

A Regular meeting of the Oxford City Council was called to order by Mayor Kevin McKeehan on Tuesday, April 7, 2015 at 7:30 p.m. Those members present were Bob Blackburn, Richard Keebler, Kate Rousmaniere, Mike Smith and Edna Southard. Steve Snyder was excused.

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

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

Mr. Smith moved to approve the agenda. Mr. Blackburn seconded. The motion passed 6-0-0.

PUBLIC PARTICIPATION

PROCLAMATION **‘EARTH DAY’**

Mayor McKeehan read the Proclamation and presented it to Ms. Anna Ginsky.

Ms. Anna Ginsky, Graduate Student, Institute for Environment and Sustainability, Miami University, noted she was also the Lead Coordinator for EarthFest. Ms. Ginsky advised EarthFest was Oxford’s annual Earth Day celebration and it had been held for over 20 years in the City. Ms. Ginsky noted EarthFest was sponsored by the Institute for Environment and Sustainability and various organizations in town. Ms. Ginsky advised the event was an opportunity to bridge the gap between the university and the community and work together for months on end to bring the events to fruition for the community. Ms. Ginsky noted the event would take place Saturday, April 18th in the Uptown Parks from 10:00 a.m. to 1:00 p.m. with over 25 organizations participating including Audubon, Three Valley Conservation Trust, Butler Soil and Water Conservation District, the Kinetics Festival and over 10 organizations from Miami University. Ms. Ginsky advised EarthFest partnered with Bike Wise to provide a bicycle for a local child in the community to win during the event. Ms. Ginsky noted John Kogge and the Oxford Gourde and Drum Ensemble would perform during the event. Ms. Ginsky advised EarthFest was being cross promoted with the Uptown Farmers Market on that Saturday.

Mayor McKeehan thanked Ms. Ginsky for her comments and her efforts.

Mayor McKeehan advised last week Council received notice from the Butler County Recycling and Solid Waste District that once again Oxford was the highest percentile recycling community in Butler County for 2014.

Mayor McKeehan noted Oxford recycled an estimated 958.5 tons or 18.1% of all waste generated which was 4% above the nearest competitor, the City of Fairfield. Mayor McKeehan advised the City of Oxford received a check for over \$15,000 for that achievement from the Butler County Recycling and Solid Waste District. Mayor McKeehan thanked Oxford citizens and businesses for participating so eagerly in recycling efforts.

PRESENTATION

KINETICS FESTIVAL

Ms. Kate Currie, 420 W. Vine Street, thanked Council for the opportunity to update them regarding the Kinetics Festival and to provide a PowerPoint. Ms. Currie noted this year's event would be held on Sunday, April 19th in front of Millett Hall from noon to 5:00 p.m. Ms. Currie advised over the past year Maketank, Inc. which was the non-profit that administered the festival became an official 501(c)3 and in addition to the Kinetics Festival they orchestrated and programmed a great deal of steam programming in the region. Ms. Currie noted steam was 'stem' plus 'art' (science, technology, engineering and math) and Maketank had been programming both formally in classrooms and informally after school, combining stem learning with creative making and art education for children in the region. Ms. Currie advised more and more the Kinetics Festival was serving as a venue to share the out-put of those programs with the community at large. Ms. Currie noted the first Kinetics Festival was just a Kinetics Sculpture Race in 2010 in conjunction with the City's bicentennial celebration and it was a race from one end of High Street to the other. Ms. Currie advised 15 people participated in the race with approximately 40 spectators along the sidewalks. Ms. Currie noted last year over 2,500 people attended the Kinetics Festival and every year the attendance had doubled over the year before. Ms. Currie discussed the Work Shops which occurred the four Saturdays prior to the event where attendees could receive assistance with their design concepts to build a Kinetic Sculpture, make their own skate board, learn about blacksmithing, or learn about trapeze. Ms. Currie noted a non traditional film festival would take place the night before the event in store windows along High Street and a variety of films would be shown that had something to do with kinetics, flight, bikes, or creative making. Ms. Currie advised Maketank held a program at Kramer Elementary School called 'Space Quest' which taught 2nd to 5th graders about the solar system. Ms. Currie noted the students would create their own solar system and a group solar system which would be shared at the festival. Ms. Currie advised Maketank held a Steam Club at the middle school and worked with students on robotics, creative making, planning and challenges and they would have a booth at the festival. Ms. Currie mentioned some of the partners of the Oxford Kinetics Festival including Miami University, the Talawanda School District, area organizations, the Contemporary Arts Center of Cincinnati, the Cincinnati Maker Fair, Artswave, and the Cincinnati Museum Center. Ms. Currie advised the Kinetics Festival had great publicity this year and noted she and her son participated in the Reds Opening Day Parade yesterday to promote the festival. Ms. Currie noted there was article in the Cincinnati Magazine this month and spots on local radio and TV stations. Ms. Currie advised the traditional scramble during the event was broken out into 3 different races this year and showed slides of previous scrambles. Ms. Currie encouraged people to visit oxfordkineticsfestival.org for additional information. Ms. Currie noted the festival was free and the big quest was to decommmodify the event and have a festival of participation. Ms. Currie advised this was a unique day and noted her hope everyone would come out and enjoy it.

