



Agenda

Oxford City Council

Court House

TUESDAY, APRIL 21, 2015

EXECUTIVE SESSION

None.

1. Roll call. Kevin McKeehan, Mayor; Kate Rousmaniere, Vice-Mayor; Mike Smith; Bob Blackburn; Steve Snyder; Richard Keebler; Edna Southard

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

REGULAR MEETING

7:30 P.M.

PLEDGE OF ALLEGIANCE

2. Approval of Agenda.

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

3. Public Participation.

A. Proclamation - "Arbor Day"



Proclamation

B. Public Comments.

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

4. Consent Agenda.

A. Minutes of the April 7, 2015 City Council Meeting. (Mary Ann Eaton, Clerk of Council)



Minutes

B. Report regarding the April 1, 2015 Historic and Architectural Preservation Commission Meeting. (Jung-Han Chen, Community Development Director)



Report

C. Report regarding the April 1, 2015 Environmental Commission Meeting. (Mike Dreisbach, service Director)



Report

5. Resolutions.

1. A Resolution authorizing the City Manager to refinance the existing Moon Cooperative Services, Inc. Revolving Loan Fund loan. (Alan Kyger, Economic Development Director).



Staff Report/Resolution

6. Ordinances.

A. First Reading.

1. An Ordinance Approving The Proposed Preliminary Subdivision Application For The Fields At Southpointe. (Jung-Han Chen, Community Development Director).
(Continued from April 7, 2015).



Staff Report/Ordinance

B. Second Reading.

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



Staff Report/Ordinance

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



Staff Report/Ordinance

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



Staff Report/Ordinance

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



Staff Report/Ordinance

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

1. Remarks from City Council and City Staff.

B. Future Meetings.

WED - Apr 22 Civil Service Commission Meeting 6:00 p.m.

FRI - May 1 Student Community Relations Commission Meeting 3:00 p.m. LCNB

TUES - May 5 City Council Meeting 7:30 p.m.

WED - May 6 Historic and Architectural Preservation Commission Meeting 6:00 p.m.

WED - May 6 Environmental Commission Meeting 7:00 p.m. Municipal Building

TUES - May 12 Planning Commission Meeting 7:30 p.m.

MON - May 18 Housing Advisory Commission Meeting 7:00 p.m. Municipal Building

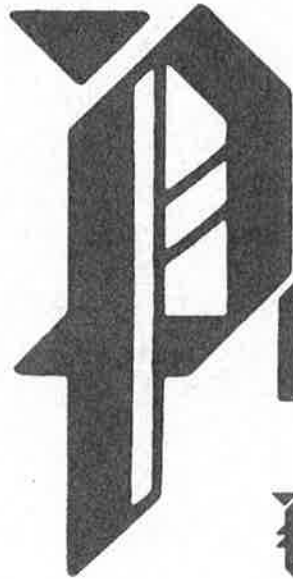
TUES - May 19 City Council Meeting 7:30 p.m.

WED - May 20 Board of Zoning Appeals Meeting 7:30 p.m.

MON - May 25 Holiday - City Offices Closed

WED - May 27 Civil Service Commission Meeting 6:00 p.m.

8. Adjourn.



Office of the Mayor

Proclamation



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

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

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

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

WHEREAS, associated with the management of the approximately 3,308 street, park, and public trees in the community, the City of Oxford has fulfilled the national Arbor Day Foundation's requirements for "Tree City USA" for nineteen consecutive years.

NOW, THEREFORE, I, Kevin D. McKeegan, Mayor of the City of Oxford, Ohio, Tree City USA, do hereby proclaim that on the last Friday in April, April 24, 2015, the City of Oxford will recognize and participate in the national and international celebration of:

"ARBOR DAY"

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



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Oxford to be affixed this 17th day of April, 2015.

KEVIN D. MCKEEHAN, MAYOR

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

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

PLEDGE OF ALLEGIANCE

Mayor McKeehan requested the Pledge of Allegiance.

