CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: April 20, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

April 13, 2010
Date Prepared

Agenda Title: Legislative Authority Notice - New permit for Chipotle Mexican Grill of Colorado LLC DBA Chipotle 1 West High St 1st Floor Suite 101 Oxford, Ohio 45056.

Recommendation: N/A

Discussion: This is a new permit (additional permit) as indicated above.

The permit is for:

D5 - Spirituous liquor for on premises consumption only, beer and wine for on premises, or off premises in original sealed containers, until 2:30 a.m.

The establishment already has:

D3 - Spirituous liquor for on premises consumption only until 1:00 a.m.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	DLE	4/16/10

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

14374150705 PERMIT NUMBER / N TYPE ISSUE DATE 01 23 2009 FILING DATE D5 PERMIT CLASSES 09 TAX DISTRICT / 088 / A / Y57741 RECEIPT NO.	CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE 1 WEST HIGH ST 1ST FLR SUITE 101 OXFORD OH 45056

FROM 04/09/2010

PERMIT NUMBER / TYPE ISSUE DATE FILING DATE PERMIT CLASSES TAX DISTRICT / RECEIPT NO.	RECEIVED APR 12 2010 City of Oxford

MAILED 04/09/2010 RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/10/2010

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 N 1437415-0705
(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

SECTION 3

LLC, GENERAL PARTNERS DATA VERIFICATION

CHIPOTLE MEXICAN GRILL OF COLORADO LLC 2009 DEC 23 PM 2:21 PERMIT # 1437415-0005

RENEWAL YEAR 2010-2011

PARTNERS OF A PARTNERSHIP, MANAGING MEMBERS, PERSONS HOLDING 5% OR GREATER MEMBERSHIP OR VOTING INTEREST IN A LLC.	LAST FOUR DIGITS OF SOCIAL SECURITY #	INTEREST	TITLE
M STEVEN ELLS	*******9603	MANAGE-MBR	
MONTGOMERY F MORAN	*******6476	MANAGE-MBR	
CHIPOTLE MEXICAN GRILL INC	*******9301	MAN-MBR5%M	

IF INFORMATION LISTED ABOVE IS NOT ACCURATE, PLEASE INDICATE CHANGES BELOW.

NAME	SOCIAL SECURITY #	TITLE	BIRTHDATE
M. Steven Ells	[redacted]	LLC MANAGER	9/12/65
MONTGOMERY	[redacted]	LLC MANAGER	8/12/60
CHIPOTLE MEXICAN GRILL, INC	[redacted]	SOLE MEMBER	

COMPLETE THE CURRENT LIST OF YOUR TOP FOUR(4) OFFICERS.
IF NO ONE HOLDS THAT OFFICE, INDICATE 'NONE'. PLEASE PRINT OR TYPE.

CEO/PRESIDENT none SOCIAL SECURITY# _____

VICE-PRESIDENT none SOCIAL SECURITY# _____

TREASURER none SOCIAL SECURITY# _____

SECRETARY none SOCIAL SECURITY# _____

EOE/ADA SERVICE PROVIDER
FOR TTY USERS, DIAL ORS 1-800-750-0750

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

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-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:	**Initial**	**Date**
Department Head:	JHC	3/16/10
City Attorney:		
Acting **City Manager:**	MBD	4/1/10

ORDINANCE NO.

ORDINANACE 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)~~(b)~~(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)~~(c)~~ 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 o**utdoor ~~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

Report Date	March 16, 2010
Case Number	PC-07-2010
Applicant Information	City of Oxford, Applicant
Requested Action	Zoning Text Amendment
Summary of Request	Amendment to Chapter 1143.10(c) Uptown District Site Development Regulations
Public Hearing Information	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.
Commission Action	The Planning Commission voted 6-0-0 to recommend approval to City Council.
Commission Findings and Conclusions	The Planning Commission voted to recommend approval of the draft language.
Exhibits Submitted to the Commission	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

Case No.: PC-01-2010
Date Filed: 1/22/10

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

Chapter 1143, 10 UP Regulations

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

All applications must include:

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

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

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

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

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

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

SIGNATURE OF APPLICANT: Jung-Han Chen **Date:** 1/22/10

PRINTED NAME: Jung-Han Chen

FEE / RECEIPT

$150 Fee Paid / Receipt Number: NA

Kathy Dale

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

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 feet 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 as 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

15

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.

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

Lynn Taylor 16

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 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 <u>many</u> 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 <u>task required by law for public notification</u>, 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.

Hotmail: Free, trusted and rich email service. Get it now.

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Kathy Dale

From: Kathleen Zien [zienkl@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@cityofoxford.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

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. Sign up now.
No virus found in this incoming message.
Checked by AVG - www.avg.com
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?

19.

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

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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

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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)

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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
f. (513) 524-5266

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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 <u>REASON</u> 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 distributed @ 3/9/10 mtg (after publication)

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; kaysa@muohio.edu; Richard Keebler; prythedl@muohio.edu; wongtw@muohio.edu
Cc: Kathy Dale; Jung-Han Chen
Subject: McCarthy property re-zoning

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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

I Marsha
5106 Bonham Rd

Presentation/Speech/Petition
PC-04-2010@3/9/10 mtg

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.

HOLISTIC MATTERS

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 Contrearas.

Sincerely,

Gini Maddocks

Connie McCarthy Presentation @ PC 3/9/10 Mtg.

26

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 ~~west~~ east 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 mtg 27

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

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."

Planning Commission recently denied the rezone application, as NONE of the four Decision Standards had been met. Of particular importance is Standard C which covers substantial change in area conditions. There has not been a significant change in the physical area in 40 years, and changes in housing market do not apply.

I am concerned about "spot zoning" because it affects all residential areas in the community. Oxford has a history when it comes to "domino effect". I would hope that Council will deny the application.

Thank you for your service to the community of Oxford.

Edward DeVillez
5166 Westgate Dr.

RECEIVED
APR 05 2010
City of Oxford

March 30, 2010

Dear City Council Members,

I am writing to encourage you to vote ³no² regarding the request for rezoning the McCarthy property. I am not sure why the McCarthy¹s want to leave this property because it is such a spectacular home that they have the privilege of living in, but it is the lack of information and control that those living around the property fear and has caused an uneasiness.

I have been made aware that a Dr. is interested in purchasing the property and is using Coe Potter to seek out the owner¹s approval for the sale of the property. Who is this Dr. and what kind of business does he/she intend to put in the house? What is his/her practice and are they using the building for their practice or do they have another business in mind. Perhaps they have a son or daughter who would like to turn the house into a restaurant and they are going to put up the down payment to start the business? What becomes of the property if the Dr.s business fails?

This type of building is appealing to very few individuals/businesses. What will become of the building when the Dr. pulls out because he/she could not make a business work or retires? My fear is it would sit abandoned and not be cared for, which would have a devastating effect on the appeal of the properties and their values in the area.

If we could be assured that the purpose for rezoning the McCarthy property would have a positive effect on a large majority of the population in the community, this would not be a difficult decision. I have not heard these words used during any of the discussions so I suspect it only will impact very few.

I was confident the Planning Commission would yield a negative vote regarding this issue and I am confident you will too.

Sincerely,

Cindy Hurley
107 Marti Court
Oxford, OH, 45056

--
Cindy J. Hurley
Miami University of Ohio
Information Technology Services
100 Gaskill Hall
Oxford, OH 45056
Phone: (513) 529-6064
Fax: (513) 529-3052

------ End of Forwarded Message

Mary Ann Eaton

From: Benson, Robert A. Ph.D. Dr. [bensonra@muohio.edu]
Sent: Wednesday, April 14, 2010 2:55 PM
To: Mary Ann Eaton
Subject: Re: McCarthy petition for spot zoning

Importance: High

Mary Ann Eaton: Please include this e-mail with the agenda for next Tuesday night's Council meeting.

Thanks,

Bob and Rosalyn Benson

To all members of the City Council and the City Planner:

As we come to the second reading of the petition submitted by Pete and Connie McCarthy for the re-zoning of their home and property to RO status, we feel that we must once more ask you to defend the neighborhood that will most be affected by any change in zoning status. Because we were surprised at the responses of several council members who seemed not to understand what we were asking them to consider and why, we want to reiterate and further clarify our position.

• Reversing the normal sequence of process, the zoning request is being made with no information about who might purchase the property at 5990 Contreras or for what purpose. If someone had come forward as a potential purchaser, we might have had a clearer picture about any immediate non-residential plans for the house. We can therefore only assume that the McCathys' principal motivation is to increase the sale price of their home, making a very healthy profit during a time when the housing market is temporarily deflated.