Mayor McKeehan thanked Ms. Currie for her presentation and noted the Kinetics Festival was a wonderful event.

PUBLIC COMMENTS

Ms. Betty Quantz, 322 W. Vine Street, advised she requested a copy of Council's Rules and she understood this Council and previous Councils for quite a while had not revisited their Rules. Ms. Quantz asked Council to do that so citizens knew exactly what their Rules were for people approaching Council to speak. Ms. Quantz noted she understood the rule that was in effect when she was on Council that two members of Council may sponsor legislation in order for it to get on Council's agenda had lapsed from the Rules. Ms. Quantz strongly suggested Council reinstate that idea so other members, not just the Mayor, had a voice in what went on the agenda.

Ms. Quantz asked Council to revisit the idea of removing parking meters from High Street and maybe surrounding areas. Ms. Quantz noted during the holidays traditionally there was a hiatus in collecting parking meter fees. Ms. Quantz advised the Police Department did a feasibility study several years ago about initiating two hour parking Uptown at all meters and using a method to determine whether cars were parked there more than two hours or not and substantially raising the fines for parking over two hours. Ms. Quantz noted this would eliminate the problem of feeding meters. Ms. Quantz advised a number of Uptown businesses were having problems because of parking and the student housing Uptown created additional problems because Council eliminated the requirement for parking at any of the Uptown apartments. Ms. Quantz noted that created a disadvantage for those who wanted to shop Uptown since it was difficult to find a place to park. Ms. Quantz advised it was difficult to find a parking place to attend this meeting tonight and Council was limiting citizen participation by the lack of parking. Ms. Quantz noted it was time for Council to address the issue in a reasonable manner. Ms. Quantz advised it was like subdivisions and other problems in out lying areas, when adequate parking was not available it created a problem for everyone surrounding the development and that was an issue Council needed to deal with.

CONSENT AGENDA

MINUTES

Minutes of the March 17, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)

REPORTS

Report regarding the March 10, 2015 Planning Commission Meeting. Meeting. (Jung-Han Chen, Community Development Director)

Report regarding the March 24, 2014 Civil Service Commission Meeting. (Donna Heck, Human Resources Director)

RESOLUTION
MAINTENANCE
800 RADIO SYSTEM

A Resolution No. 4905 authorizing the City Manager to enter into a contract with the Butler County Board of Commissioners for the maintenance of Oxford's portion of the 800 Megahertz Radio System at a cost not to exceed \$21,355.00 for 2015. (Bob Holzworth, Police Chief)

Mr. Smith moved to approve the consent agenda. Ms. Southard seconded. The motion passed 6-0-0.

RESOLUTIONS

RESOLUTION
OVERLAY DISTRICT

A Resolution No. 4906 of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a Neighborhood Conservation Overlay District for that area of Dana Drive, Ryan Drive, Josie Lane, Randall Drive, and part of Oxford Reily Road as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Jung-Han Chen, Community Development Director)

Mayor McKeehan recused himself from the discussion and the vote and turned the meeting over to Vice Mayor Rousmaniere.

Mr. Chen advised the petitioned area encompassed Dana Drive, Ryan Drive, Josie Lane, Randall Drive and part of Oxford Reily Road and included 84 parcels. Mr. Chen noted 72 owner signatures were obtained or over 86% of the owners. Mr. Chen advised Council was being asked to accept the petition and forward it to the Planning Commission for their consideration and recommendations.

Vice Mayor Rousmaniere inquired if there were any comments from the petitioners or from the public and there were none.

Mr. Keebler noted 86% was a good number.

Vice Mayor Rousmaniere advised Council would forward the petition to the Planning Commission.