APPROVAL OF AGENDA

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

PUBLIC PARTICIPATION

PROCLAMATION **‘EARTH DAY’**

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

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

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

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

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

PRESENTATION

KINETICS FESTIVAL

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

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

PUBLIC COMMENTS

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

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

CONSENT AGENDA

MINUTES

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

REPORTS

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

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

RESOLUTION
MAINTENANCE
800 RADIO SYSTEM

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

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

RESOLUTIONS

RESOLUTION
OVERLAY DISTRICT

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

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

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

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

Mr. Keebler noted 86% was a good number.

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

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

RESOLUTION
OVERLAY DISTRICT

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

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

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

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

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

RESOLUTION
CONTRACT WITH
BARRETT PAVING MATERIALS, INC.

A Resolution No. 4908 accepting the bid and authorizing the City Manager to enter into a contract with Barrett Paving Materials, Inc. for resurfacing and maintenance work at a cost not to exceed \$354,873.36. (Mike Dreisbach, Service Director)

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

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

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

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

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

ORDINANCES **FIRST READING**

ORDINANCE **OVERLAY DISTRICT**

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

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

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

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

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

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

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

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

ORDINANCE
CONDITIONAL USE PERMIT

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDINANCE **ZONING MAP AMENDMENT**

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

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

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

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

ORDINANCE **CONDITIONAL USE**

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

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

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

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

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

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

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

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

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

ORDINANCE **PRELIMINARY SUBDIVISION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANNOUNCEMENTS

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

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

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

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

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

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

ADJOURN

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

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 21, 2015

Sam Perry
Prepared By

Account Code No. #:

Budgeted Amount:

April 17, 2015
Date Prepared

HAPC MEETING REPORT – April 1, 2015

HAPC-2015-02 115 W. High Street, new mixed use structure, Platte Design, Applicant, Architect

Following a January 7 pre-application discussion with HAPC, Platte Design, on behalf of the property owner, requested formal approval of a Certificate of Appropriateness. The vacant site fronting on West High Street is the former location of the Oxford Township House. The proposal is to remove the single-story concrete block structure on the alley and build the new four-story structure in an L-shaped footprint, wrapping around the adjacent two story house. The historic two-story house will remain. The architect made some minor revisions to the design based on the pre-application discussion. The façade will step back on the fourth floor so the façade will appear like 3-story. The building will be brick with industrial grid type windows along the alley and ground floor storefront along High Street. A review of the material samples will follow at a later meeting. A preservation architect will review the historic house for any necessary repairs or preservation treatments. The Commission voted unanimously for the COA (with conditions) for demolition of the block building in the alley and for the design of the new 3-4 story building, wrapping around the historic house.

Additional Items

Mr. Tom Kacachos and Architect Greg Meyer with Robert Treadon and Associates presented material samples for the brick and stone for the 28 West Walnut Street new mixed use building approved in 2014. Materials were selected and approved from samples presented.

The Commission discussed the May walking tours taking place on Saturday mornings in May. The Commission also discussed the Historic Marker Program and identified potential marker applicants.

The next regular meeting is scheduled for May 6, 2015.

Department Head:
City Attorney:
City Manager:

JHC / 4/16/15
____ / ____
____ / ____

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Council Meeting of: April 21, 2015

Service Department
Originating Department

Account Code #: N/A

David Treleaven
Prepared By

Budgeted Amount: N/A

April 3, 2015
Date Prepared

Agenda Title:	Environmental Commission Meeting of April 1, 2015
----------------------	---

Recommendation:	For Review and Consideration
------------------------	------------------------------

Discussion:

Environmental Commission members present at the Wednesday, April 1, 2015 meeting were: Chair, Mr. Wright Gwyn; Vice-Chair, Mr. Vince Hand; City Council Representative, Ms. Kate Rousmaniere; Planning Commission Representative, Mr. Robert Bell, Mr. Kevin Armitage, and Mr. Ted Wong. A quorum was present, with all Commissioners in attendance. Mr. Russell Auwae, a Miami University Institute for the Environment & Sustainability (IES) graduate student, was also in attendance.

The minutes from the February 4, 2015 Environmental Commission meeting were unanimously accepted as presented. No Commission meeting was held in March 2015 due to weather conditions.

