) District.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	March 16, 2010
<u>Case Number</u>	PC-04-2010
<u>Applicant Information</u>	Peter and Connie McCarthy, Applicant/Owner
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	Request for a Zoning Map Amendment from R1B (Single-Family Medium Density Residential) to RO (Office Residential) District
<u>Public Hearing Information</u>	On March 9, 2010, a Public Hearing was held at 118 West High Street. A Hearing Notice was published in the Oxford Press on January 8, 2010 and February 10, 2010. (A Public Hearing was initially scheduled for February 9, 2010; however, due to the weather was rescheduled for February 17, 2010. Unfortunately, the Applicant needed to postpone to the March Planning Commission meeting). Courtesy notices were mailed to adjacent property owners on January 7, 2010 and February 10, 2010.
<u>Commission Action</u>	The Planning Commission voted 5-1-0 denying the Zoning Map Amendment.
<u>Commission Findings and Conclusions</u>	After Public Hearing and discussion, the Planning Commission voted to recommend denial of the proposed map amendment based on the Decision Standards not being satisfied.
<u>Exhibits Submitted to the Commission</u>	1. Community Development Staff Report dated January 21, 2010 2. Inter-Office Review Transmittal Sheets dated January 7, 2010 3. Review and Comment Forms from the Public 4. Miscellaneous E-mails 5. Zoning Map 6. Aerial View 7. Property Notification Map 8. Zoning Map Amendment Application dated December 28, 2009 9. Site Map 10. Legal Description 11. Miscellaneous Correspondence from Mr. McCarthy

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-04-2010

Date – March 9, 2010

APPLICATION

Applicant:	Peter and Connie McCarthy
Location:	5990 Contreras Road
Owner:	Peter and Connie McCarthy
Action Request:	Zoning Map Amendment from "R1B" to "RO"
Current Use:	Duplex Residence
Current Zoning	"R1B" Single Family Medium Density Residential District
Surrounding Existing Land Uses:	Multi-family and single family

GENERAL DESCRIPTION

The subject property is located on one (1) acre at the northwestern corner of Contreras Road and Jacqueline Drive. The Applicant is requesting a zoning map amendment of this property from R1B (Single Family Medium Density Residential District) to RO (Office-Residential District).

Currently, the building has been used as a two-family dwelling. The Applicant came before the Planning Commission for a concept presentation on December 8, 2009 to solicit feedback from the members.

SURROUNDING NEIGHBORHOOD

North: "R1B" Single Family Medium Density Residential.
South: "R1A" Single Family Low Density Residential.
East: "R1B" Single Family Medium Density Residential
West: "R3" Multi-Family Residential.

AGENCY COMMENTS

Requests for agency review were sent to the Police, Engineering, Fire Department and Economic Development. The following comments were returned:

Police Department:	Comments returned with no comments on this request.
Engineering:	Comments returned with comments. See attached.
Fire:	Comments returned with no comments on this request.
Econ. Dev. Dept.:	No comments received on this request.

PUBLIC COMMENT FORMS

Two public comments were received to date.

ZONING CODE REGULATIONS

The current zoning would allow a single-family dwelling to be located on this parcel and the current use as a duplex is considered a nonconforming use. Chapter 1137 Nonconformities governs any nonconformity, specifically allowing a nonconforming use to continue.

The proposed RO District does permit a two-family residential use, as well as mixed use of office and one family, provided the office space does not exceed 2,500 sq. ft.

COMPREHENSIVE PLAN

Pg. 2.4: Gross revenue benefits are highest for office uses, at \$2.27 per square foot, versus \$2.08 for retail and \$1.10 for industrial.

The gross benefits for retail and office use are quite high as compared with that of industrial uses. However, the fiscal costs of serving industrial uses are much lower than those for serving retail. As a result, the net fiscal costs are much higher for retail use. Similarly, while the costs of providing municipal services to office space are higher than those for industrial uses, the benefits of office space (property taxes, income taxes, etc) far outweigh those of industrial uses. Thus, the net fiscal benefit of office space is much higher than that for industrial uses.

- Refer to pages 3.6 & 3.7 as well as Appendix A4 of the Comprehensive Plan for more information.

Pg. 3.5 Table & Map 3.2 Developable Land

According to this table and map there is currently one acre zoned "RO" Office Residential available for development. When the map is more closely reviewed, this is not one contiguous acre, but rather made up of three significantly sized parcels. Of those three parcels, there is only one vacant parcel which is the parking facility located between 12 and 32 W. Church Street.

Pg. 3.11 Reuse is defined as the rehabilitation of an existing property to serve a new purpose.

Pg. 3.17 & Map 3.6 Conservation & Development Map 3.18 Map 3.7 Character Area Map

The Conservation and Development map was prepared based on the responses of the Strong Places Weak Places exercise as well as the developed vs. developable map exercise and created focused areas for improvement. The subject property was considered already developed and not considered as a weak place that caused concern for improvement. It is located on the far edge of the identified Redevelopment Area which states encouragement of a mix of small and medium sized commercial uses with a well defined streetscape and public spaces. Residential uses should also be integrated within the area to create a 24 hour district, and to create shopping and dining options within walking distance of surrounding neighborhoods. However, the primary focus of this Redevelopment Area was for the Locust Street Corridor.

The character area map was created based on existing urban form and similar characteristics. The subject property is listed in the Neighborhood General 3 category, which includes a mix of urban form characteristics seen in the Mile Square and the edge subdivisions.

The overall Comprehensive Plan does not specifically address this property directly, yet the Comprehensive Plan was never intended to serve as a parcel specific plan. If the Plan is looked at narrowly, there will be goals and objectives that can be piece-meal together to either support or deny the request at hand. If the Plan is looked at collectively, the Plan would likely support this proposal as long as there are safeguards to protect the overall integrity of the neighborhood and character of the structure.