Vice Mayor Rousmaniere moved to adopt Resolution No. 4906. Mr. Blackburn seconded. The motion passed 5-0-0.

RESOLUTION
OVERLAY DISTRICT

A Resolution No. 4907 of Council accepting the petition as required by Oxford Codified Ordinance Section 1146.03 to establish a Neighborhood Conservation Overlay District for that area of Autumn Drive, Harvest Court, and Brookville Road as set forth on Exhibit "A" attached hereto and referring the petition to the Oxford Planning Commission for recommendations to City Council. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the petitioned area contained 49 parcels and 36 owner signatures were obtained or 73% of the owners signed the petition. Mr. Chen noted the boundary met the requirement in Chapter 1146 of the Zoning Code. Mr. Chen advised Council was being asked to accept the petition and forward it to the Planning Commission for recommendations.

Mayor McKeehan inquired if there were any comments from the petitioner or from the public and there were none.

Mayor McKeehan noted 73% of the owner's signatures were obtained which met the requirement.

Mr. Smith moved to adopt Resolution No. 4907. Mr. Blackburn seconded. The motion passed 6-0-0.

RESOLUTION
CONTRACT WITH
BARRETT PAVING MATERIALS, INC.

A Resolution No. 4908 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 not to exceed \$354,873.36. (Mike Dreisbach, Service Director)

Mr. Dreisbach referred to page 51 of the agenda and advised staff developed a list of streets and advertised for bids for pavement repair and improvements. Mr. Dreisbach noted the work predominantly focused on Spring Street, Fairfield Road, Collins Run Road and the Fire Station parking lot. Mr. Dreisbach advised the work on Collins Run Road would be funded by the City, Oxford Township and Miami University. Mr. Dreisbach noted the contract also covered base failures and edge repairs. Mr. Dreisbach advised this was one of several street projects scheduled for this summer.

Mayor McKeehan inquired if there were any comments from the public and there were none.

Ms. Rousmaniere inquired if the contract covered repainting the street lines and Mr. Dreisbach advised yes. Mr. Dreisbach noted walking paths at the community park would also be repaired.

Mr. Keebler referred to Tollgate Drive, Contreras Road and Fairfield Road and noted his hope the contract would include compacted base. Mr. Keebler advised the lowest level on Fairfield Road did not drain and suggested moving the drain to the west. Mr. Dreisbach noted the Street Maintenance Group was aware of the issue and would improve the drainage on Fairfield Road. Mr. Dreisbach advised 700 tons of asphalt was designated to do edge repairs and base repairs to address the problems. Mr. Dreisbach noted once the pavement was in place City staff would place berm gravel against the edge of the pavement to relieve the stress on the edge of pavement.

Mr. Blackburn moved to adopt Resolution No. 4908. Ms. Rousmaniere seconded. The motion passed 6-0-0.

ORDINANCES **FIRST READING**

ORDINANCE **OVERLAY DISTRICT**

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment To Establish A Neighborhood Conservation Overlay District In A R-2A (Single And Two Family Residential) District For 66 Parcels Located On Dana Drive, David Drive, Marcia Drive and Glenview Drive, In The City Of Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the petition for the proposed overlay district was filed on November 11, 2014 and Council accepted the petition on January 6, 2015 and forwarded it to the Planning Commission. Mr. Chen noted the Planning Commission met on March 10, 2015 and recommended approval of the overlay district. Mr. Chen advised 66 parcels were included in the petition and 54 signatures were obtained which was 82% of the parcel owners. Mr. Chen noted this would be the 9th overlay district to be approved.

Ms. Betty Quantz, 322 W. Vine Street, advised by restricting this area to 2 unrelated persons we were substantially penalizing members of the community who were gay, lesbian or bisexual. Ms. Quantz noted because of the laws in Ohio those persons could not marry so two unrelated people who wanted to adopt a child would be restricted from living in this area. Ms. Quantz advised she felt this was eliminating and discriminating against those in the community with alternative lifestyles.

Ms. Rousmaniere advised that was her first question when the overlay district was proposed and the issue had been addressed.

Mr. Keebler noted if a child was adopted they would be related.

Mayor McKeehan advised he was on the Housing Advisory Commission when the overlay district was introduced and the issue was addressed.

Mr. McHugh advised there was a distinction for a single house keeping unit and the intent was not to restrict people with alternative lifestyles.

Mr. Keebler noted Council was not debating the Ordinance they were considering whether this petition met the requirements of the Ordinance.