Mr. Auwae updated Commissioners on his graduate-level Practicum project of locating and mapping structural stormwater best management practices (BMP) control features throughout the community. This Practicum is a continuation of a previous IES graduate student team professional service project (PSP), in which Mr. Auwae participated. Mr. Auwae has located approximately 30 additional storm water retention/detention basins in the north-central and northwestern portion of town. These BMPs are in addition to those identified during the PSP. A total of approximately 70 BMPs have been identified within the community. Mr. Auwae created an interactive mapping feature displaying the location, type of stormwater BMP, and an image on the BMP (when available) that was identified throughout the community during both the IES PSP and his Practicum, which is ultimately intended to be incorporated into an Oxford stormwater management webpage. Map features have recently been adapted to comply with requirements of the Americans with Disability Act. Mr. Auwae intends to add a glossary feature to the map, which will be the next feature on which he will be working. Mr. Auwae is scheduled to graduate in August 2015 and will working on the stormwater BMP location project into the summer months.

Ms. Rousmaniere and Mr. Bell updated Commissioners on the March 10th Planning Commission meeting. A preliminary plat proposal for a residential development (The Fields at Southpointe) along Southpointe Parkway was discussed. At present, the proposed development would consist of 85 residential lots on 37 acres, with five lots presently as single-family structures and the rest as duplex structures. After discussion, the Planning Commission voted five to two not to recommend the preliminary plat to City Council for approval. The developers intend to present the preliminary plat for approval by the Council.

(Continued)

Approved By:	Department Head:	Initial	Date
	City Manager:	<u>DT</u>	<u>4/7/15</u>

Ms. Rousmaniere asked Commissioners for environmental concerns they had with the potential development. Items mentioned included the identification (and subsequent non-disturbance) of areas potentially containing threatened or endangered plants and animals (the Indiana Bat and associated restrictions on tree removals was specifically mentioned), and restriction of development on steep slopes and in wetland areas. Storm water run-off management was also mentioned as a concern, given the extensive areas of impermeable surfaces associated with the proposed development, but it was explained that the preliminary plat had a large detention-retention structure identified.

Development of a solid waste contract request containing residential collection services of the existing volume of refuse and a smaller refuse volume was discussed. It was concluded that the three tiered level of service included in Oxford's most recent contract request was too cumbersome, offering too many service options. Mr. Gwyn stated that the two tiered level of collection service options was similar to the refuse and recycling services that he oversees for Forest Park. Mr. Gwyn is to provide a copy of Forest Park's most recent solid waste contract request to serve as a template for the development of a volume-based, two-tiered level of solid waste collection services for Oxford.

The Arbor Day Proclamation for 2015 was unanimously approved as presented. Staff was instructed to forward the Proclamation to City Council for their consideration. Staff informed the Commissioners that this year's Arbor Day observance would consist of planting a Red Oak at the Oxford Community Park during the week of April 20-24, 2015. Arbor Day on Friday, April 24, 2015 would correspond with a soccer tournament at the Oxford Community Park; Staff intends the celebratory planting to occur earlier in the week to minimize conflict with the tournament.

Staff informed the Commissioners that this year's Earth Day observation would occur on Saturday, April 18, 2015 in the Uptown Memorial Park, running from 9:00 am until 1:30 pm. Staff has reserved a spot for the Environmental Commission at the event, and intends to be present to distribute literature, take requests for changes in recycling services, and be present to answer questions from the public. Commissioners were invited to attend the event.

The Commission adjourned at 8:35 p.m. The next scheduled meeting of the Environmental Commission is on Wednesday, May 6, 2015 at 7:00 p.m., in the Municipal Building's Second Floor Conference Room.

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Economic Development Department

For the: April 21, 2015

Prepared by: G. Alan Kyger

City Council Meeting

Date Prepared: April 13, 2015

Agenda Title: Resolution to authorize the re-financing of the
the existing MOON Co-Op Revolving Loan Fund loan.

Recommendation: Approval

On May 6, 2014 the Oxford City Council approved Resolution # 4830 which allowed MOON Co-Op an additional year of paying 'interest only' payments on their RLF loan. This resolution also requested the Oxford CIC to renegotiate the loan with MOON Co-Op, prior to the expiration of this one year extension. The goal of this renegotiation is to create a payment plan which will allow MOON Co-Op the ability to make interest and principle payments.