STAFF ANALYSIS

The Applicant indicated that this 5,400 sq. ft. home, constructed in 1890, was once part of a 13 acre lot. In the early 1970's, 12 acres were sold to developers establishing a majority of multi-family residences, leaving the home to sit on the remaining one acre lot. The Applicant referred to surrounding business development and the property bordering the R3 and GB Districts. Given the site has been the same size since 1970 and remained in the same zoning classification, it seems that the conditions of the neighborhood have not changed significantly in the last 40 years.

The Applicant came before the Planning Commission for a Concept Review in December, 2009. The Commission was not in favor of changing the property into a commercially zoned district, but was open for office-residential zoning; therefore, the Applicant has formally filed an application to initiate a zoning map amendment.

The purpose of establishing a RO District is to encourage a residential environment in established areas with historically significant character, while serving a transition between commercial and residential zoning. Offices and service facilities are permitted to support community needs in suitable locations that do not produce incompatible effects on adjacent residential neighborhoods. A mix of uses within one structure is encouraged.

Since the site is on the far edge of an identified Redevelopment Area that promotes commercial uses, it could be argued that the site might be within the sphere of influence of commercial activities. However, this argument may not hold any weight when considering those parcels adjacent to commercially zone properties, on Vereker Dr. It is important to weigh the implication of changing one parcel from one zoning classification to another classification, which is different than the surrounding properties, as a practice of single parcel zoning that may not be consistent with the intent of uniform zoning.

Even the Office-Residential District is considered Residential District, per section 1133.01. Having a parcel, zoned differently than the surrounding properties, may not be appropriate unless there is compelling evidence to support the request due to the site is significantly different in character than the surrounding land. In order to consider a Map Amendment request, the Planning Commission needs to review the Decision Standards outlined in Section 1135.02 to determine whether the proposed amendment meets at least one of the criteria.

RECOMMENDATION

Not applicable.

DECISION STANDARDS

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

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

Map Amendments

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

SUBMITTED BY: _____


Jung-Han Chen, AICP
Community Development Director

DATE: January 21, 2010

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/7/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

Case #: PC-04-2010

Description:

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

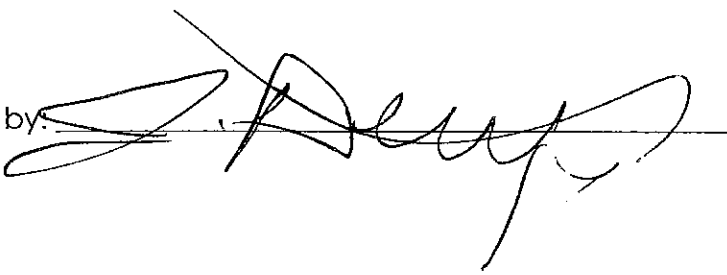
 X Review Revisions Other

Comments or status update requested by: Lynn Taylor

Please return no later than: **1/22/2010** Note: If no comments are received, we will assume the project meets your department's standards.

.....

Drawings are returned: w/comments without/comments

Drawings reviewed by: 

City of Oxford
Inter-Office Review Transmittal Sheet

Date: 1/7/2010

To: Fire Department Engineering Division Police Department Economic Development

From: Community Development

Drawings are being submitted to you for the following:

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X Review _____ Revisions _____ Other

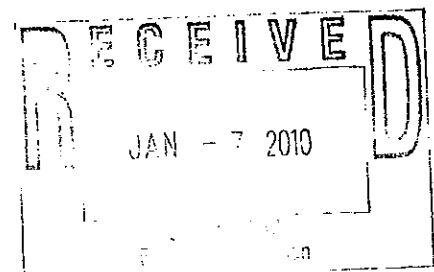
Comments or status update requested by: Lynn Taylor

Please return no later than: **1/22/2010** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

SEE MEMO DATED 1-7-10

Drawings reviewed by: *A. P. [Signature]* 1-7-10





Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: Case # PC-04-2010
Zoning Map Amendment
5990 Contreras Road

DATE: January 7, 2010

The Engineering Division recommends approval of this case based on the following conditions that will have to be met.

- Off street parking, as per City of Oxford's Specifications, must be implemented.
- Any modifications in the utility services must meet the City of Oxford's Specifications.

If there are questions, please contact the Engineering Division.

Date: 1/7/2010

From: Community Development

Case #: PC-04-2010

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

 X Review Revisions Other

Please return no later than: **1/22/2010** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

Drawings reviewed by: _____



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

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **February 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: (Helene) Fritz & Bob Logsdon
Address: 6030 Contreras Rd
Oxford OH 45056
Telephone: Home: 523-3673 Work: 529-5631

COMMENTS: I have no problem with this amendment and I live directly next door to the McCarthy's!

Fritz Logsdon
Signature

1/11/10
Date

Translation:

I have no problem with this amendment and I live directly next door to the McCarthy's. I fully support this and hope all out neighbors are graciously accepting as well! Thank you!



PUBLIC HEARING

On Tuesday, February 9, 2010 beginning at 7:30 p.m., the Oxford Planning Commission will hold a Public Hearing at the Oxford Courthouse, 118 West High Street, Oxford, Ohio in order to consider the following:

~~PC-03-2010 FINAL SUBDIVISION, Phase 2, Reckford Woods, Hester Road, 3.178 acres, Jean Masthay, Tri-State Habitat for Humanity, Applicant~~

PC-04-2010 ZONING MAP AMENDMENT, 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

Lynn Taylor
Administrative Assistant
Community Development Department
513/524-5204

January 8, 2010 Oxford Press

I fully support this &
hope all our neighbors are
graciously accepting as well!
Thank you!