ORDINANCE
CONDITIONAL USE PERMIT

An Ordinance Approving A Conditional Use Permit To Permit First Floor Vacant Space To Be Used As An Accessory (Exercise Room) In An Existing Mixed Use Building In The Uptown (UP) District At 7-9 West High Street With Conditions. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the Conditional Use Permit application was a request to use vacant space in the back of 7-9 W. High Street. Mr. Chen noted the space had not been utilized by either tenant since the building was built in 2011. Mr. Chen advised the idea was to use the space as a study/exercise room for the residents of the building. Mr. Chen noted since this was considered an accessory use for residential purposes in the Uptown District it must go to the Planning Commission and City Council for the Conditional Use hearing process. Mr. Chen advised the Planning Commission met on March 10, 2015 and after a lengthy discussion recommended approval with the following conditions:

The Conditional Use Permit shall only be for converting the space to a study/exercise room not a dwelling unit.

The Planning Commission shall waive the residential floor area ratio requirement.

Any residential use different than the proposed use shall require an amendment to this Conditional Use Permit application.

Mr. Scot Webb, Applicant, Agent, showed a slide of the building at 7-9 W. High Street. Mr. Webb advised there was no street frontage for the vacant space in question and it was only accessible from the alley. Mr. Webb noted the space had been vacant the entire time the building had been open. Mr. Webb advised his client was interested in utilizing the space and the Planning Commission held a lengthy discussion as to whether or not this would be some sort of party room. Mr. Webb noted his client was not interested in providing a party room for his residents and it would be a study/exercise room. Mr. Webb advised the occupancy would not increase and a dwelling unit would not be added. Mr. Webb noted he felt the Planning Commission vetted the issue thoroughly and he would appreciate Council's consideration as well.

Ms. Betty Quantz, 322 W. Vine Street, advised if Council granted a use other than commercial they would create an opportunity for any other vacancies on the ground floor Uptown. Ms. Quantz noted this was a 'slippery slope' and encouraged Council to be careful and wise in their decision.

Mayor McKeehan referred to the caption of the Ordinance on page 95 of the agenda and noted it indicated the proposed accessory use was for an exercise room not an exercise room/study.

Mr. Keebler referred to Section 3 of the Ordinance on page 95 and noted it specified study and/or exercise room.

Mr. Blackburn inquired if the residents would access the space with a key card and Mr. Webb advised yes. Mr. Blackburn inquired if the space would be converted to commercial use if the opportunity arose and Mr. Webb advised yes.

Ms. Southard asked for clarification for the public if the vacant space was a storefront. Mr. Webb advised no, the storefronts were Orange Leaf and Fuji Express and the vacant space was in the back of the building.

Ms. Rousmaniere noted the Planning Commission did have a lengthy discussion regarding the matter and she voted in favor of it. Ms. Rousmaniere advised she might not vote in favor of it on Council. Ms. Rousmaniere noted she worked with students and inquired how a room could be used for a study and an exercise room. Ms. Rousmaniere inquired how Council would know the room was not being used as a party room and how it would be regulated. Mr. Webb referred to the discussion at the Planning Commission meeting and noted the space was too large for one of the functions and a wall would probably be constructed to make it two spaces. Mr. Webb advised the Code Enforcement Department conducted yearly inspections of all Uptown properties. Mr. Webb reiterated that his client was not interested in providing a party room and if it became one he would close it down as that was not what he wanted for his building, the residents or ground floor commercial neighbors. Ms. Rousmaniere inquired how that would happen. Mr. Webb advised a complaint would generate an investigation or a police matter. Mr. Webb noted there would be no restroom or kitchenette or anything to attract a party in the proposed space. Ms. Rousmaniere asked Mr. Webb to speak to Ms. Quantz's comments and to remind Council what the regulations were on High Street for first floor commercial property. Mr. Webb advised the Uptown District regulations required 70% of the lot area to be ground floor commercial space to make sure 2nd, 3rd and 4th floors weren't giant with tiny commercial spaces on the ground floor. Mr. Webb noted the committee which he served on to draft Uptown regulations wanted to make sure ground floor commercial space was not being given away for residential uses. Mr. Webb spoke to comments by Ms. Quantz and advised there were decision standards to be followed for each Conditional Use application and every case was judged on its own merits, nothing was guaranteed.

Mayor McKeehan asked that the language of the Ordinance be corrected for the second reading to include 'study/exercise room'.