One member of Council made the statement that profit is the American way, as though anyone in the neighborhood had said that the McCarthys should take a loss. We are all for profit, but not at the expense of the future of the property or the future of the neighborhood. A profit of $50,000 would still be a profit, even though the McCarthys seem to have their sights set on something more like $250,000. If Council votes to change the zoning, it will clearly be saying that high profit, especially in the real estate market, is more important as a driving consideration than protecting the interests of the public at large, especially the neighbors who would be left to deal with whatever became of the house and its surrounding grounds.

• Someone on Council suggested that a professional—meaning a doctor, lawyer, architect, etc.—who occupied the house would bring tax revenue into town. We suggest that a professional already located in Oxford would already be bringing tax revenue to the city and that a new professional, just arriving to set up practice, would bring the same tax revenue regardless of where they located. This seems like no argument at all.

• Everyone seemed to be concerned for the future of the house itself as a piece of architecture. As we pointed out---and no one on Council ever took issue with this—the only possible way of making sure that we protect the house as a piece of historic architecture is to get it on to the National Register of Historic Places. The McCarthys have not done this. No one has suggested that any potential purchaser has been willing or ought to be required to do so. Yet, without that designation, anyone who bought the house could decide that it was much too expensive and troublesome to maintain, repair, and improve and simply tear it down. Council could not keep that from happening, once it changes the zoning in order to permit it to be used as a business property. The most compelling likelihood of its being preserved as the McCarthys claim they want to see it preserved is to keep it as a single family home and sell it to another owner who

would care for it as well as the McCarthys have up to this point.

• Spot zoning seems like a very dangerous precedent to set in our neighborhood. If zoning can change for this house, what would keep it from changing for any other large house in the area? Should the owners of the former Wespeiser house at the corner of Contreras and James decide it was too expensive and burdensome to maintain, repair, and improve, what would keep them from being able to ask for and get RO spot zoning in order to unload the property at a healthy profit?

• The City Council has an advisory group called the Planning Commission. This commission voted 5/1 not to re-zone the property at 5990 Contreras as RO. Only one member of the Planning Commission voted for it because he interpreted the fourth decision criterion to mean a change in the general economic condition of the city and the nation. This stretches the decision criterion beyond the elastic limit. In the seven years that the McCarthys have lived in their house, nothing of substance has changed in the neighborhood that could possibly warrant a change of zoning.

The City of Oxford did not cause the economic recession in the United States and Ohio; and the City Council, no matter how badly it feels about that situation or its impact on a family like the McCarthys, has no business making changes in the city plan and zoning codes in order to help them sell their property. This is not a matter of some kind of prejudice against the McCarthys. Everyone in the neighborhood and everyone on the Planning Commission understood their situation and is sympathetic. Yet, this is not a situation that ought to be remedied by Council action; and if that happens, you will be opening a Pandora's box of enormous consequences, both real and potential. You just stand on defensible principle.

• Finally, someone on the Council made the outrageous comment that those of us from the neighborhood around the McCarthy's house were dealing with all kinds of future unknowns—as though we had nothing to worry about. What we ask you is, what are the future securities that you can guarantee us, if you accept the spot zoning petition? Will you guarantee us that the McCarthy house will never be razed? Will you guarantee us that no other RO spot zoning changes will take place in our neighborhood or elsewhere in other residential neighborhoods of Oxford? Will you guarantee us that no business that occupies the property in question will ever be a nuisance or an eyesore?

You know you cannot do that and so do we. To accept this petition in the face of your inability to protect the neighborhood after the McCarthys have sold the house and left the area would be a matter of arrogant irresponsiblity. I urge you to act like the public servants you were elected to be, not agents of special interests, and turn this petition down.

Robert and Rosalyn Benson
6090 Contreras

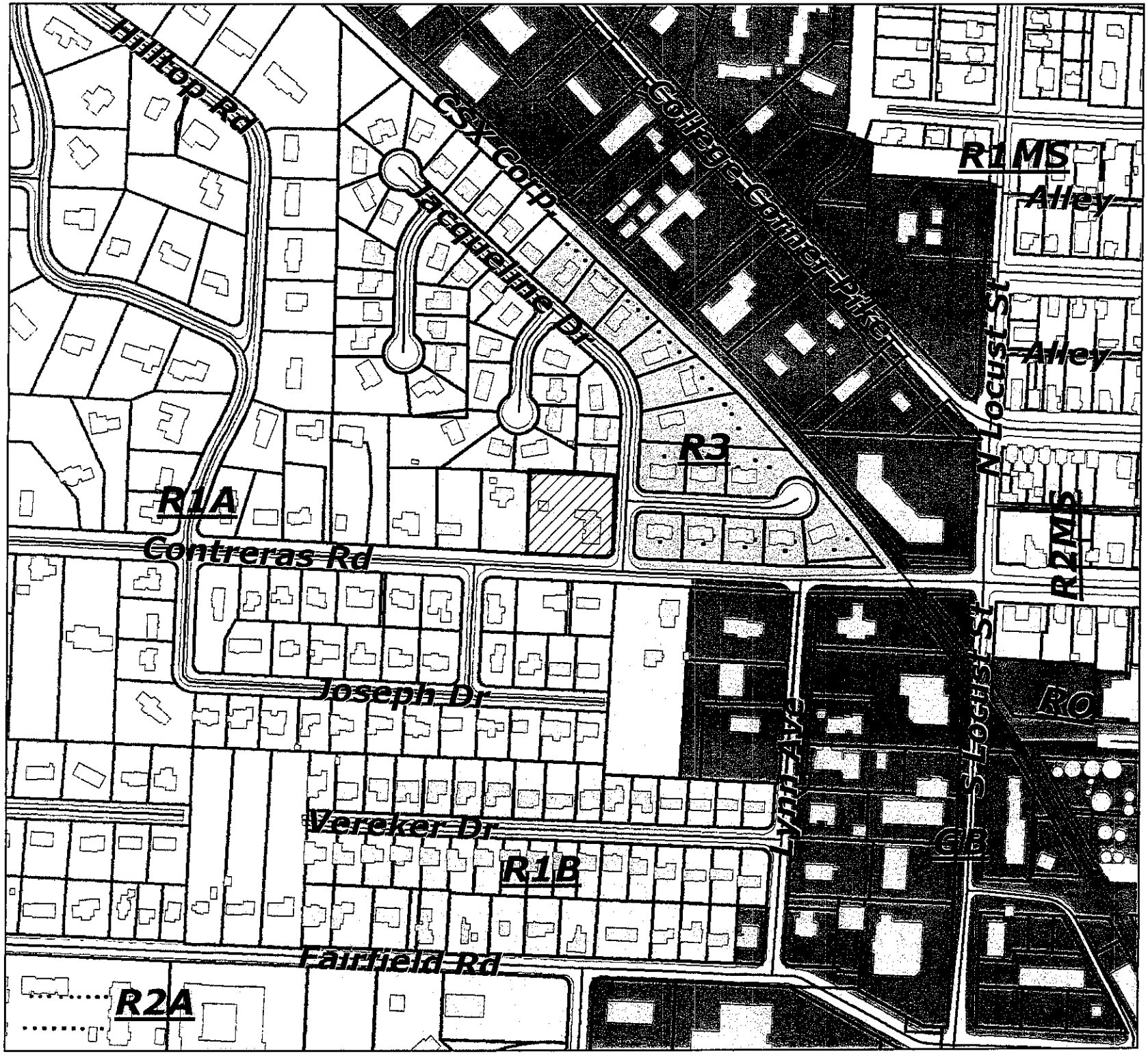
Mary Ann Eaton

From: Marsha Haffey [momhaffey@yahoo.com]
Sent: Thursday, April 15, 2010 9:13 PM
To: Alan Kyger; Bob Blackburn; Grieg Rutherford; John Harman (External); Kevin McKeehan; Kate Currie; Mary Ann Eaton; retiredbogard@woh.rr.com; Richard Keebler
Cc: Jack
Subject: zoning map ammendment 5990 Contreras Road

Council Members:

I have been away from Oxford, March 24 - April 13. And on my return, I am shocked to learn that the City Council is considering a rezone of the property at 5990 Contreras Road. I attended the meeting of Planning Commission when they voted to deny recommending that action. The only vote for the proposal was by a Council Member who is a Realtor. I believe that he has conflict of interest in this case & should recuse himself from voting. Conceivably he could sell that property & should not be permitted to rule on its zoning. As I was out of town when Council had the first reading for this ammendment I was unable to see & hear for myself the discussion. I would just like to point out that it is not the duty of City Council to rescue homeowners from their privately assumed burdens. If that were the case, you would have a line from City Hall to College Corner waiting for your largesse. If the RO zoning is needed in Oxford, it should not be dug out of our residential streets. Talk to the landlords who have vacancies in the Mile Square & use their properties. Be creative with some of the vacant areas Uptown.
And why isn't Council taking the advice of the Planning Commission? These talented citizens have given time & energy to their evaluation of this request & you act as if they didn't exist. Again let me point out that it is not your duty to be a Rescue Squad. Citizens are not entitled to have the city make changes like this to dig them out of a financial hole. Nor should Council be spending all this time on a request that shows no merit. It is not leading to an action that would be an asset to our community.Rather it would set a precedent that could lead to pockets of spot zoning like this throughout our residential neighborhoods. I hope that Oxford is more than a town manipulated to the advantage of landlords & realtors. You need to consider the long term effect of the approval of this request. Again I say you are not a Rescue Squad, especially when that rescue imperils other citizens. DO YOU REALLY WANT TO SAY BY APPROVING THIS THAT YOU WANT SPOT ZONING THROUGHOUT OUR RESIDENTIAL AREAS? I HOPE NOT! Please look at the big picture here & the future of Oxford's neighborhoods.