On March 27, 2015, the Oxford Community Improvement Corporation unanimously passed the following motion supporting the refinancing of the MOON Co-Op RLF loan.

"In an effort to assist MOON Co-Op in achieving sustainability, the Oxford Community Improvement Corporation recommends the City of Oxford refinance MOON Co-Op's existing Revolving Loan Fund loan.

The terms of the new loan are: Refinancing the existing balance for 10 years at a 1.5 % interest rate.

The Oxford Community Improvement Corporation also recommends from June 2015 to May 2016 MOON Co-Op be permitted to pay a minimum payment of \$700.00 per month.

In May of 2016 the loan balance at that point will be re-amortized for 9 years at 1.5 % interest.

All other terms and conditions of the existing loan are to be carried forward into the new loan."

Existing loan:	5 year loan	3 % interest	\$ 4,402.33 monthly payments.
Proposed loan:	10 year loan	1.5 % interest	\$ 1,855.74 monthly payments.
	June 2015 to May 2016		\$ 700.00 minimum payments.

Reviewed By:

Department Head:	<u>OK</u>	Initial Date	<u>4-13-15</u>
City Attorney:	<u>DRE</u>		
City Manager:	<u>DRE</u>		<u>4-17-15</u>

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO REFINANCE THE EXISTING MOON COOPERATIVE SERVICES, INC. REVOLVING LOAN FUND LOAN.

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

SECTION 1: On May 6, 2014 Oxford City Council adopted Resolution No. 4830 which allowed Moon Cooperative Services, Inc. an additional year of paying 'interest only' payments on their Revolving Loan Fund loan. The Resolution also requested the Oxford Community Improvement Corporation (CIC) to renegotiate the loan with Moon Cooperative Services, Inc. prior to the expiration of the one year extension. The goal of the renegotiation was to create a payment plan which would allow Moon Cooperative Services, Inc. the ability to make interest and principle payments.

SECTION 2: Council finds that the Oxford Community Improvement Corporation met on March 27, 2015 to consider refinancing the Moon Cooperative Services, Inc. Revolving Loan Fund loan.

SECTION 3: The Oxford Community Improvement Corporation, after due deliberation, did recommend the loan be refinanced under the following terms:

- a. The existing balance shall be refinanced for ten (10) years at an interest rate of 1.5%.
- b. From June 2015 to May 2016 Moon Cooperative Services, Inc. shall be permitted to pay a minimum payment of \$700.00 per month.
- c. In May of 2016 the loan balance shall be re-amortized for nine (9) years at an interest rate of 1.5%.
- d. All other terms and conditions of the existing loan will be carried forward into the new loan.

SECTION 4: Council hereby accepts and approves the recommendation of the Oxford Community Improvement Corporation and authorizes the City Manager to refinance the Moon Cooperative Services, Inc. Revolving Loan Fund loan under the terms listed above.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)

CITY OF OXFORD

STAFF SUMMARY REPORT

Report to the City Manager

Community Development

Originating Department

Council Meeting Of: April 21, 2015

Jung-Han Chen

Account Code No. #: N/A

Prepared By

Budgeted Amount: N/A

April 17, 2015

Date Prepared

Agenda Title: PC-2015-06 PRELIMINARY SUBDIVISION The Fields of Southpointe, intersection of Southpointe Parkway and 27 South, Proposed residential subdivision consisting of 37.014 acres of land into 85 residential lots, Trinitas Development, LLC, Applicant/Agent

Recommendation: See below

Discussion:

Based on the comments during Oxford City Council meeting, the applicant provided a revised preliminary plat on April 13, 2015. The following changes were made to the original preliminary plat:

- (1) The mid-block pedestrian path has been re-aligned to create a direct alignment.
- (2) Alley D has been eliminated.
- (3) The lots in the cul-de-sac of street D have been reconfigured to keep the buildable areas of the lots out of the proposed conservation easement.
- (4) Lots 82 and 83 have been reconfigured to keep the buildable areas of the lots out of the proposed conservation easement.

The City Manager, City Law Director, Service Director and Community Development Director reviewed the changes and created a set of conditions for Council to consider for the Preliminary Subdivision application approval:

1. Given the ROW standard the applicant has designed to, a note shall be added to the plans indicating parking will be restricted on one side of the streets to allow for two way traffic.
2. Turning radii shall be shown on all street curves and cul-de-sacs with a note that all turning movement design criteria have been met.