ORDINANCE **ZONING MAP AMENDMENT**

An Ordinance Accepting The Planning Commission's Recommendation And Granting A Zoning Map Amendment For Property Located On West Central Avenue (Parcels H4100106000017, H4100106000020 And H4100106000023) Oxford, Ohio And Rezoning The Property From R2MS (Single And Two Family Mile Square Residential) District To GB (General Business) District. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the three parcels to be rezoned were on the east side of the railroad tracks north of Central Avenue. Mr. Chen noted the parcels were part of the former Capitol Dry Cleaning operation. Mr. Chen advised the owner entered into an agreement with the Ohio EPA which stipulated the parcels could never be used for residential purposes. Mr. Chen noted the current zoning was R2MS (Single and Two Family Mile Square Residential) District and that was a conflict with the agreement. Mr. Chen advised with the current zoning the parcels could never be developed and Council was being asked to consider the zoning map amendment to make the parcels developable.

Mr. Scott Webb, advised he was representing the Pulley family. Mr. Webb advised the zoning for the parcels in question was changed from General Business to Residential in 2003 during a major zoning map amendment in the City and the agreement with the Ohio EPA that it could never be residential was already in place. Mr. Webb noted a mistake was made when the zoning map amendment occurred in 2003.

Mr. Keebler advised it was clear that the parcels needed to be rezoned at that there was a mistake on the zoning map. Mr. Keebler reiterated that the parcels were zoned General Business before they were changed to residential after the agreement with the Ohio EPA was signed. Mr. Keebler noted this mistake needed to be rectified.

ORDINANCE **CONDITIONAL USE**

An Ordinance Approving A Conditional Use Permit To Permit A Mini Warehouse And Business Incubator Facility To Be Located At 801 S. Beech Street Oxford, Ohio. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the proposed Conditional Use application was to create a mini warehouse facility at 801 S. Beech Street by converting the existing warehouse to have indoor units and adding some free standing mini warehouses on the site. Mr. Chen noted the Planning Commission discussed fire safety, storm water management, building codes, light spillover, traffic etc. Mr. Chen advised in the end the Planning Commission recommended approval of the conditional use. Mr. Chen noted earlier in the year Council adopted a Zoning Text Amendment to allow mini warehouses and business incubators in the General Business District as a conditional use.

Mr. Scott Webb, Applicant, Agent, advised the proposed project was an adaptive reuse of the property. Mr. Webb noted the property was zoned General Business and the EPA agreement stipulated it could never be used for residential purposes. Mr. Webb advised it was difficult to find a General Business use in this part of town as there was little to no visibility and the neighbors would not be thrilled with it being a busy commercial district. Mr. Webb noted the Pulley family looked into the idea of a self storage facility which had become popular as a reuse opportunity. Mr. Webb advised there was a fair amount of square footage and the Pulley family would like to pursue the self storage idea.

Mr. Webb noted the site was the former central processing plant for Capitol Dry Cleaning all through the 1970's then the business model changed and equipment was moved into the stores and the plant became abandoned. Mr. Webb advised dry cleaning fluid was a significant EPA hazard and Mr. Pulley voluntarily initiated a clean up effort at a cost of \$600,000 so it was safe for reuse except for residential use. Mr. Webb showed renderings and explained the layout of the proposed reuse opportunity and discussed the concerns raised at the Planning Commission meeting. Mr. Webb advised he felt this was a good reuse of the property and he would appreciate Council's consideration.

Mayor McKeehan inquired if there were any comments from the public and there were none.

Ms. Southard advised the proposed mini warehouse project would be located next to railroad tracks and inquired if there were limitations as to what could be stored there due to a possible train accident. Mr. Chen advised there were already two mini warehouse facilities next to railroad tracks, one on Chestnut Street and one on College Corner Pike. Mr. Chen noted parcels next to railroad tracks were not desirable for residential use or for most commercial uses. Mr. Webb advised railroad right-of-ways were significantly wider than the tracks themselves.

Mr. Blackburn inquired how many square feet would be under-roof and Mr. Webb advised 32,000.

Mr. Keebler advised he felt it was a good reuse of the site, it would be quiet and there would not be a lot of traffic. Mr. Keebler noted it would be more attractive than the existing site. Mr. Keebler suggested a condition for approval might be that the finished product looked substantially similar to the renderings displayed this evening.

Ms. Rousmaniere advised neighbors came to the Planning Commission hearing to initially speak against the proposed project and after a long discussion their concerns seemed to be satisfied.