OXFORD

CITY OF OXFORD PLANNING COMMISSION REVIEW AND COMMENT FORM

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

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Name: BETTY L. BARNHART
Address: 6051 Contreras Rd. Oxford, OH 45056
Home Phone: 523-5927

Dear Planning Commissioners: I am unable to attend your February 9 meeting so I am submitting this form. I thought my comments wouldn't matter, but every one is important.

I have been a very long-term resident at 6051 Contreras since 1951 (58 yrs.) so the possibility of rezoning a corner that I can see from my front window is of great concern to me as it should be to you – *whether you live in the area or pass this corner daily.*

I read the minutes of your December meeting where it said "Mr. McCarthy stated he had spoken to surrounding neighbors regarding the office space idea and they were in agreement with the idea." I am definitely not in agreement with his plan, nor did Mr. McCarthy ever talk to me in person about it. I am not for such rezoning with a change of use from residential. For one, the zoning change would affect our property values, which is most important to the majority of us who are owner-occupied single family homes. Second, who knows what would ultimately be in that building. What is promised is rarely delivered.

We used to be all residential in this area. This is still a neighborhood with the character we would like to maintain. As planners, you should encourage it to remain so without the 'creeping in' of office or business. This would open up the entire town to optional rezoning and would set a precedent. If you selectively choose to spot rezone this property, it will happen in another pocket of town. Even if you review cases one by one, any other applicant has the right to say, "If you did it for McCarthy on Contreras, you should approve ours."

If you have a zoning code and comprehensive plan, why aren't you sticking with it? Those are your directives. Applicants should conform to those guidelines, and you should not approve those who don't. This application should not continue on to a Board of Zoning Appeals for even more allowances. Why have a zoning code if you abuse it, and don't abide by it?

Betty L. Barnhart

2-1-2010



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

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential). Peter and Connie McCarthy, Owners, Applicants

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **February 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Marjorie S. Dickinson

Address: 6061 Contreras Rd., Oxford, Ohio

Phone: 523 - 4392

I have lived at my home since 1965. I want the property at 5990 Contreras to remain residential zoning, in keeping with the neighborhood to the west of this house. This home begins the owner-occupied "neighborhood" of Wespiser Place, Hill and Hollow and all of residential Contreras.

There is much vacant property to be used or repurposed for office use all over town, particularly on South Locust, and long unfilled business and office spaces at Stewart Square. To say office space is needed in a residential neighborhood is really not accurate or quite truthful when current conditions and availability in much of Oxford proves otherwise.

Arby's restaurant was there when the McCarthy's moved in, and does not make that much noise as a business to warrant a reason to sell this beautiful family home for office space.

Please do not rezone 5990 Contreras.

Marjorie S. Dickinson
Signature

Feb 1, 2010
Date

Comment, re-zoning request, 5990 Contreras

Van Dam, Scott R. Mr.

Sent: Monday, February 01, 2010 10:05 AM

To: Brewer, William; johnharman@usa.net; mannwell41@woh.rr.com; Kay, Susan; rkeebler@cityofoxford.org; Prytherch, David
Lloyd Dr.; Wong, Teddy W. Jr. Mr.

Cc: kdale@cityofoxford.org

Dear Member of the Planning Commission,

I thank you for your time, reading and considering my comments.

I write regarding a re-zoning request involving the residence at 5990 Contreras Rd. I live at 6005 Joseph Drive, a bit to south and west of house in-question. A neighbor across the street received a comment card regarding the proposal.

In brief, my concerns involves the impact on the neighborhood were the residence to be re-zoned from residential to another code, one not strictly residential.

I've lived on Joseph for around 15 years, and therefore, of course, countless times I have passed this house and lot on the corner. And, many times I've been accompanied by a friend or visitor - when walking or driving past - and, unfailingly this house has caught the eye and interest of those with me. It's distinctive because, not simply because it's impressive, has grandeur - it's home. I believe, to many, many persons who pass it, it makes a statement, creates or establishes a "sense" of pride-of-home, and pride-of-neighborhood.

Of course, were it to be re-zoned, it is not of necessary that it would lose these qualities. However, I think there is that risk. If not someone's home, but rather a perhaps transient place-of-business, it's current strength and contribution - it's statement about quality of home and neighborhood - could be diminished.

I suspect that many who live in the surrounding areas are not wholly conscious of it's impact on quality of mind - or quality of living. Yet, I suspect it's there.

I toured the house a few years ago when it was for-sale. At the time I was encouraging my retired parents to purchase and occupy it. My mother health began deteriorating around this time and my hopes fell through.

It's a great place. A place which owners can and would be proud of, and their pride would radiate to many living nearby and on routes that pass by it. Were it to become a place of business, that strong, positive statement which it currently makes about "neighborhood" and quality of life, may be diminished.

These are perhaps difficult times in regard to finding persons financial capable to owning such a place, but, with patience, I would imagine they shall emerge. I believe the current zoning fosters and preserves "neighborhood."