3. Alleys shall be private and shall be maintained by the HOA governing the development. Plans shall note signage to be installed describing such.
4. Given that alleys are only paved to a 12' width, the alleys shall be "one way". Plans shall show the restriction and be consistent throughout the development.
5. A Home Owners Association shall be created for the maintenance of open space, multi paths, private alleys and other common areas.
6. The developer shall provide for the HOA to hold title to the land noted on the site plan time stamped April 13, 2015, as conservation land, to be held by the HOA in perpetuity subject to a conservation easement; in the name of Three Valley Conservation Trust or another eligible entity as "green Space". Lots number 1, 5, 6, 7, 8, and 9 shall be redrawn to remove the conservation easement land from the area included in those lots. Lots number 81,82 and 83 shall also be redrawn to remove the land noted as conservation easement from these lots. The conservation easement shall provide that the care and upkeep of the green space within the conservation easement shall be the responsibility of the HOA subject to the easement terms.
7. Prior to any Final Subdivision application being submitted, the applicant shall submit the findings of the analysis performed by the firms prequalified by ODOT, of the following areas: (a) habitats of endangered species listed on federal and state list; (b) historical and cultural significant structures or sites as stipulated in Section 1101.402 (B) (5); (c) tree growth areas containing native mature trees. (The report titled "Phase I Environmental Site Assessment of Vacant Property in Oxford, Ohio, Southpointe Parkway and Corporate Woods Lane" dated April 29, 2014 submitted by the applicant was solely focused on environmental contaminant issues on and off-site, no analysis on historical or cultural significant structures or sites has been conducted. No native mature trees have been identified.)

Approved By:

Department Head:
City Manager

Initial Date

JHC / 4-17-15
DRE / 4-17-15

ORDINANCE NO.

AN ORDINANCE APPROVING THE PROPOSED PRELIMINARY SUBDIVISION APPLICATION FOR THE FIELDS AT SOUTHPOINTE.

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

SECTION 1: Council hereby finds that the Planning Commission held a public hearing on March 10, 2015, the purpose of which was to accept public comment on PC-2015-06 the proposed Preliminary Subdivision application for The Fields at Southpointe.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted to deny a motion recommending approval of the proposed Preliminary Subdivision application for the Fields at Southpointe.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and the applicant's application and all documents filed by the applicant and incorporates the same herein and hereby approves the application for the Preliminary Subdivision for The Fields at Southpointe.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW(STAFF)



*Where Creativity
Meets Functionality*

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

April 13, 2015

Mr. Sam Perry
Planner
City of Oxford
101 East High Street
Oxford, Ohio 45056

Re: The Fields at Southpointe
Preliminary Plat Re-Submittal

Dear Mr. Perry:

As a follow up to the City Council meeting of April 7, 2015, enclosed please find the following items:

- 1) Twenty (20) packets containing one copy of each of the following:
 - a. Revised Preliminary Plat.
 - b. Revised Site Analysis.
 - c. Revised Landscape Plan.
- 2) A CD containing an electronic copy of the above items.

In response to City Council's comments, the following revisions have been made to the Preliminary Plat:

- 1) The mid-block sidewalk from Street A to Southpointe Parkway has been re-aligned to create a more direct alignment.
- 2) Alley D has been eliminated.
- 3) The lots in the cul-de-sac of Street D have been reconfigured to keep the buildable areas of the lots out of the proposed conservation easement.
- 4) Lots 82 and 83 have been reconfigured to keep the buildable area of the lots out of the proposed conservation easement.