ORDINANCE **PRELIMINARY SUBDIVISION**

An Ordinance Approving The Proposed Preliminary Subdivision Application For The Fields At Southpointe. (Jung-Han Chen, Community Development Director)

Mr. Chen advised the Preliminary Subdivision application for the Fields at Southpointe was before Council and the project site was approximately 37 acres in the R2A zoning district. Mr. Chen provided slides of the proposal and noted the project consisted of 86 lots one of which was an amenity lot which could be developed in the future. Mr. Chen advised a preliminary subdivision application focused on how a tract would be divided and whether the City had utility infrastructure available for the site. Mr. Chen noted a preliminary subdivision application was not a detailed layout, it indicated what could be divided on a tract. Mr. Chen advised during the public hearing the Planning Commission had a very long discussion on this project and they had 8 concerns as listed on page 182 of Council's packet as follows:

1. Re-alignment of the mid-block pedestrian path
2. The lack of a vegetative/mature tree survey with a potential re-design of plat
3. Potential for lot line adjustments near sensitive lands
4. The creation of a home owner association for common areas
5. The legality of the adjustment of previously determined open space boundary
6. Lack of complete information regarding sensitive lands per Section 1101.402(B)(1-8)
7. Different standard of measurement for traffic impact analysis
8. Restriction of parking to one side of street based upon street width and land use Intensity

Mr. Chen referred to items 3 and 5 and noted the overlap of lot lines in designated open space areas needed to be clarified. Mr. Chen offered to answer any questions.

Ms. Rousmaniere asked Mr. Chen to speak more to item 6. Mr. Chen referred to page 187 of the Council packet which outlined the information not being provided.

Mr. Jay Bennett, 5995 Fairfield Road, Attorney for the Applicant/Owner, advised the architect and the engineer for the project were in attendance and Ms. Reed would address the open space issues.

Ms. Etta Reed, Bayer Becker, noted the development was originally platted under Butler County's Rural Zoning regulations. Ms. Reed advised the county required open space lots at the north and south ends of the development. Ms. Reed advised Bayer Becker proposed to reconfigure the north and south lots to the benefit of the City and afterward there would be over an acre of additional open space. Ms. Reed referred to the conservation easement at the back of some of the residential lots and advised the final record plat would contain verbiage that indicated the owners must leave the land in the conservation easement in its natural state.

Ms. Rousmaniere inquired how much green space would be gained by the reconfiguration and Ms. Reed advised 1.187 acres.

Mr. Jay Bennett, advised he was tasked with performing a complete review of the preliminary subdivision plat, the City's subdivision regulations, the staff report pertaining to the preliminary Subdivision application and the zoning code. Mr. Bennett noted he believed the preliminary plat fulfilled all of the above. Mr. Bennett and Ms. Reed addressed suggestions staff made in the staff report on pages 185 to 191 of Council's packet and how they matched up with the design standards under Subdivision Chapter 1101.

Mr. Keebler referred to the slide of the plat (page 209 of Council's packet) and noted alleys A and B were fine but he questioned the necessity of alleys C,D,E and F. Ms. Reed advised those alleys were intended to reduce driveway clutter.

Ms. Betty Quantz, 322 W. Vine Street, noted she would address the Engineering Department's memo. Ms. Quantz advised none of the current Council members were on Council the first time Southpointe was heard.

Ms. Quantz noted at that time a number of citizens who lived in the area spoke to Council about the marsh areas. Ms. Quantz advised she was concerned about the existing utilities and drainage easements and noted it might not be a flood plain but if you went there right now you would sink up to your knees in mud. Ms. Quantz advised something needed to be done on site to take care of the water that accumulates on the property. Ms. Quantz inquired at who's expense utilities would be relocated if necessary. Ms. Quantz noted long time Oxford residents know what Jeffrey Drive and the area just outside Oxford was like because of the very narrow streets and with cars parked on both sides a fire truck could not get down the street. Ms. Quantz advised the City had approved minimum standards for subdivisions in the past and was paying for it now in the development north of town. Ms. Quantz asked Council not to let this kind of minimum requirement subdivision make us pay for it later. Ms. Quantz noted 94% of the development being duplexes rather than single family housing was not a 'limited number' of duplexes and it was not a minimum requirement. Ms. Quantz advised maximizing profits for the developer would cause the City to pay later. Ms. Quantz inquired if the Fire Chief was present and asked exactly what was required for a fire truck to navigate the roads in the proposed development and whether or not the roads met those specifications.