Your Concerned Neighbor,
Marsha A Haffey
5106 Bonham Rd.



CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

PC-04-2010
5990 Contreras

Rezoning Application
from R1B to GB

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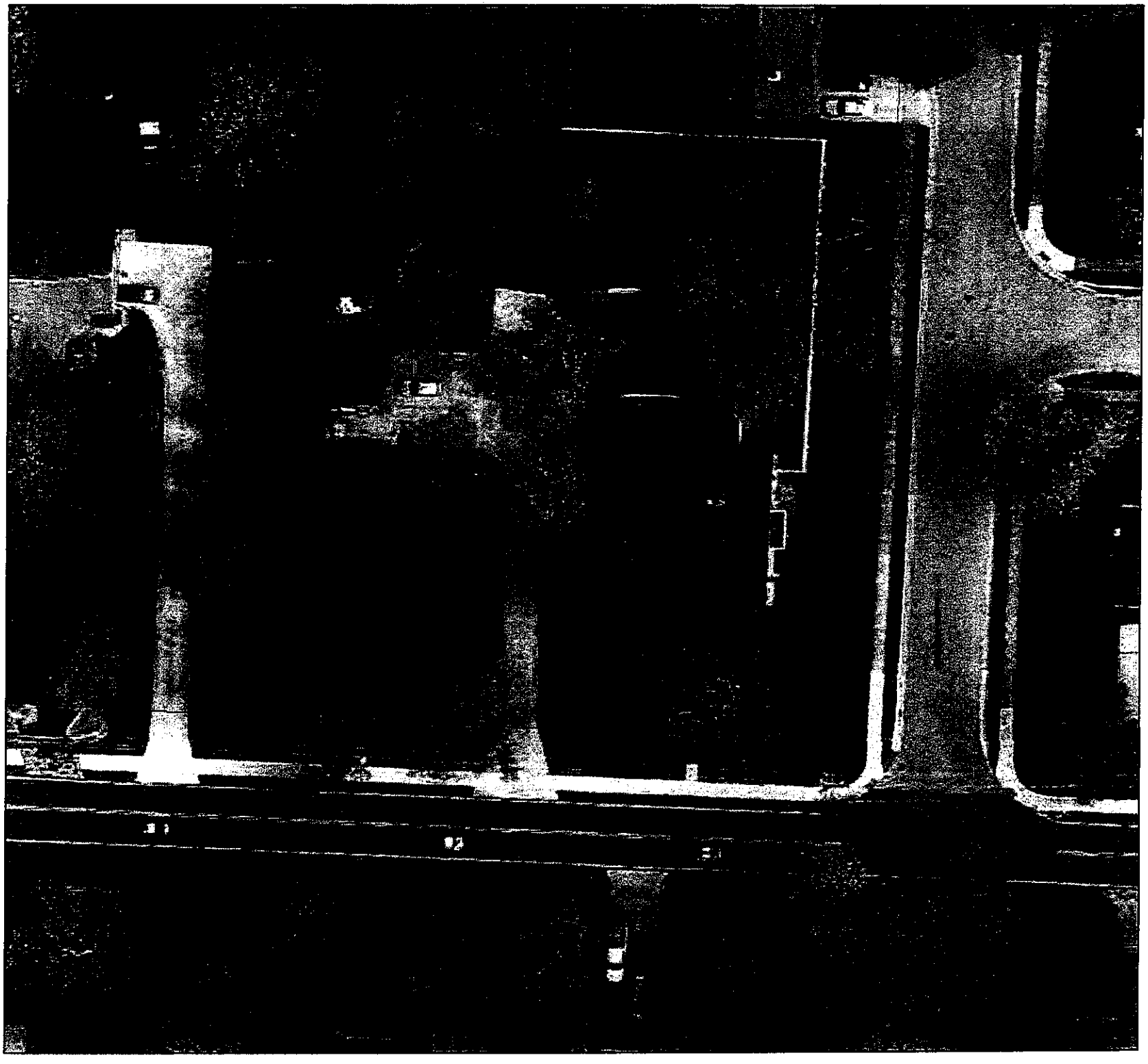

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

PC-04-2010
5990 Contreras

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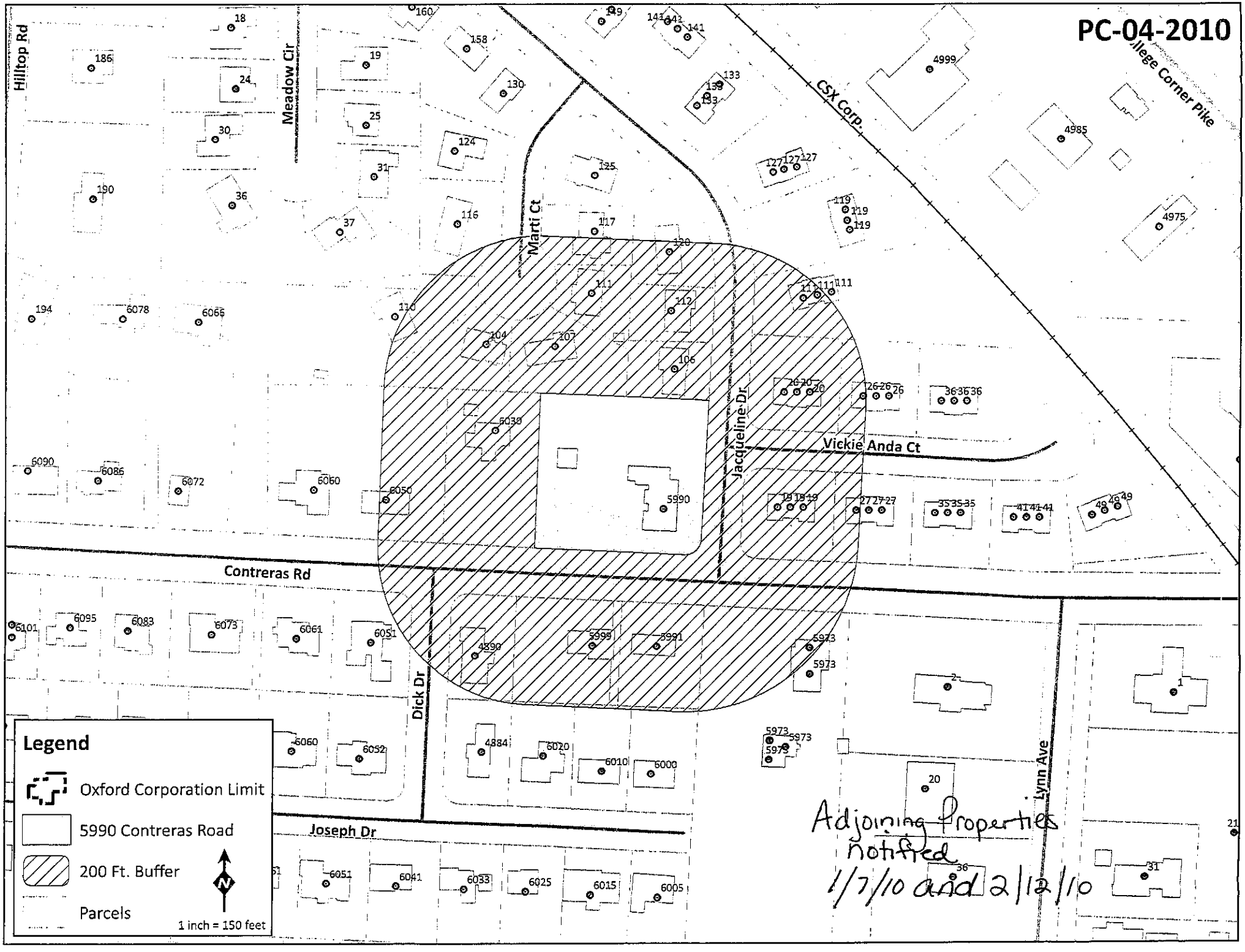

PC-04-2010
Hilltop Rd
Meadow Cir
Marti Ct
CSX Corp.
Jacqueline Dr
Vickie Anda Ct
Contreras Rd
Dick Dr
Joseph Dr
Lynn Ave
5990
Legend
Oxford Corporation Limit
5990 Contreras Road
200 Ft. Buffer
Parcels
1 inch = 150 feet
Adjoining Properties Notified 1/7/10 and 2/12/10