Thank you,

Scott Van Dam
6005 Joseph Drive
Oxford, Ohio
email: vandamsr@muohio.edu



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

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

If you cannot attend the public hearing on this planned development being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it by **February 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, OH 45056. / 524-5266

Name: W. ANTHONY (TONY) TERRELL

Address: 4890 DICK ROAD

OXFORD, OHIO 45056

Telephone: Home: 513-839-0108 Work: 513-839-0108

COMMENTS:

Please see attached page (2)

W. Anthony Terrell
Signature

(1)

2-2-2010
Date



CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

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Name:

DONALD & JUDITH NELSON

Address:

6020 JOSEPH DR.

OXFORD

Telephone:

Home: 523-4478

Work:

COMMENTS:

PLEASE RECORD OUR OPPOSITION TO THE PROPOSED CHANGES IN ZONING FROM A HOUSEHOLD THAT IS LESS THAN 100 YARDS DISTANT FROM THE PROPERTY IN QUESTION. ARBY IS ALREADY TOO CLOSE AND FURTHER ENCROACHMENT INTO THE PREDOMINANTLY RESIDENTIAL NEIGHBORHOOD IS UNACCEPTABLE. WE ARE CONCERNED THAT AN RO DESIGNATION MIGHT EASILY ALLOW FOR UNWANTED BUSINESS ACTIVITY THAT WOULD INCREASE TRAFFIC AT A SITE WHICH CURRENTLY ACCOMMODATES TWO SCHOOL BUS STOPS AND WOULD DEFINITELY UNDERMINE THE PURELY RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD WHICH, IN TURN, WOULD HAVE A NEGATIVE IMPACT ON PROPERTY VALUES.

Signature

Donald & Judith Nelson

Date

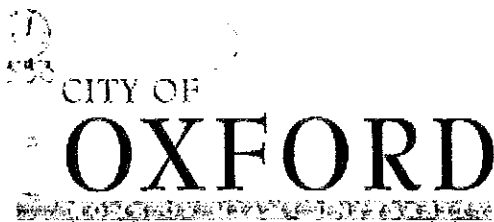
FEBRUARY 1, 2010

Translation - next page →

Translation:

Please record our opposition to the proposed change in zoning from a household that is less than 100 yards distance from the property in question. Arby's is already too close and further encroachment into this predominantly residential neighborhood is unacceptable. We are concerned that an RO designation might easily allow for unwanted business activity that would increase traffic at a site which currently accommodates two school bus stops and would definitely undermine the purely residential character of the neighborhood which, in turn, would have a negative impact on property values. Judith Nelson

Donald Nelson



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

Case No.: PC-04-2010

Date of Hearing: FEBRUARY 9, 2010

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Medium Density Residential) to RO (Office Residential), Peter and Connie McCarthy, Owners, Applicants

If you cannot attend the public hearing on this planned development being held before the of Oxford Planning Commission, but would like to comment on this matter, please complete form and return it by **February 2, 2010** to Lynn Taylor, 101 East High Street, Oxford, 45056.

Name: Edward DeVillez
Address: 5166 Westgate
OXFORD OH
Telephone: Home: 523-2098 Work: 330-0898

COMMENTS:

Why should the City rezone based on the argument that it can't be sold as a residence. The price is inflated and market slow. Welcome to the homeowners of Oxford & the Country. Edward DeVillez 2/2/2010 3:53 PM

Translation:

Edward DeVillez- Why should the city rezone based on the argument that it can't be sold as a residence. The price is inflated and market slow. Welcome to the homeowners of Oxford and the Country.

Received 3/23/10

Pete McCarthy told me about this — I would just say that the entrance to our neighborhood is already botched beyond description. Cross the tracks going west and one sees a broken down fence, mud, honeysuckle and the backs of low-rent apartments w/ dumpsters. Also, the tree lawn strip of grass between road & sidewalk there is rutted and muddy, becomes weeds later in the season and is never repaired, because there is no way for it to not keep getting rutted — just take the front of my house at 6166 Contreras. No curbs and lousy drainage makes for ruts and mud with no end.

Pete's house is the one bright shining good-looking thing to see in that whole area. If this proposed zoning change keeps it a doctor's office instead of becoming a student slum, then I'm all for it!! Fix up some curbs and drainage on Contreras, or else fix it monthly, since your engineering screwed it up!

John Kogge

Kathy Dale

From: marvin hurston [hurstons@zoomtown.com]
Sent: Monday, January 25, 2010 11:01 AM
To: Kathy Dale
Subject: FW: Oxford: 5990 Contreras, FYI

From: Kathleen Zien [mailto:zienkl@hotmail.com]

Sent: Sunday, January 03, 2010 11:53 PM

To: johnharman@usa.net; bblackburn@cityofoxford.org; rkeebler@cityofoxford.org; greigjr@gmail.com; katecurrie@hotmail.com; kevin@mckeehans.com; retiredbogard@woh.rr.com; kaysa@muohio.edu; wongtw@muohio.edu; hurstons@zoomtown.com; prythedl@muohio.edu

Cc: smithml3@muohio.edu; kkpeterka@hotmail.com; henderlb@muohio.edu; dhaizman@aol.com; lloydhc@muohio.edu

Subject: Oxford: 5990 Contreras, FYI

1

TO: Council, Planning
Cc: HAPC

Sunday, January 03, 2010, LATE PM

To all:

I noted in the Dec. 8, 2009 Planning agenda there was a Concept review requested of that board by Pete and Connie McCarthy under 'New Business' for their property at 5990 Contreras.

Since I was not able to attend that meeting, I don't know what was discussed, nor what the input was from the applicant or the board's suggestion of encouragement or denial may have been. I would hope Planning members discouraged the possibility of the proposal to turn that residence into office space.

The McCarthy's currently live in that grand home @ 5990 Contreras (NW corner of Contreras and Jacqueline)...*at one time, referred to as the Osborne House when Dave and Virginia Osborne purchased it in 1974.*

It's an elegant 'statement' home as anyone who walks or drives by it can see.

It sits on a very generous .9183 acre, corner lot. Auditor records indicate vintage 1900, although it was built in 1896 for the founder of the Farmer's State Bank in Oxford; It was a house for entertaining. The original parcel was 13 acres. It had extensive renovations in 1920, including the wrap around porch. I suspect it was "the" estate home on the west side of town before the twelve acres were sold off to developers for Wespiser Place, up to and including Hill & Hollow at Hilltop and Contreras, as the possible original estate acreage.