Ms. Kathleen Zien, 6060 Joseph Drive, read the following (in part) into the record 'The Planning Commission voted not to endorse the Southpointe plan on March 10, 2015. The R2A District clearly states that the zone is restricted to smaller single family residences with only a limited number of duplex or two family residences. Of 85 lots proposed 80 of the 85 are planned to be duplexes and that is 94%. 94% is clearly not a limited number nor does it meet the subdivision code. This flies in the face of R2A zoning as a straightforward violation of the code's intention. When the Planning Commission and Council review a subdivision both boards are obligated to look at whether the subdivision conforms with the requirements of applicable zoning. With the developers stated goal of marketing to students 8 unrelated people in each duplex equals 640 people. The remaining 4 single family lots add another 20 totaling 660. If the Level 27 student complex to the north of this that would share the same driveway, entry and exit is not at full occupancy and has been in receivership with 7 property transfers why does the developer think this would be a success? It's a plan and design presented by an out of state developer who isn't going to stick around once the dust is settled. The developer is just the middleman and it's likely the complex will be sold off to investors. As a long distance development company from Lafayette Indiana they won't have to see it, drive by it, use it or care about it once it's built there're gone. The plan involves 37 acres and Oxford doesn't have much land left to waste on a project that doesn't come close to or meet community standards or needs. If the Planning Commission or Council doesn't like a preliminary design they have every right to turn it down even without reason and without risk of going to court. The status of it being a preliminary plan prevents that since the plan is preliminary and not a final action. Only final actions and plats can be appealed under Ohio Revised Code Chapter 2506 because they are considered final orders. This plan does not meet our zoning code and for that reason it can be denied. Trinitas seems to be planning a duplex development in the wrong zone. Subdivisions are a matter of good design. Our code has minimum requirements for components of a subdivision. This does not mean if you design all prescribed elements to the bare minimum and if a plan defies R2A zoning that you can have a subdivision. The developer provides only minimum solutions for certain elements. Merely meeting minimum requirements will never be adequate, feasible or practical knowing the potential tenants and the intended use.

A prime example of inappropriate solutions offered to the Planning Commission was the lack of developer foresight and their plan for street and parking design. One of the biggest problems was no realistic plan to accommodate at least 600 vehicles. The street widths were proposed for bare minimum. Imagine 660 people with 600 plus vehicles age 18-25 trying to commute to classes at scheduled intervals to events and activities on narrow streets. Or predictable difficulties with UPS, Fed Ex, Rumpke, ambulances, fire trucks, oversize passenger or moving vans or City snow plows passing without damage with minimum with streets. A Southpoint shuttlebus would be useless to guarantee transport if narrow streets are impassable. If the street or alley system doesn't accommodate a proposed development the City has every right to turn it down. Council is mandated to plan for safety and the current plan doesn't secure that. The City is not compelled or obligated to act or to approve a plan because a developer meets only minimal requirements. The housing compound is a bad idea. The developer probably knows that. But to benefit the company or his investors they'd like to push it through none the less. Single-Family units may not give the developer the income they hope to generate with 660 students. It's not the City's problem to guarantee profit or income for any applicant. It is the City's obligation to maintain our R2A zoning. The strongest factor is that the Planning Commission recommended denial to Council. The subdivision preliminary plat does not meet the intent of the Comprehensive Plan and Council is always responsible for ensuring the Zoning Code and City Charter are observed and enforced first. That's the bottom line.'

Mr. Keebler referred to Section 1101.402 of the subdivision chapter (Sensitive Development Areas) and advised he felt the applicant should comply with those requirements although Mr. Bennett seemed to believe they did not apply. Mr. Chen read the preamble of Section 1101.402 as follows 'Design of the subdivision shall be based on a site analysis provided by the applicant. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features.' Mr. Chen advised the applicant needed to do the site analysis and staff identified 8 elements that needed to be addressed as outlined on pages 187 and 188 of Council's packet. Mr. Keebler noted at this time the applicant had not fully addressed those and Mr. Chen advised the applicant had not provided certain information outlined on pages 187 and 188 of Council's packet.

Mr. Keebler referred to the conservation easement and noted it appeared the slope of lots 83 and 84 were likely a problem. Mr. Keebler agreed with Ms. Quantz and Ms. Zien that the plan minimized the requirements and maximized the number of lots. Mr. Keebler noted it was not a good idea for the lots to encroach upon the conservation easement.