Case No.: PC-04-2010
Date Filed: 12/28/09

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: pccomccarthy@earthlink.ne
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: R-2B

Proposed Zone(s): R-O

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:

A. What is the relationship of the proposed zone change to the City of Oxford's Comprehensive Plan?
B. How will the zone change affect the neighborhood in which the property is located? Briefly describe any impacts of the change as proposed.
C. How will the zone change affect public facilities such as sewer and water service, drainage, schools and roads, if applicable?
D. 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).
E. 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 vetinary 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?*

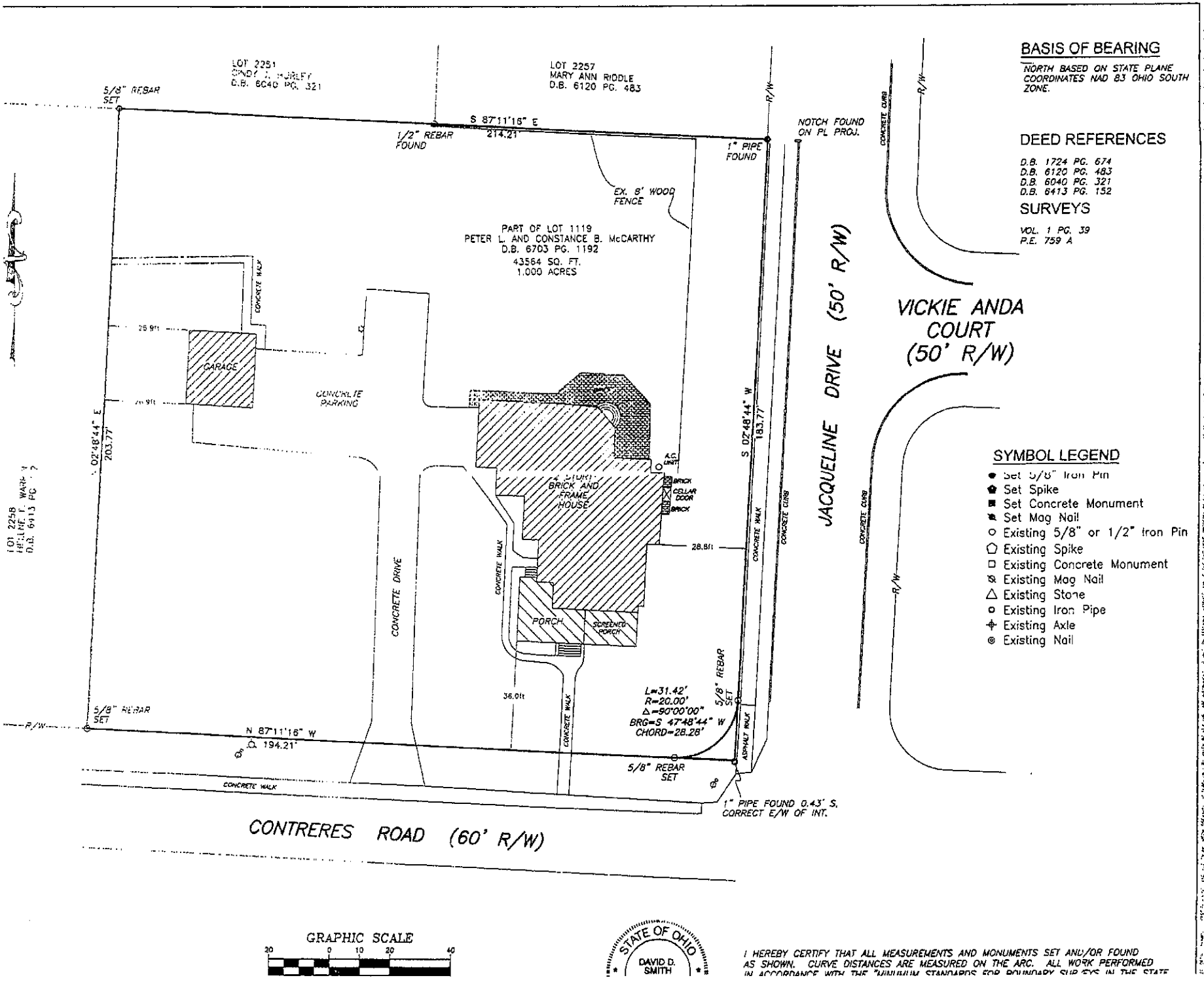
   The 5400 sqft. home was built on a thirteen acre lot in 1896. In the early 1970's, twelve acres to the east and north were sold to developers while one acre remained with the house. The majority of the area that was sold is currently multi-family residences. Business development along Lynn Ave. has increased 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,

Connie McCarthy

Peter and Connie McCarthy



BASIS OF BEARING

NORTH BASED ON STATE PLANE COORDINATES NAD 83 OHIO SOUTH ZONE.

DEED REFERENCES

D.B. 1724 PG. 674
D.B. 6120 PG. 483
D.B. 6040 PG. 321
D.B. 6413 PG. 152

SURVEYS

VOL. 1 PG. 39
P.E. 759 A

SYMBOL LEGEND

- Set 5/8" Iron Pin
- Set Spike
- Set Concrete Monument
- Set Mag Nail
- Existing 5/8" or 1/2" Iron Pin
- Existing Spike
- Existing Concrete Monument
- Existing Mag Nail
- Existing Stone
- Existing Iron Pipe
- Existing Axle
- Existing Nail

GRAPHIC SCALE
20 0 10 20 40

STATE OF OHIO
DAVID D. SMITH

I HEREBY CERTIFY THAT ALL MEASUREMENTS AND MONUMENTS SET AND/OR FOUND AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC. ALL WORK PERFORMED IN ACCORDANCE WITH THE "MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE

VOLUME 53
PAGE NO. 10

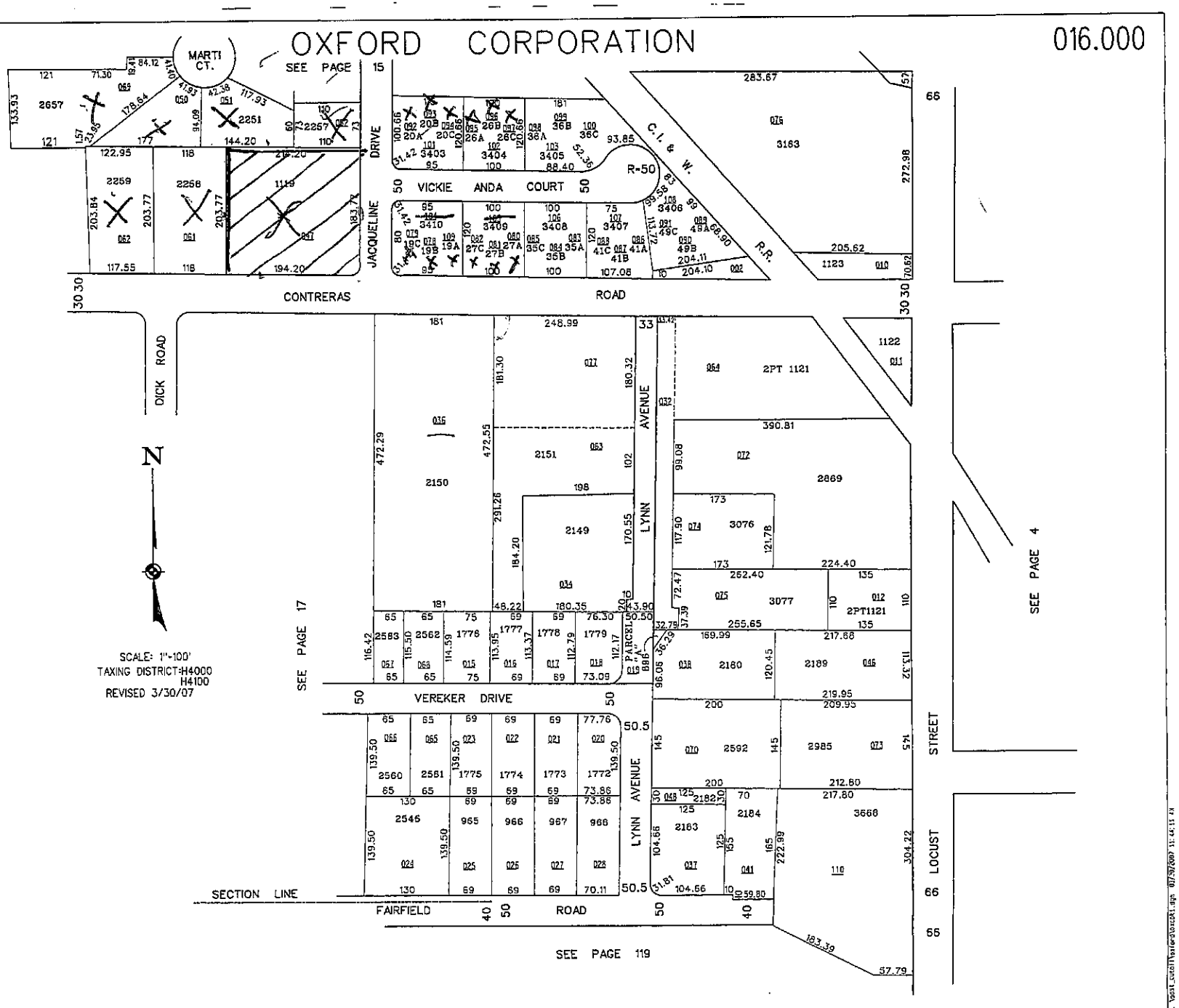
Item	Revision Description	Date	Drwn	Chk

PART OF LOT #1119

CONTRERAS ROAD ROAD
CITY OF OXFORD
[illegible] COUNTY, OHIO
CITY OF OXFORD
FOR PETER McCARTHY

bayer becker
www.bayerbecker.com

Drawing: 09D068-0
Drawn by:
Checked By:


OXFORD CORPORATION
016.000
1"=100'
MARTI CT.
SEE PAGE 15
DRIVE
JACQUELINE
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R-50
C. I. & W.
R.R.
CONTRERAS ROAD
DICK ROAD
AVENUE
LYNN
VEREKER DRIVE
AVENUE
LYNN
STREET
LOCUST
SEE PAGE 4
SEE PAGE 17
SECTION LINE
FAIRFIELD ROAD
SEE PAGE 119
N
SCALE: 1"=100'
TAXING DISTRICT:H4000
H4100
REVISED 3/30/07

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 comer 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**

COMMUNITY DEVELOPMENT **MEMORANDUM** CITY OF OXFORD, OHIO

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,

Dennis Jena
Oxford, Ohio

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Clerk of Council
Originating Department

Council Meeting Of: April 20, 2010

Mary Ann Eaton
Prepared By

Account Code No. #: N/A

Budgeted Amount: N/A

April 12, 2010
Date Prepared

Agenda Title: A Resolution amending Resolution No. 4520 authorizing the City Manager to permit the Oxford Visitors and Convention Bureau in conjunction with the Oxford Lions Club to hold an event on July 30, 2010 from 6:00 p.m. to 9:00 p.m. in the Oxford Memorial Park.

Recommendation: N/A

Discussion:

Council approved Resolution No. 4520 on March 2, 2010 allowing a 'Beer and Brats' event to take place in the Memorial Park on July 30, 2010 for the Porsches2Oxford participants and the general public.

The event organizers have now asked permission to sell wine in addition to beer under the F2 State of Ohio Liquor Permit.

F2 - ORC 4303.202 Temporary permit (48) hours beer and any intoxicating liquor by glass or container on premises only until 1:00 a.m.

Approved By:

	Initial	Date
Department Head:		
City Attorney:		
City Manager:	DAE	4/16/10

RESOLUTION NO.

A RESOLUTION AMENDING RESOLUTION NO. 4520 AUTHORIZING THE CITY MANAGER TO PERMIT THE OXFORD VISITORS AND CONVENTION BUREAU IN CONJUNCTION WITH THE OXFORD LIONS CLUB TO HOLD AN EVENT ON JULY 30, 2010 FROM 6:00 P.M. TO 9:00 P.M. IN THE OXFORD MEMORIAL PARK.

Be it resolved by the Council of the City of Oxford, Butler County, State of Ohio, that:

SECTION 1: The Oxford Visitors and Convention Bureau in conjunction with the Oxford Lions Club wish to sponsor an event which will be open to the public and will give people the opportunity to welcome the Porsches2Oxford participants to the City of Oxford.

SECTION 2: The Oxford Lions Club as the service organization will obtain an F-2 State of Ohio Liquor Permit, which will allow for the sale ***of beer and wine only*** to those of legal age for on premises consumption.

SECTION 3: The Oxford Lions Club as the service organization will be required to carry a liability insurance policy and an additional liquor liability policy.

SECTION 4: The Oxford Lions Club will rope off the Oxford Memorial Park area and each attendee wishing to enter the roped off area will be required to be at least 21 years of age and be required to wear a wrist band.

SECTION 5: The City Manager is hereby authorized to take all steps necessary to permit the Oxford Visitors and Convention Bureau in conjunction with the Oxford Lions Club to hold an event to welcome the Porsches2Oxford participants to the City of Oxford on July 30, 2010 from 6:00 p.m. to 9:00 p.m. in the Oxford Memorial Park.

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

_____
MAYOR

ADOPTED:
ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: BOB BLACKBURN
PREPARED BY: LAW(STAFF)

Oxford Ohio
visitors&convention
BUREAU

RECEIVED
MAR 31 2010
City of Oxford

Date: March 31, 2010

To: Doug Elliott, City Manager
City of Oxford

From: Diana Durr, Executive Director

Re: Porsches2Oxford Friday Night Event

Doug,

As you are aware, City Council recently passed a resolution authorizing the sale of beer at the Porsches2Oxford Friday night event in the east Uptown Park.

The OVCB met with the Porsches2Oxford coordinators, Department of Liquor Control, Oxford Lions Club and the Oxford Police Department to discuss details of the event. During the discussion, Porsche requested wine in addition to the beer. This should not be a problem as the F-2 Permit that was required for the sale of beer also includes wine.

Lions will be working with a local distributor who has the ability to furnish both the beer and wine for the event, eliminating the need for multiple alcohol vendors.

Steve McHugh advised the OVCB to initiate a letter to you indicating the addition of wine to the Porsche Friday event.

No details of the Friday night event will change. There were rumors of expanding the physical area for the alcohol. This is not the case. Alcohol will only be permitted in the area originally authorized by Council. The time is still 6:00 PM – 9:00 PM.

Thank you to the City of Oxford for all the cooperation thus far with this large and prestigious event. It is a wonderful opportunity for Oxford to shine.

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

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to City Manager — Finance (Originating Department)

Council Meeting Of : 4/6/2010

Account Code No. : see below — Joe Newlin (Prepared By)

Budgeted Amount : _____ — 4/7/2010 (Date Prepared)

Agenda Title: **2010 Supplemental Budget #3**

Recommendation: **Approve**

Issue 1

Purchase of EMS Squad 2 Ton Dump Truck budgeted borrowing money, change to outright purchase

Action Needed:

Revenue Side

Capital Equipment 140	53,333.00	1/3 Estimated purchase price Miami historical portion

Expense Side

Capital Equipment 140	(36,900.00)	Decrease appropriation for principle payment 2 Ton Dump Truck
"	(4,100.00)	Decrease appropriation for interest payment 2 Ton Dump Truck
"	(53,100.00)	Decrease appropriation for principle payment EMS Squad
"	(5,900.00)	Decrease appropriation for interest payment EMS Squad
"	160,000.00	Budget estimated cost of purchase of EMS Squad
"	110,000.00	Budget estimated cost of purchase of 2 Ton Dump Truck
Net Effect on Fund Balance/(s) Increase/(Decrease)	(116,667.00)	

Issue 2

Receipt of funds from Underwriter for reconciliation of estimated issuance cost for 2009 refinancing.

Action Needed:

Revenue Side

Park Debt 152	498.13	Increase Bond Proceeds revenue
Park Debt 152	(498.13)	Decrease transfer of funds from General Fund

Expense Side

General 110	(498.13)	Decrease transfer of funds to Park Improvement Debt Service
Net Effect on Fund Balance/(s) Increase/(Decrease)	498.13	

*** ***Transfer to be adjusted after passage of ordinance***

Issue 3

Unbudgeted reimbursement from Oxford Township for Fire/EMS services.

Action Needed:

Revenue Side

General 110	54,000.00	Increase reimbursement from Oxford Township

Expense Side

- None required

Net Effect on Fund Balance/(s) Increase/(Decrease)	54,000.00	

Issue 4

Greater collection for the Alcohol Education Program with associated costs

Action Needed:

Revenue Side

Enforcement & Education 412	19,000.00	Increase Alcohol Education Program Fees

Expense Side

Enforcement & Education 412	9,000.00	Alcohol Education Program Costs
Net Effect on Fund Balance/(s) Increase/(Decrease)	10,000.00	

Issue 5

Budgeted amount for insurance renewal : 126,166 verses 130,593 actual (see attachment A for details)

Action Needed:

Revenue Side

- Not applicable

Expense Side

General 110	(3,324.91)	decrease in appropriations

Water 321	(5,471.91)	decrease in appropriations
Sewer 331	8,679.49	increase in appropriations
Refuse 341	91.41	increase in appropriations
Parking 130	4,452.92	increase in appropriations
Net Effect on Fund Balance/(s) Increase/(Decrease)	(4,427.00)	

Issue 6

Budgeted amount for Urban Paving Rt. 732 not expected to happen this year (see attachment B for details) asking to use funds as described below.