Per the Staff Report to Planning Commission dated March 10, 2015 and to City Council dated March 30, 2015, you had indicated a lack of complete information regarding Sensitive Development Areas, Section 1101.402(B)(1-8). The following is a list of each item and its relevance to the project:

- 1) Unique and/or fragile areas, including wetlands, as may be defined in Section 404 Federal Water Pollution Act, as amended and in Ohio Environmental Protection Agency Standards.
As indicated on the maps contained in the Phase 1 Environmental Site Assessment Report of Vacant Property in Oxford Ohio, Southpointe Parkway and Corporate Woods Lane, dated April 29, 2014 and submitted to staff on March 4, 2015, no wetlands are located within the project limits.
- 2) Land in the floodway as identified and mapped using the Federal Emergency Management Flood Hazard Boundary Maps. Federal Emergency Management Agency in scientific and engineering reports entitled "Flood Insurance Rate Maps for Butler County, Ohio and Incorporated areas effective 12/17/2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

318 South College Avenue
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

According to Panels 39017C0151E and 39017C0152E of the Flood Insurance Rate Maps, dated 12/17/2010, a small portion of the property, located in the north conservation easement is located within the FEMA mapped floodplain. Said area has been located on the Site Analysis Plan.

- 3) Steep slope (15%) percent or more, unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

All areas of slopes 15% or greater were shown as a dot hatched area on the Site Analysis Plan submitted on January 23, 2015. As indicated in our submittal letter of January 23, 2015, in order to minimize the impact to the existing topography and vegetation the homes to be constructed in these areas will be constructed with either walkout basements or extended foundations,

- 4) Habitats of endangered wildlife, as identified on federal and state lists.

The Phase 1 Environmental Site Assessment Report of Vacant Property in Oxford Ohio, Southpointe Parkway and Corporate Woods Lane, dated April 29, 2014 and submitted to staff on March 4, 2015, did not indicate the presence of endangered wildlife within the project limits.

- 5) Historically and culturally significant structures and sites as listed on, but not limited to, the National Register of Historical Places or on the local inventory of historic places maintained by the City of Oxford's Historic Architectural Preservation Commission.

The Phase 1 Environmental Site Assessment Report of Vacant Property in Oxford Ohio, Southpointe Parkway and Corporate Woods Lane, dated April 29, 2014 and submitted to staff on March 4, 2015, did not indicate the presence of historically or culturally significant structures and sites. Rather the Assessment indicates that according to historical resources reviewed, the subject property was used as agriculture lands as shown on a 1950 aerial photograph.

- 6) Aquifers and tributary drainage systems.

As indicated in the Phase 1 Environmental Site Assessment Report of Vacant Property in Oxford Ohio, Southpointe Parkway and Corporate Woods Lane, dated April 29, 2014 and submitted to staff on March 4, 2015, an ephemeral stream is located in the southern portion of the property. Said stream will be avoided or properly taken care of with the development of the property.

- 7) Tree growth or urban forested areas containing native mature trees.

As part of the field topographic survey, the location of areas of tree growth were located. Said areas were shown on the Site Analysis Plan submitted on January 23, 2015.

- 8) Any area as identified on Map 3.3 of the Comprehensive Plan.

The Comprehensive Plan was adopted in 2008. Based upon review of historic aerial photos, the outline of the natural areas depicted in the Comprehensive Report did not accurately reflect the vegetated areas of the site at that time. Per the attached aerial photo from 2006, only the northeastern portion along Corporate Woods Lane and the southwest corner of the development contained vegetation.

Lastly, Article VI B of the Development Agreement between the City of Oxford and 4-Leaf Development LLC, indicates that at the request of the City, 4-Leaf shall grant to Three Valley Conservation Trust, or another agreed upon eligible entity, a conservation easement over a portion of the property located at both the north and south ends of The Fields at Southpointe development. As aforementioned, the lots in the cul-de-sac of Street D and along the north side of Corporate Woods Lane have been reconfigured so that the proposed Conservation Easements will not be reduced from that shown in the Development Agreement and will not be contained within the buildable areas of the lots. It should be noted that the amount of Conservation Easement to be granted by this development will actually exceed the amount outlined in the Development Agreement. The revised limits of the Conservation Easement have been shown on the enclosed Site Analysis Plan.