Mr. Keebler noted now was the time to decide what the final lots were going to look like. Mr. Keebler advised the applicant needed to provide the analysis per Section 1101.402 and get the sensitive areas clarified, take care of alignment issues mid-block and take another look at the number of alleys proposed. Mr. Keebler noted alleys A and B seemed to be ok but the others were just sub-standard streets. Mr. Keebler advised realignments were necessary to keep lot lines in accordance with the original conservation easement particularly at the eastern end of the site.

Mr. McHugh advised all of the land in the conservation easement was intended to be granted to a non-profit preservation organization and nothing was to be developed on those lands. Mr. McHugh noted the conservation easement was different than 'open space' and that needed to be addressed.

Ms. Etta Reed, advised even though it was referred to as open space it would be a conservation easement granted to Three Valley Conservation Trust or another non-profit organization. Ms. Reed noted the developer was upholding the intent of the original development agreement. Ms. Reed advised the underlying property owner could be the Home Owners Association or various property owners. Ms. Rousmaniere inquired if the land in the conservation easement was the precise land originally designated and Ms. Reed advised it was not the exact outline as originally recorded with Butler County. Mr. McHugh advised a property owner having an underlying deed was not the intent. Mr. McHugh noted that would not be a traditional conservation easement.

Mr. Blackburn inquired if the streets were too narrow for the City's largest fire truck to navigate, if parking could be limited to one side of the street and if the houses were too close together to accommodate fire apparatus. Chief Detherage advised he discussed the issue of street widths with Ms. Reed early on and she assured him she would double check to make sure the ladder truck could make all the turns and sufficiently navigate the neighborhood. Mr. Elliott advised given the street widths staff intended to restrict parking to one side of the street. Chief Detherage noted the actual footprint of the structures had not been determined yet so he could not answer the question about fire apparatus. Mr. Keebler advised that would be determined by the zoning code.

Ms. Rousmaniere inquired when Council would see the plan that assured the fire trucks could navigate the neighborhood. Mr. Chen advised this was the first step of several processes. Mr. Chen noted this was the preliminary subdivision and the construction documents would come later as far as infrastructure improvements, road widths and radius etc. Mr. Chen advised the construction drawings would undergo staff review and the infrastructure and utility improvements must be constructed to meet City standards. Mr. Chen noted Council would see the Final Subdivision plat.

Ms. Rousmaniere referred to the 8 concerns raised at the Planning Commission meeting as listed on page 182 of Council's packet and noted Council had not discussed the traffic impact analysis or the creation of a Home Owners Association. Mr. Elliott advised there were set standards that dealt with traffic impacts and included the ITE Trip Generation Handbook, the Ohio Manual of Uniform Traffic Control Devices and the Highway Capacity Manual. Mr. Elliott noted the City would follow the standard procedure in Ohio.

Mayor McKeehan inquired if all of the issues raised this evening could be addressed by the applicant before the next meeting.

Mr. McHugh suggested Council continue the First Reading of the proposed Ordinance to April 21, 2015 which would in effect delay the second reading until May 5, 2015 and allow the new information to come forth for Council and the public. Mr. Bennett was in agreement.

Mr. Keebler moved to continue the First Reading of the proposed Preliminary Subdivision Ordinance to April 21, 2015. Mr. Blackburn seconded. The motion passed 6-0-0.

ANNOUNCEMENTS

Mr. Elliott updated Council and the public on the City's Municipal Electric Aggregation program and noted information was available on the City's website.

Mr. Dreisbach referred to Mayor McKeehan's comments earlier this evening about the recycling initiative and advised 2014 was the final year for the Butler County Recycling and Solid Waste District's recycling incentive program.

Mr. Kyger updated Council and the public with regard to new Uptown businesses and noted the occupancy rate Uptown was 98%.

Ms. Rousmaniere encouraged everyone to vote for Issue 3 on May 5th which was a renewal levy for Lane Libraries. Ms. Rousmaniere noted citizens could see Prue or Steve Dana for campaign literature and signs.

Ms. Southard discussed the Step up to Good Health program taking place in April and sponsored by the Coalition for a Health Community.

Mr. Blackburn encouraged everyone to vote for the library levy on May 5th and to attend the Kinetics Festival on April 18th.

ADJOURN

Ms. Rousmaniere moved to adjourn at 9:45 p.m. Mr. Smith seconded. The motion passed 6-0-0.