Action Needed:

Revenue Side

Capital Improvement 141	(48,523.00)	decrease in budgeted transfer from General Fund
Street 122	48,523.00	increase in budgeted transfer from General Fund

Expense Side

Capital Improvement 141	(155,000.00)	decrease in appropriations for Urban Paving
Capital Improvement 141	31,477.00	increase in appropriations Street Improvements
Capital Improvement 141	75,000.00	increase in appropriations US 27 Phase III Improvements (Right-a-Way)
General 110	(48,523.00)	decrease in budgeted transfer to Capital Improvement Fund
General 110	48,523.00	increase in budgeted transfer to Street Fund
Street 122	48,523.00	increase in appropriations Materials (Salt Purchase)
Net Effect on Fund Balance/(s) Increase/(Decrease)	-	

*** ***Transfer to be adjusted and executed after passage of ordinance***

Issue 7

Budgeted amount for High Street Improvements of $120,000 was encumbered in 2009 in order to secure State funding, actual bid for project was $510,443.95 including States OPWC portion of payments $393,041.84. Need to account for revenue due from State when they make payment to contractor directly per Auditor of State accounting procedures for OPWC funding. Will advance $393,041.84 from the General Fund until payment is confirmed by State at which time the General Fund will be repaid.

Action Needed:

Revenue Side

Capital Improvement 141	393,041.84	increase for OPWC funding of the project
Capital Improvement 141	393,041.84	account for advance from the General Fund
General 110	393,041.84	account for repayment of advance from the Capital Improvement Fund

Expense Side

Capital Improvement 141	(120,000.00)	decrease in appropriations for project from previous year's encumbrance

Capital Improvement 141	510,443.95	increase in appropriations for bid acceptance of High St. Improvements
General 110	393,041.84	increase in appropriations for advance to Capital Improvement Fund
Capital Improvement 141	393,041.84	increase in appropriations for repayment of advance to General Fund
Net Effect on Fund Balance/(s) Increase/(Decrease)	2,597.89	

*** ***Advance to be executed after passage of ordinance***

*** ***Repayment of Advance to be executed as OPWC payments to contractor are confirmed***

Issue 8

Budgeted amount for Senior Center HVAC replacemment $21,523 is $1,191 short for lowest bid.

Action Needed:

Revenue Side

- Not applicable

Expense Side

Capital Equipment 140	1,191.00	increase in appropriations for Senior Center HVAC Replacement (see attachment C for details)
Net Effect on Fund Balance/(s) Increase/(Decrease)	(1,191.00)	
Total Net Effect on Fund Balance/(s) Increase/(Decrease)	(55,188.98)	

Breakdown by Fund

Capital Equipment 140	(117,858.00)
Park Debt 152	-
General 110	57,823.04
Enforcement & Education 412	10,000.00
Water 321	5,471.91
Sewer 331	(8,679.49)
Refuse 341	(91.41)
Parking 130	(4,452.92)
Capital Improvement 141	2,597.89
Net Effect on Fund Balance/(s) Increase/(Decrease)	(55,188.98)

Approved By:		Initials	Date
	Department Head:		9/15/10
	City Manager:		9/15/10

		General	Water	Sewer	Refuse	Parking	Total
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						
	$ 44,232.70						
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
							$ 130,593.00
	Breakdown per Analysis	$ 71,278.09	$ 18,311.09	$ 32,462.49	$ 4,088.41	$ 4,452.92	$ 130,593.00
							$ 0.00
	2010 Budget	$ 74,603.00	$ 23,783.00	$ 23,783.00	$ 3,997.00	$ -	
	Adjustment needed	**$ (3,324.91)**	**$ (5,471.91)**	**$ 8,679.49**	**$ 91.41**	**$ 4,452.92**	**$ 4,427.00**

General Fund Operating Expenditures Budgeted	**$ 10,551,871.00**
Western Knolls Payment	**$ (590,000.00)**
Adj. General Fund Operating Expenditures	**$ 9,961,871.00**
Sewer Fund Operating Expenditures Budgeted	**$ 2,646,005.00**
Debt Payment	**$ (561,221.00)**
Adj. Sewer Fund Operating Expenditures	**$ 2,084,784.00**
Refuse Fund Operating Expenditures Budgeted	**$ 1,755,894.00**
Debt Payment	**$ (299,844.00)**
Adj. Refuse Fund Operating Expenditures	**$ 1,456,050.00**

Attachment A

Attachment B

CITY OF OXFORD
HOME OF MIAMI UNIVERSITY

Memo

Service Department
513/524-5206 fax 513/524-5267

TO: Douglas Elliott Jr., City Manager

FROM: Michael Dreisbach, Service Director

CC:

RE: 2010 ODOT Urban Paving Program

DATE: April 14, 2010

Doug,

At the April 6, 2010 City Council meeting, the Council requested additional information on the recommendation to defer the SR732 paving project until late 2010 or early 2011 and to reallocate those funds for other purposes in Supplemental Budget #3.

Please note the following issues impacting our recommendation:

1. ODOT will be awarding and managing this contract. ODOT had originally programmed this project for late in 2010.
2. ODOT's estimate of local participation came in much higher than anticipated for the project at $222,000. The City had budgeted $155,000 in the FY2010 Capital Budget. Deferring the project slightly will allow another review of the plans and cost estimates to try to reduce the local contribution from the City.
3. ODOT and Staff are concerned about competing detours through the City as two other projects will be in full production on US 27. High Street will also be closed between Beech St. and College Ave. during the summer months.
4. The City and Miami University will likely be closing US27 (High St.) between Talawanda Rd. and Campus Ave. beginning in late June for approximately one month.
5. Over 100 property owners were given the opportunity to replace their defective curb, gutter and sidewalk on Main St. in advance of this paving project. While approximately 60% of the owners complied, there are still approximately 40 properties that will have to go through the assessment process.

Attachment B (cont)

Staff recommended the budget for the SR732 paving be transferred to three other areas including the following:

1. $75,000 to US27 Right of Way Lawsuits - The City has settled all but three lawsuits to acquire the necessary right of way for Phase III improvements to US27. There is currently not a source of funds to pay for any settlements or judgments in these cases.
2. $40,000 to replenish road deicing supplies – Our current contract through the Butler County Engineer's Office expires on April 30, 2010 with a contract price of $62.01 per ton for road salt. Given the latest State Contract award was over $78 per ton for salt, it is prudent to replenish supplies at the current price with savings of approximately 26%. The 2009-2010 winter was especially harsh, with the fifth highest snowfall accumulations on record.
3. $40,000 to increase 141.720.51000 – Street Maintenance – This will pay for higher than expected paving contract costs and allow for street maintenance material purchases for the rest of 2010.

SR732 Urban Paving Reschedule: This is not a cancellation of the project, but a deferment. We will continue to work with ODOT to try to reduce the local dollars necessary; out target being $130,000 - $150,000. Depending on ODOT's timetable, staff may request Council consider a supplemental appropriation to move forward with this project later in 2010 or in 2011. The risk with not moving forward on ODOT's timetable (later this year or early 2011) is that we could jeopardize our state funding for the project.

This recommendation accomplishes four main goals:

1. Liabilities for ROW acquisition will be paid that were not budgeted for.
2. Our road deicing supply will be replenished at 2009 pricing (approximately 65% of our supply will be restored).
3. Our street maintenance contract will be fully funded with funds available for other maintenance projects in the City for the rest of 2010.
4. We will be able to begin an assessment project for property owners that were not able to complete necessary repairs for their curb, gutter, and sidewalk.

Please let me know if you need additional information on this recommendation.

MBD

Attachment C

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Parks and Recreation
Original Department

Council Meeting Of: 4//20/10

Gail Brahier
Prepared By

Account Code No. #: 140.290.51001

Budgeted Amount: $21,523

4 /13/10
Date Prepared

Agenda Title:
Replacement of Heating and Air Conditioning Units at Oxford Senior Center

Recommendation: Approve

Discussion:
City Council authorized replacement of the heating and air conditioning units at the Oxford Senior Center and included funds in the 2010 Capital Improvement Budget. A request for bids was published in the Hamilton Journal News and Oxford Press on March 26 and April 2, 2010. Sealed bids were opened on April 12, 2010. Four firms submitted bids with the following results:

Allied Mechanical Systems	$19,488*
Inloes Heating and Air Conditioning, Inc.	**$22,714**
Byrco, Inc.	$23,652.43
Premier Mechanical	$24,138

The lowest bid was incomplete in that they failed to provide a required document to confirm specifications. The next best and lowest bid was Inloes Heating and Air Conditioning, Inc.
Staff recommends the City Manager be authorized to enter into a contract with Inloes Heating and Air Conditioning, Inc. for the amount of $22,714.
The difference in the amount budgeted and bid proposal of $1,191 is included in Supplemental Budget # 3.