Page 3
Mr. Sam Perry
The Fields at Southpointe
April 13, 2015

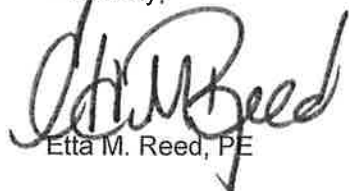
Since the conservation easements will be contained on lots owned by both the HOA and private individuals, Trinitas Development LLC proposes to include the following verbiage on the Record Plat for the protection of said easements:

The conservation easements shown on Lots XXX have been established to preserve existing trees. No living and healthy deciduous or evergreen trees located within this easement shall be removed without the approval of (agency holding the easement) and the City of Oxford. The owners of lots XXX ("Owners") may cut and remove any dead standing trees, fallen trees, diseased trees and undergrowth within the easement. The Owners shall not conduct or permit to be conducted any type of activity within the easement which will cause the existing trees to be harmed or killed, including but not limited to mass filling or removal or soil or the spraying of dangerous herbicides. The owner may supplement the exiting plants in the easement with additional trees or vegetation of a species native to the Oxford Ohio area.

Please forward the enclosed information and this letter to City Council for the April 21, 2015 meeting.

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

Sincerely,



Etta M. Reed, PE

Cc: Travis Vencel, Trinitas Development LLC
Jay Bennett

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

<http://www.bayerbecker.com>



Google earth

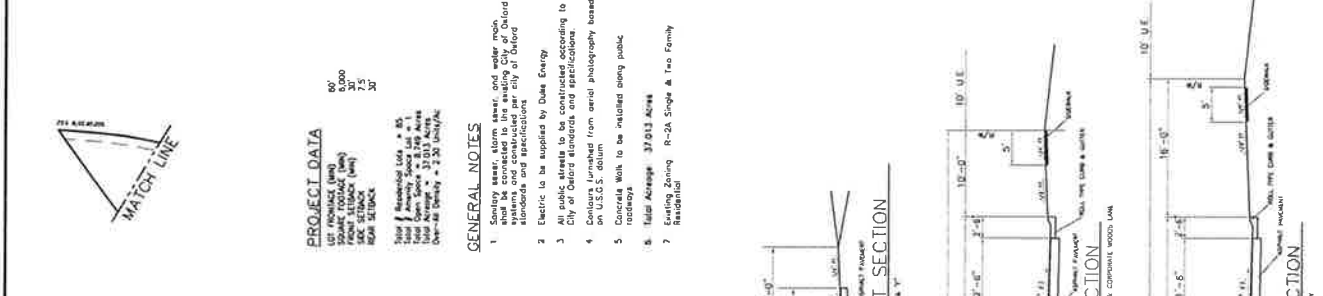
Image: USDA Farm Service Agency

Imagery Date: 7/26/2006 39°29'27.54" N 84°43'04.27" W elev. 838 ft eye alt. 5937 ft

1994
Tour Guide

A map of the study area in Oxford, Mississippi. The map shows the Mississippi River to the east, with a 'SITE' indicated by an arrow. The town of Oxford is labeled, and a road labeled '25' is shown. The map also includes labels for 'MISSISSIPPI RIVER', 'OXFORD', and '25'.

REVISÉ APRIL 13, 2015



	60'	0.00	30'	7.5'	30'
LOT FRONTAGE (min)					
SQUARE FOOTAGE (min)					
FRONT SETBACK (min)					
SIDE SETBACK					
REAR SETBACK					

Totals / Residential Lots = 85
Totals / Amenity Spots = 1
Totals / Open Space = 8,749 Acres
Totals / Acreage = 37,013 Acres
Overall Density = 2.50 Units/Ac