In any case, that brings us to its use today. It's a grand residence and should remain such. It is located on a pivotal corner as an Entry Home Property [on a main E/W connector within Oxford], heading into a single family zoning ---

I'm at a disadvantage in commenting or 'reporting' since my copy of the Council agenda was not at the police station for my weekend pickup. *The Councilors had full red packets, so I assume they held agendas that were prepared before the holiday.*

I was hoping, at least, to read this week's Council Consent Agenda for minimal coverage of the Dec. Planning commission. Planning minutes won't be out until next week's Jan. 12 agenda.

It could well be that the Auditor's site is unfortunately outdated, including permit information. The site notes the McCarthy's purchased it in May, 2002. Since then, I know the rear NE corner, closest to Jacqueline (just within the new fenced side) had either an addition, extension or makeover of an enclosed porch, now into an enlarged family room.

The auditor's footprint of the house does NOT match what Mr. McCarthy submitted in his drawings to Planning.

"D" on the footprint of the auditor's sketch has a frame square of 15 x 15' at the North rear of the house, certainly not the 19.5 x 16' family room listed on McCarthy's submission.

That physical changeover of that 'old' square room and increasing the footprint would have mandated a building permit since it was done with the McCarthy occupancy. However, no permits are listed after 1989; that one was for a mere \$100 fee for an addition, certainly not one completed since McCarthy's moved there.

I am including HAPC members in this message. Although the Contreras address is physically outside their Oxford Mile Square purview, I know the proposal would be of interest (and perhaps disappointment) to that board. Both Dan Haizman and Howell Lloyd would pass it daily to their homes, as I do. Kim Peterka is particularly a staunch supporter of buildings not only maintaining their historic and architectural character, but their original use.

I don't think it is the intent, nor the right, of any board or commission to suggest spot (re)zoning at the request of an owner. This is clearly what this Concept Review would suggest the McCarthy's would like to see happen.

That is a keystone corner of a residential neighborhood.

Even when Arby's made their proposal to have a restaurant built for the SW corner of Lynn and Contreras 2+ decades go, it was a tough sell to the neighborhood. This would be equally so.

According to the auditor's site, Mr. McCarthy owns 3 other properties in Oxford (*which I assume by the addresses are student income rentals*: 816 S. Beech, 115 S. Elm and 112 S. College (S of the alley next to the Crisis Center brick home))

IF Mr. McCarthy's wish *were* to come true, assuming an unfortunate spot-zone-change to commercial and became an office complex of rooms, he would probably not be living there.

T'would be far better for him to sell that property to someone who would maintain it as a HOME than a decision by a[ny] shortsighted group to change zoning, change building use and alter the character of the neighborhood.

I hope Planning discouraged pursuit of this idea and IF it should come to Council's table, those 7 members do the same.

From: zienkl@hotmail.com

To: kdale@cityofoxford.org; jhchen@cityofoxford.org

CC: delliot@cityofoxford.org; ltaylor@cityofoxford.org

Subject: Comment Cards for McCarthy-Contreras property

Date: Mon, 11 Jan 2010 14:19:22 -0500

2

Planning Dept. - Ms. Dale, Mr. Chen:

Being part of the immediate neighborhood affected by the possible rezone for 5990 Contreras (Pete & Connie McCarthy), I did learn that ONE neighbor on the east end of Joseph, showed me the Public Comment Form they rec'd on Sat. re: this case.

Despite Planning Dept's 'doing their duty' of sending those out, they are absolutely USELESS to those receiving them 'as is.' You can say you legally did the job and contacted property owners with a sheet of paper that lists the case #, date of hearing and the briefest of description (I use the term loosely). But to what end? those who

receive them have no clue about the application and what it contains or the repercussions.

The city provides no background as to what the real issue(s) are...

Listing it as it appears in the Legal Notices of the press, is of no service to the citizen you want to tap to make educated comment. Why should the adjacent owner have to call the city and track down what this is about, when that could be solved by putting in the staff report (as was available for the Contreras 'concept' night at Planning)....or McCarthy's interior drawing of the office spaces proposed that should accompany Comment Cards for PC-04-2010 *(You well know 99.876% of the gen'l citizenry here does not read agendas.)

You do a disservice when you say, "We've done our part" when you really haven't. You haven't provided necessary information for the adjacent property owners to make any educated opinion to write back!

The mins. of the Dec. concept idea McCarthy presented, p.3 of the Jan. PC agenda:

"McCarthy stated he had spoke[n] to surrounding neighbors regarding the office space idea and they were in agreement with the idea."

And **WHO might that have been?** The rental townhouses to his east? The non-owner occupied, rentals from Arby's to Dick on the S. side of the street?

Did Planners ask WHO he asked?

If it was the those residents in the area with a vested interest in it, probably not.

Toss his idea to transient renters who don't care, won't live here for the long haul, could care less about the neighborhood...sure, they'll agree with him!

That was a lame claim assuring Planning the "neighborhood was in agreement." Not so.

I suggest to the very few you probably sent the Comment Form to...that they be provided germane information from the Dec. PC agenda -- *that's the right thing to do to form an opinion and return comment. That would be all of 3 pages. (p. 11, 12, 16) to be effective.*

More paper? definitely.

When staff reports say, "No Comment Sheets Returned" it's for this reason -- because it's only a half done effort. You hope there aren't comments.