Approved By:

	Initial \ Date
Department Head:	AB 4/13/10
City Attorney:	\
City Manager:	\

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 3089 AND DECLARING IT AN EMERGENCY. 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
PARK IMPROVEMENT BOND FUND 152	498.13
GENERAL FUND 110	54,000.00
ENFORCEMENT AND EDUCATION FUND 412	19,000.00
CAPITAL IMPROVEMENT FUND 141	393,041.84

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)
ENFORCEMENT AND EDUCATION FUND 412	9,000.00
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	(155,000.00)
CAPITAL IMPROVEMENT FUND 141	31,477.00
CAPITAL IMPROVEMENT FUND 141	75,000.00
GENERAL FUND 110	(48,523.00)
GENERAL FUND 110	48,523.00
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
CAPITAL EQUIPMENT FUND 140	1,191.00

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	(48,523.00)
GENERAL FUND 110	48,523.00
Transfer to:	
PARK IMPROVEMENT BOND FUND 152	(498.13)
CAPITAL IMPROVEMENT FUND 141	(48,523.00)
STREET FUND 122	48,523.00

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

PARK IMPROVEMENT BOND FUND 152	(498.13)
CAPITAL IMPROVEMENT FUND 141	(48,523.00)
STREET FUND 122	48,523.00

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

STREET FUND 122	48,523.00

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

Parks and Recreation
Original Department

Council Meeting Of: 4//20/10

Gail Brahier
Prepared By

Account Code No. #: 140.290.51001

Budgeted Amount: $21,523

4 /13/10
Date Prepared

Agenda Title:
Replacement of Heating and Air Conditioning Units at Oxford Senior Center

Recommendation: Approve

Discussion:
City Council authorized replacement of the heating and air conditioning units at the Oxford Senior Center and included funds in the 2010 Capital Improvement Budget. A request for bids was published in the Hamilton Journal News and Oxford Press on March 26 and April 2, 2010. Sealed bids were opened on April 12, 2010. Four firms submitted bids with the following results:

Allied Mechanical Systems	$19,488*
Inloes Heating and Air Conditioning, Inc.	**$22,714**
Byrco, Inc.	$23,652.43
Premier Mechanical	$24,138

The lowest bid was incomplete in that they failed to provide a required document to confirm specifications. The next best and lowest bid was Inloes Heating and Air Conditioning, Inc.

Staff recommends the City Manager be authorized to enter into a contract with Inloes Heating and Air Conditioning, Inc. for the amount of $22,714.

The difference in the amount budgeted and bid proposal of $1,191 is included in Supplemental Budget # 3.

Approved By: **Initial \ Date**

Department Head: SAB 4/13/10
City Attorney: \
City Manager: JME 4/16/10

RESOLUTION NO.

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH INLOES HEATING AND AIR CONDITIONING, INC. FOR THE REPLACEMENT OF HEATING AND AIR CONDITIONING UNITS AT THE OXFORD SENIOR CITIZENS CENTER AT A COST NOT TO EXCEED $22,714.00 PROVIDED COUNCIL ADOPTS SUPPLEMENTAL BUDGET NUMBER 3.

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 26, 2010 and April 2, 2010. Sealed proposals were opened on April 12, 2010 with four firms submitting bids.

SECTION 2: Council hereby finds Inloes Heating and Air Conditioning, Inc. to be the lowest and best bidder and accepts the bid of $22,714.00 for the replacement of heating and air conditioning units at the Oxford Senior Citizens Center.

SECTION 3: The City Manager is hereby authorized to enter into a contract with Inloes Heating and Air Conditioning, Inc. for the replacement of heating and air conditioning units at the Oxford Senior Citizens Center at a cost not to exceed $22,714.00 provided Council adopts Supplemental Budget Number 3.

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

_____
MAYOR

ADOPTED:

ATTEST:

_____
CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: RICHARD KEEBLER

PREPARED BY: LAW(STAFF)

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 20, 2010

Account Code No. #:

Kathryn A. Dale
Prepared By

Budgeted Amount:

April 8, 2010
Date Prepared

Agenda Title: **HAPC Meeting Report – April 7, 2010**

DISCUSSION:

Requests for Review:

HAPC-05-2010 *75 S. Main Street, Holiday Inn, removal of existing Holiday Inn letterset and replace with smaller lettering as part of national re-imaging,* ***Atlantic Sign Company, Applicant/Agent***

The Applicant was seeking a COA to replace a 21 square foot brass, script lettering sign to a new 16 square foot brushed aluminum, logo and script lettering sign in Holiday Inn's new signage format. The signage would be in the same location above the main entrance along S. Main Street.

Discussion was had regarding the spacing of the lettering and asked if the "H" logo could be spaced a little further from the other letters. There was also discussion about changing the color from the aluminum silver to a brass color, but more of a brushed brass look and non-mirrored.

The HAPC voted 6-0-0 to ***APPROVE*** the COA for the sign with the following condition:

1. That, the proposed sign is brushed brass to match the plaque sign on the wall of the building, with a non-mirrored finish.

HAPC-06-2010 *17 N. Poplar, modifications to exterior, lights, paint, railing, plant choices,* ***Ted Wood, Applicant/Agent***

The Applicant was seeking COA's to improve the façade with a fypon treatment similar to the materials and style used for the commercial storefront at 111 E. Church Street. The Applicant is also proposing to paint the building with a blue and gray color palette, install craftsman style windows and wood doors, black gooseneck lighting fixtures, and black steel fencing for an exterior patio area.

Staff shared that they spoke with the Applicant, and the Applicant expressed agreement that wood trim would be installed around the north entrance and stained to replicate a full sized door like the south entrance. The application had proposed crème paint around the entrance, drawing attention that the door was a different size than the other door.

The Applicant has not provided signage, street furniture selection or landscaping ornamentation at this time, but will be working the HAPC on suggestions and will bring back final details regarding these items.

The HAPC voted 6-0-0 to ***APPROVE*** the COA for the improvements presented with the following conditions:

1. That, the proposed crème paint color around the north door is changed and that wood trim is installed and stained to replicate a full sized door like the south entrance,
2. That, any modifications to the structure or site plan as a result of any other City permit review are re-presented to the HAPC.
3. That, final details of the building, including but not limited to signage, street furniture and landscaping are presented to the HAPC.

Correspondence and Announcements:
Mr. Smith reminded everyone of the Uptown Historic Walking Tours in May and the Open House May 13th.

Old Business:
HAPC-13-2009 ***116 E. High Street,*** *High Street Grill and The Balcony, demolition and construction of a new mixed-use building,* ***Tom Kacachos, Applicant***
Staff shared that the Applicants submitted construction & building permits for this project and upon review noticed that the commercial façade had been altered from the approved drawing presented to HAPC last November. Staff shared this modification with HAPC to ensure that the change was still within the scope of what they approved before signing off on the permit application. Don Thomas was present to answer any questions about the change. The HAPC agreed 6-0-0 that the proposed modifications were still within the scope of the original proposal.

Pillar Restoration Guide:
Mike Smith said he is finalizing the guide. He also shared that the pillar replacement at 19 E. Walnut was complete and they did a very nice job.

Walking Tours:
Ms. Dale shared that the flyers had been distributed, the information is on the Public Access channel and the press releases were complete. Ms. Henderson shared her coordination with the Oxford Press and the features that will be published. She reviewed which areas would be covered and who would be guiding the tours.

Historic Marker Candidates:
Ms. Dale shared that Steve Gordon inspected the house at 418 Bouden Lane and was able to determine that the construction is pre-1833 and was not likely to have been constructed on this site, but rather moved to this location.

Ms. Dale shared that the plaques for the award ceremony have been ordered.

Ms Dale advised that the HAPC must closely follow their criteria for retroactively issuing preservation awards.

Open House:
Ms. Dale shared that all the flyers have been distributed, the information is on the Public Access channel and the press releases are complete. Ms. Henderson inquired about refreshments. Ms Dale shared the agenda for the program and that the Ohio Historic Preservation Office would be providing a presentation and available to discuss funding opportunities. Ms. Dale or Mr. Smith will be giving the presentations for the awards.

Administrative Findings / Approvals:
ADM-HAPC-02-2010 10 S. College Avenue, construction of a potting shed at the Community Arts Center, **Caroline Croswell, Oxford Community Arts Center, Applicant Administratively Approved 3/3/2010.**
Short discussion was had that this might be the first green roof in Oxford.

Other Business:
Mr. Smith shared his concept for markers that would identify the Uptown Historic District. He was open to suggestions and envisioned these being located at the primary entrances to the district. Staff and himself will obtain quotes for the signs and explore various materials.