Hotmail: Trusted email with powerful SPAM protection. [Sign up now.](#)

Kathy Dale

From: Kathleen Zien [zienkl@hotmail.com]
Sent: Tuesday, January 12, 2010 4:50 PM
To: Jung-Han Chen; Douglas Elliott; Lynn Taylor; Kathy Dale
Cc: Andrew Wilson; Kim Newton
Subject: RE: Comment Cards for McCarthy-Contreras property

3

TO: ALL THE ASSORTMENT OF CITY STAFF ON THE ORIGINAL MAIL LIST BELOW (+ ANDREW + KIM, AS A CHECK).

WE'VE HAD REAL PROBLEMS W/IN THE PAST 24 HRS. TRYING TO GET EMAIL CONSISTENTLY TO CITY STAFF ADDRESSES W/O AN AUTOMATIC, 'UNDELIVERABLE' RETURN MESSAGE BACK TO ME.

WE'RE CHECKING TO SEE IF THE COMMUNICATION KINKS MAY BE WORKED OUT.

SINCE I SENT DUPLICATE TEST MESSAGES TO K.NEWTON AT HER PERSONAL EMAIL THAT SHE REC'D, I SUSPECT IT MAY HAVE BEEN SOMETHING UNDER THE 101 HIGH ST. ROOF????

I ALSO SENT A BLIND COPY TO A CITIZEN IN THE AFFECTED NEIGHBORHOOD OF THE COMMENT FORM INFO. AND THEY REC'D IT. AGAIN, INDICATES THE PROBLEM MAY HAVE BEEN THRU CITY INTERNET RECEPTION?

WE SHALL SEE.

I AM ATTEMPTING TO RESEND MONDAY'S MESSAGE ABOUT THE PUBLIC COMMENT FORMS.
IF YOU WANT TO ACKNOWLEDGE RECEIPT....THAT WOULD BE CAUSE FOR SIGH OF RELIEF.

THANKS.
Kathleen L. Zien

[513] 523-1496

4
From: Benson, Rosalyn Erat Mrs. [mailto:rosalyn@muohio.edu]
Sent: Tuesday, January 12, 2010 4:12 PM
To: Kathleen Zien; Jung-Han Chen; Douglas Elliott; Lynn Taylor; Kathy Dale
Cc: Andrew Wilson; Kim Newton
Subject: Re: Comment Cards for McCarthy-Contreras property

Thank you Kathleen.

We live about 6 houses from 5990 Contreras and we have not received a comment form from the city nor were we ever spoken to by Connie or Pete McCarthy.

And we have spoken to them a few times in the past few months and the first that we knew of this plan was when Kathleen Zien sent something to us.

As of right now, we have so many empty office spaces in town, it seems very strange that we would need more in a residential area. Why would this be even considered? Please could we keep some residential neighborhoods within walking distance of the uptown area?

Rosalyn Benson
6090 Contreras

On 1/12/10 4:50 PM, "Kathleen Zien" <zienkl@hotmail.com> wrote:

1

5
Lynn Taylor

From: Lynn Taylor
Sent: Tuesday, January 12, 2010 6:29 PM
To: 'Benson, Rosalyn Erat Mrs.'; Kathleen Zien; Jung-Han Chen; Douglas Elliott; Kathy Dale
Cc: Andrew Wilson; Kim Newton
Subject: RE: Comment Cards for McCarthy-Contreras property

Mrs. Benson-

Thank you for your input. It is very appreciated. In reviewing the Adjoining Property map that we produce in our office to determine properties located in the 200 foot buffer, your address 6090 Contreras was outside of that buffer. Our buffer to the west of the McCarthy property stopped at the 6050 Contreras address.

If you would like to view the map we produced please feel free to come in to our office.

Thanks again.

Lynn Taylor
City of Oxford
Administrative Assistant
Community Development Department
101 E. High Street
Oxford, Ohio 45056
p. (513) 524-5204
f. (513) 524-5266

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

Date: Wed, 13 Jan 2010 23:15:30 +0000

Subject: 5990 Contreras Rd.

From: pecomcc@gmail.com

To: zienkl@hotmail.com

(McCarthy email)

6

1

Kathleen, I received a copy of the email you recently sent to members of the HAPC and Planning Commission regarding our application for a zoning change....

Also see email #14

Hotmail: Powerful Free email with security by Microsoft. [Get it now.](#)

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.432 / Virus Database: 271.1.1/2642 - Release Date: 01/24/10 19:33:00

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

From: Kathleen Zien <zienkl@hotmail.com>

To: wongtw@muohio.edu; hurstons@zoomtown.com; prythedl@muohio.edu

Sent: Sun, Jan 24, 2010 9:28 pm

Subject: (no subject)

7

ANYONE ON PLANNING COMMISSION CARE TO OWN UP AS TO WHO MAY HAVE CORRESPONDED WITH PETER AND CONNIE McCARTHY, OR FORWARDED MY OBSERVATIONS ABOUT THEIR REZONING CONCEPT REVIEW FOR 5990 CONTRERAS?

I BELIEVE I SENT TO PLANNERS SOMETIME IN DECEMBER AROUND THE HEARING TIME AFTER I READ THE AGENDA.

I addressed it to the Planning Board, not the applicants.
Thanks for letting me know who did the forwarding.

KLZ

Kathy Dale

From: Bill Brewer [bbrewer@designedlearning.com]
Sent: Monday, January 25, 2010 7:29 AM
To: 'Kathleen Zien'
Cc: Kathy Dale; Jung-Han Chen
Subject: RE: X-IMail-SPAM-Phrase

8

Hi,
I have no idea what you are talking about. I never got any comments from you regarding this applicant and as a matter of course I rarely respond to emails or never forward them.
Bill

From: Kathleen Zien [mailto:zienkl@hotmail.com]
Sent: Sunday, January 24, 2010 11:07 PM
Subject: X-IMail-SPAM-Phrase

SEEMS ONLY A PORTION OF THE PLANNING COMM. GROUP LIST WENT OUT W/ MY MESSAGE BELOW....

I'M SENDING THAT ORIGINAL MESSAGE (BELOW) TO THOSE PLANNERS THAT LOOK TO BE MISSED.

KZ

From: Kathleen Zien [mailto:zienkl@hotmail.com]
Sent: Thursday, January 28, 2010 11:20 PM
To: Henderson, Laura B.
Subject: to follow up your gallery appetizers....

9

It has never been, nor should it ever be, the city's responsibility to guarantee any income or profit for any applicant or proposal.

Thursday, January 28, 2010

Laura: I waited until evening to send so that you wouldn't have one more thing in your work mailbox getting ready for a gallery reception....then you can perhaps think about this over the weekend when you have a clear head and more time.

After our brief Aldi conversation, I wanted to point out that whatever you may say, or have said to K.Dale won't do any good unless it is said to Planners!

Whether you write a message to all of them before Feb. 2 so it can be included in the agenda, or say it at the meeting Feb. 9, 7:30 PM, all input is important. Better that Planners hear from a dozen than operate in a vacuum. When the owner said he talked to the neighborhood (when I know that's a real stretch of reality), yet left that impression w/ the PC (based on the minutes) that "all is well w/ the neighborhood and we're all on board, is just not true.

I hold no hopes that you will attend the meeting. You're 'too busy.' But you can write to Planning Commission so they all get your message.

We're all busy. We do what must be done when it's important.
No one else picks up your ball.

Once your gallery reception is over (which I assume will happen before the weekend w/ your Aldi shopping), won't you have time? Please make time.

The fact that I gave every citizen I thought would have – should have – an interest in this rezoning issue, *including you* – makes it easy for you. I did all the work and research.
I looked up the reasons a rezone is considered.
I provided the 8 Decision Standards that it's judged against.
I gave you the Planners email addresses.

Years ago, you noted my research:

From: Laura Henderson <henderlb@muohio.edu>
To: "Kathleen Zien" <zienkl@hotmail.com>
Subject: Re: Street correction
Date: Thu, 03 Nov 2005 08:47:39 -0500

Kathleen,
I received your phone message and emails. **Thank you for filling in the background--it is very thoroughly researched.** I will certainly take all your observations and information into account when voting on this issue.

My biggest frustration with the HAPC is that it doesn't have any real authority to enforce its decisions and thus is not taken seriously.

Thank you,
Laura Henderson

I'd like to think Planning may be taken more seriously. Certainly their 'approval' or 'denial' recommendation on this rezoning will go to Council.

We're all busy. I'm as busy as you are – maybe more....coupled w/ the fact that my research gave adequate information to the recipients to act. (I wish I could have that kind of homework dropped in my lap by someone else! I know I do more research on city issues than some that sit on boards. That's a fact.)

I spend an inordinate amount of time on things that are important to the 'maintenance' and look of the city at the expense of my personal and professional life. I'm self-employed; I hardly have the time to spare. Unlike

many employees who are given a check no matter what their performance, who may be slackers yet still get paid even if there's not much to show for it... if I don't weave I don't sell.

When you said, "Well, it'll be in BZA's lap....I already talked to K.Dale about it."
Talking to K.Dale does nothing. She can't relay your message. YOU have to do it.

This proposal to rezone shouldn't even get to BZA!
It shouldn't even have left K.Dale's office and into the Dec. Planning meeting as a concept idea!

I don't want yet another realtor or developer do one more 'snow job' before a board!

This applicant and his realtor (who I've seen enough over 24 yrs. of proposals to know how he 'works') just didn't take NO when K.Dale advised that it wasn't really an appropriate request.

The staff report in the Dec. agenda noted: "Staff reviewed concerns of rezoning property to a district it is NOT contiguous with and advised against."

Even staff saw the discrepancy of the request against the neighborhood, implied that in her report, yet the applicant & realtor apparently disregarded the code, comprehensive plan and staff advice and came to Planning anyway.

The requirements for a rezone or map amendment request is clear. I didn't attend the PC Dec. meeting, even having the agenda beforehand because I assumed Planning would take those under equal scrutiny and note the request clearly does not qualify on any of the four specs. They didn't seem to review them:

- There is NO error on the official Zoning Map.
- The McCarthy request will NOT make the map conform more closely w/ the Compre. Plan
- There has NOT been a substantial change in area conditions that necessitate a change AND, clearly,
- There is NOT a legitimate need for this area in a district that does not support it.

There has been no change in area conditions to mandate a change, and certainly there is no need for business or commercial zoning in the keystone corner of a block that begins an established residential neighborhood.

Further, there is no NEED for turning this residence into office space when there are available vacant locations in town that can (*and were designed and marketed to*) accommodate business opportunities --- from vacant storefronts uptown, to the S.Locust corridor and N27 areas, to larger office suites with and without High street visibility. Economic Development Director Kyger could direct any interested parties to numerous, vacant locations in and around Oxford.

So....If you speak as a citizen who I believe shows support & value for residential use of architectural treasures (one of few remaining 100 yr. old homes in Oxford —estate-like in 'presence' — at 5500 sq. ft)., then you'll contact Planners before the Feb. 2 deadline to get your thoughts in writing!

Don't count on BZA to do the right thing, and think anything good will come of this if it goes to them.
Any request for a variance is a request to oppose the zoning code.
Plain and simple. In essence, every variance condones a violation.
Variances numbered very few years ago; some months there were no hearings. Now there can be 5+ appeals a meeting. Too many are issued.