Ms. Dale and Mr. Smith shared their opinions about a recent seminar regarding the Main Street Program that they attended. Overall reaction is that the City of Oxford is already currently doing many of the aspects of this program and the program has very little to do with the focus on restoration or preservation but more about fundraising for community events held in a downtown atmosphere to promote downtown areas.

The next regular HAPC meeting is scheduled for May 5, 2010.

Approved By:		Initials	Date
	Department Head:	JNC	4/9/10
	City Attorney:		
	City Manager:	DAE	4/16/10

CITY OF OXFORD
STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting Of: April 6, 2010

Account Code No. #:

Budgeted Amount:

Community Development Department
Originating Department

Jung-Han Chen
Prepared By

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:

	Initial	Date
Department Head:	JHC	3/16/10
City Attorney:		
Acting **City Manager:**		4/1/10

ORDINANCE NO.

ORDINANCE ACCEPTING THE RECOMMENDAITON 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

Report Date	March 16, 2010
Case Number	PC-04-2010
Applicant Information	Peter and Connie McCarthy, Applicant/Owner
Requested Action	Zoning Map Amendment
Summary of Request	Request for a Zoning Map Amendment from R1B (Single-Family Medium Density Residential) to RO (Office Residential) District
Public Hearing Information	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.
Commission Action	The Planning Commission voted 5-1-0 denying the Zoning Map Amendment.
Commission Findings and Conclusions	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.
Exhibits Submitted to the Commission	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

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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 & 3.18 Map 3.6 Conservation & Development Map
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

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

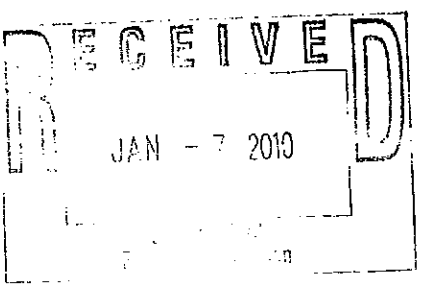
Comments or status update requested by: Lynn Taylor

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: _____ 1-7-10



CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

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.

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
HOME OF MIAMI UNIVERSITY

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) Fritzi & 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 McCarthys.!

Fritzi 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!

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

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

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: 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 <u>not</u> 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 <u>not</u> 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

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-zonging 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
HOME OF MIAMI UNIVERSITY

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

2-2-2010
Date

(1)

Review and Comment Form for the following:

Case No.: PC-04-2010 Date of Hearing: February 9, 2010

I have not been contacted by the McCarthy's regarding this matter. I have been a resident of the neighborhood since the late 1970's. Except for the addition of a few additional businesses on Lynn and Locust it has remained unchanged. I hear noise associated with businesses on the College Corner Pike, Locust, Lynn, Fairfield, High St and other noise coming from events happening far away as East Sycamore, Patterson, East Spring and West Chestnut. Arby's drive thru is the least of the noise with swim meets at the Tri Center being some of the most annoying. We have put up with most of this noise for many years. Along with the economy the real estate values have taken a down turn. However, does any of this give cause to the City of Oxford to rezone a piece of property that has been described to be functional obsolescence? As I see it the rezoning of 5990 Contreras does not benefit the citizens of Oxford or the surrounding neighbors but rather only the owners of the property. Wouldn't it be great if everyone could declare their property to be functional obsolescence and have it rezoned in the hope of gaining financially? If 5990 Contreras were to be rezoned what impact would it have on the local environment? There has been flooding from the creek and ponding of water on that property in the past. If additional parking is required to comply with zoning requirements will the issue of contaminated run off be addressed? The creek does support the wildlife in the area and neighborhood children do frequently play up and down the creek banks. No matter how good neighbors the McCarthy's have been I can not support their request for rezoning. I do not think their interests are the best interest of the community and will result in a negative effect on the immediate surrounding neighborhood. The sprawl of business or commercial use directly up to and into a residential area has to be stopped. I ask that the Planning Commissioners recommend denial of this request. Thank you.

W Anthony Terrell 2-2-2010

Signature Date

(2)

CITY OF
OXFORD
HOME OF MIAMI UNIVERSITY

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: DONALD & JUDITH NELSON

Address: 6020 JOSEPH DR.
OXFORD

Telephone: Home: 523-4478 Work: _____

COMMENTS: PLEASE RECORD OUR OPPOSITION TO THE PROPOSED CHANGE 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 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 ACCOMODATES 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 Nelson
Judith C. 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

CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM

Case No.: PC-04-2010 **Date of Hearing:** FEBRUARY 9,

ZONING MAP AMENDMENT 5990 Contreras Road, from R1B (Single Family Mediu 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: 523-2078 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 2/2/10 3:53 PM 2/2/201

of 1

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's no way for it to not keep getting rutted — just take a front of my house at 6166 Contreras! No curbs and lobby 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 doctors office instead of becoming a student slum, then in 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.

Respectfully,
KLZ

From: zienkl@hotmail.com
To: kdale@cityofoxford.org; jhchen@cityofoxford.org
CC: delliott@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 -- t*hat'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

3

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

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

From: Benson, Rosalyn Erat Mrs. [mailto:bensonre@muohio.edu]
Sent: Tuesday, January 12, 2010 4:[illegible] 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

4

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:

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 (McCarthy email)
To: zienkl@hotmail.com

6

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 then 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 is 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.

From Kathy Dale

To: meckplan@aol.com <meckplan@aol.com>
Sent: Mon, Feb 1, 2010 11:32 am
Subject: 5990 Contreras - Oxford Request

11

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

11b

-----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

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

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11a

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

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

11e

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

11d

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

11c

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 proposa**l 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

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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 <u>any</u> 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 <u>violate the zoning principle of maintaining like facings for zoning districts.</u> 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,

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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 <u>not</u> 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:

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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 polices. . .

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

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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 obsolescense [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.

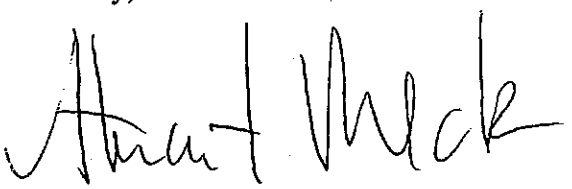
Consequently, I conducted a database search on the National Association of Realtors website and for the well-known Appraisal Journal, going back to 1965. I could not find any reference to this term as applied to residences, except one article on the Realtors website dealing with aging notebook computers.

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,



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

cc: Oxford City Council

/sm

Office of the Mayor

Proclamation

Whereas: National Volunteer Week began in 1974 when President Richard Nixon signed an executive order establishing the Week as an annual celebration of volunteering; and

WHEREAS, National Volunteer Week is a time to recognize and celebrate the efforts of volunteers at the local, state and national levels; and

WHEREAS, National Volunteer Week provides a special opportunity to encourage men, women, and children of all ages to get connected to their communities by volunteering; and

WHEREAS, volunteering isn't just nice, it is necessary for the health of our society as it bridges the gaps between people and communities; and

WHEREAS, volunteers strengthen America by strengthening our local communities; and

WHEREAS, volunteering is an investment in our local community and provides a variety of personal benefits and satisfaction.

NOW, THEREFORE, I, Richard Keebler, Mayor of the City of Oxford, Ohio, do hereby proclaim Friday, April 23, 2010 as:

'NATIONAL VOLUNTEER DAY'

in Oxford and urge all citizens to thank a volunteer during National Volunteer Week and find out how you can share your time and talents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 16th day of April, 2010.

RICHARD KEEBLER, MAYOR

Office of the Mayor

Proclamation

Whereas: the National Association of Letter Carriers have designated the day of May 8, 2010 as the eighteenth annual "Stamp Out Hunger Food Drive" day; and

WHEREAS, the NALC Food Drive collected a record of 73.4 million pounds of food nationally and a 74,452 pounds of food in Butler County in 2009 breaking all previous collection records; and

WHEREAS, thousands of families caught in the economic crisis will have access to this needed and nourishing food through Shared Harvest Foodbank's network of food pantries; and

WHEREAS, the AFL-CIO, Shared Harvest Foodbank, United Way, Campbells, Feeding America and countless community volunteers will lend assistance to this charitable endeavor with the United States Postal Service encouraging and supporting this one day drive.

NOW, THEREFORE, I, Richard Keebler, Mayor of the City of Oxford, Ohio, to assist in public awareness of this nationwide endeavor to care for our own, do hereby proclaim Saturday, May 8, 2010 as:

"THE NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY"

FURTHER, on behalf of all Municipal Officials and Administration, do request all citizens of our community support the efforts of this national annual drive by placing non perishable food by their mailboxes on May 8, 2010 to help meet the needs of our neighbors locally.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 16th day of April, 2010.

RICHARD KEEBLER, MAYOR