There are some on BZA that don't even remember it's their night for a meeting! Yes, sometimes staff has to call one (or more) of them from the courthouse to get them out of a sleep! They're still at home and it's 7:30 PM!

Your neighbor Bill Houk, is the only bright bulb on BZA.

It doesn't matter that this house and its use won't come before HAPC because it's not in the Mile Square footprint. That's not the point.

The fact that it's come before any board with a request to rezone is the issue.

You can speak up as a citizen (that you serve on HAPC is coincidental but beneficial, and should also carry some weight as a reference point). I believe this home in this neighborhood, should remain residential and maintain its integrity as such. Where it is, what it currently looks like, and maintaining the use as a residence vs. office is important. It's location as a keystone entry into residential should speak to you.

Please contact and copy all, with a copy to Kdale@cityofoxford.org so it gets into the agenda!

Ted Wong	Wongtw@muohio.edu
Bill Brewer	Bbrewer@designedlearning.com
John Harman	Johnharman@usa.net
Marvin Hurston	Mannwell41@woh.rr.com
	hurstons@zoomtown.com
Susan Ann Kay	Kaysa@muohio.edu
Richard Keebler	Rkeebler@cityofoxford.org
David Prytherch	Prythedl@muohio.edu

I would hope that your interest in sitting on HAPC isn't just a resume booster. You can, and should, make a difference – both as an articulate citizen and HAPC member. Thanks.

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Kathy Dale

From: Henderson, Laura B. [henderlb@muohio.edu]
Sent: Monday, February 01, 2010 5:00 PM
To: Kathy Dale
Subject: FW: Public Comment Form attached
Attachments: Review & Comment Form.pdf

10

Laura B. Henderson
Collections Manager/Registrar
Miami University Art Museum
801 South Patterson Avenue
Oxford, OH 45056
Tel: 513-529-2235
Fax: 513-529-6555

From: Kathleen Zien [mailto:zienkl@hotmail.com]
Sent: Monday, February 01, 2010 4:31 PM
Subject: Public Comment Form attached

This is blind copied to a varied, mixed group. You may/may not have rec'd a comment card.

FIRST, I AM FORWARDING the official blank Comment Form for the McCarthy hearing for rezoning 5990 Contreras.

SECOND, I WILL FORWARD 3 pages from the upcoming agenda: The application itself and the 'defense' of the decision standards by the applicant.

*(I think you can shoot holes through much of it, -- whether written or spoken -- but you must do it!)
No one else will do it for you.*

LAST, I WILL FORWARD THE POSSIBLE USES OF RESIDENTIAL OFFICE ZONING.

Anyone may use the Attached Comment Form or make up your own.

Few of you may have rec'd them since you're not within the "golden" 200 foot distance from the property. Even some who see it from their house didn't get one if they were 205' away!

(All the townhouses to the east of McCarthy property, across from US Bank, are owned by local land-mass-owner Ned Hoelzer. *(Not likely NH will speak against an applicant when he may have other things he needs to bring before a board and needs their support!)*

Those who live in those townhouses won't get comment cards. They don't have owner-occupied investment. They are renters, probably temporary and transient and don't have long term commitment to the neighborhood or community-at-large.

Unless you have ESP and knew what this hearing was about, it is virtually a useless comment form. It *just* serves the legal requirement that neighboring property owners are contacted. There is no support material from

staff, no minutes of the meeting, no application information that accompanies the form to know what it's about or to submit an informed comment!

There is so much upper margin space at top of the form, it leaves all of 2" of space for comment. That hardly does comment justice. *(Maybe they don't want comments?)*

Even if you have just two sentences of concerns, get it in writing, and submit.

If you have ?s about it, put that in the comment form. Those concerns would have to be addressed by Planners. I hope this agenda will bulge with public comment!

You can make up your own form or include in your email:

Case # PC – 04 –2010 Zoning Map Amendment

Feb. 9, 2010 Date of Hearing

Comments:

Your name, address, phone.

If you hand deliver it up to the 2nd flr. of city bldg. Planning Dept. you can sign off on it and date it.

If it's emailed to all Planners and Kathy Dale (Planning Dept.) it's dated, and we hope, will be read.

Cc: Kdale@cityofoxford.org

Planners Name

Email Address

Ted Wong

Wongtw@muohio.edu

Bill Brewer

Bbrewer@designedlearning.com

John Harman

Johnharman@usa.net

Marvin Hurston

hurstons@zoomtown.com

Susan Ann Kay

Kaysa@muohio.edu

Richard Keebler

Rkeebler@cityofoxford.org

David Prytherch

Prythedl@muohio.edu

DEADLINE IS END OF WORK DAY TUESDAY, FEB. 2, ALTHOUGH NOON IS PREFERRED TO BE INCLUDED IN AGENDA. (So they can start copying and collating).

YOU MAY REQUEST A COPY OF THE AGENDA (which will be ready by Friday PM), so you can review over the weekend and not be 'surprised' by anything you read while sitting at the meeting. It may also give you more ammunition when you plan ahead.

YOUR AGENDA WILL BE HELD AT THE POLICE STATION SO YOU CAN PICK IT UP ANY TIME 24/7.

BUZZ THE DISPATCHER, TELL THEM YOU'RE THERE FOR AN AGENDA; THEY'LL BE TO THE LEFT OF THE DOOR W/ YOUR NAME ON IT.

Even if you write ahead w/ comment & concerns, you can also address Planners at the Feb. 9 meeting, 7:30 PM Courthouse.

You may think of things by then that you didn't put in the comment form.

Having Planners hearing and reading it more than once will do good.

JUST DO IT!

I am counting on your to attend Tues.

There is strength in numbers, clear-thinking residents and the power of logic!

Silence means consent....

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)