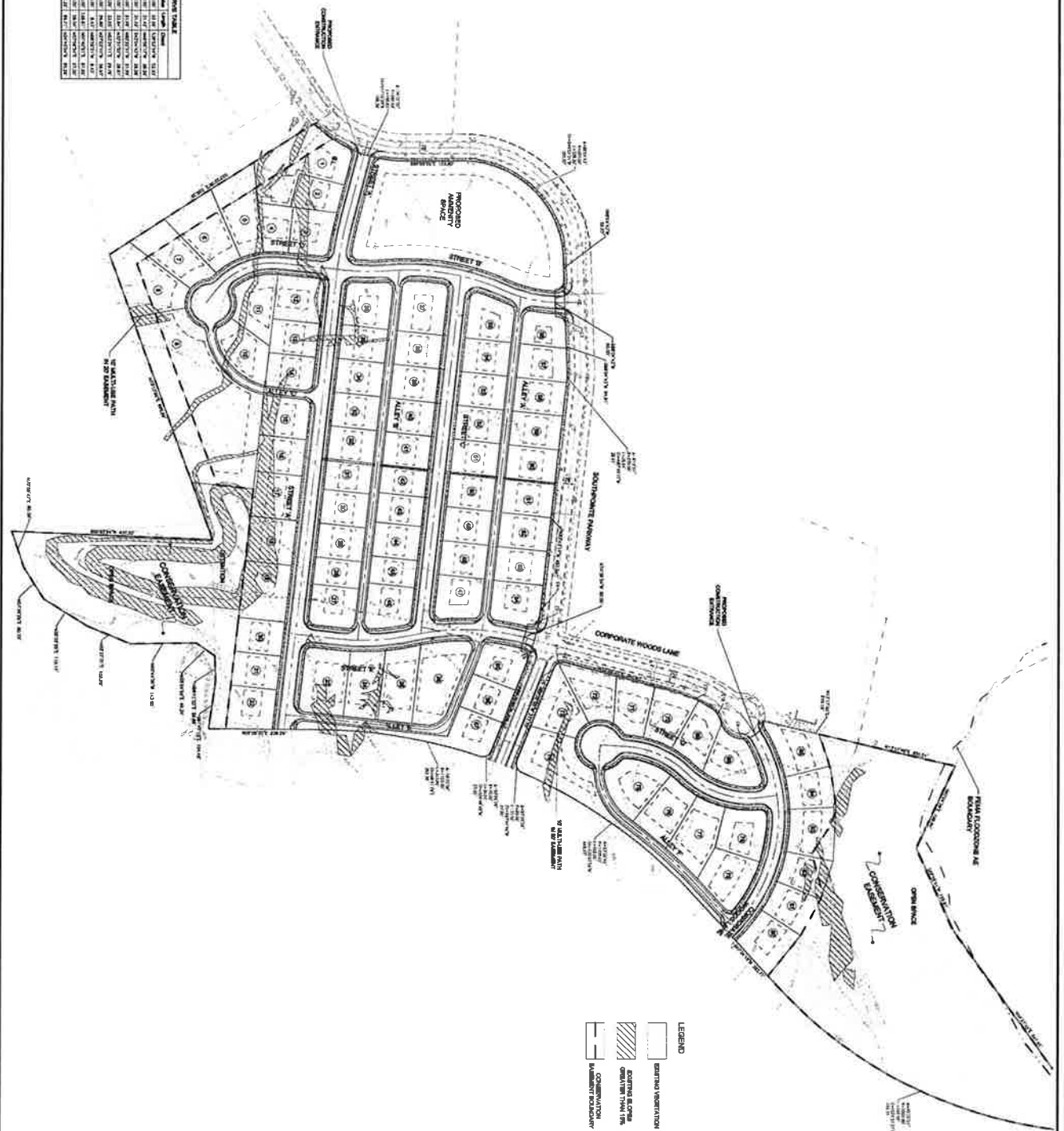
1. Sewerage sewer, storm sewer, and water pipes to be connected to the existing City of Oxford systems and constructed per city of Oxford standards and specifications
2. Electric to be supplied by Duke Energy
3. All public streets to be constructed according to City of Oxford standards and specifications.
4. Contours furnished from aerial photography based on U.S.G.S. datum
5. Concrete Walk to be installed along public roadway
6. **Total Average 37,013 Acres**
7. Existing Zoning R-2A Single & Two Family

ELLAY DEVELOPMENT LLC
145 W. SPENCER STREET
CHICAGO, ILLINOIS
312-524-0700

THE UNIVERSITY OF CHICAGO PRESS
530 N. Dearborn St., 2nd Floor
Chicago, IL 60610-5708
U.S.A. & CANADA
Tel: (773) 707-7000
Fax: (773) 707-0850

[illegible]

CUTTING TABLE				
Case	Date	Radius	Length	Chains
1	10/12/17	20.00	32.00	138.62 km
2	10/12/17	20.00	32.00	138.62 km
3	10/12/17	20.00	32.00	138.62 km
4	10/12/17	20.00	32.00	138.62 km
5	10/12/17	20.00	32.00	138.62 km
6	10/12/17	20.00	32.00	138.62 km
7	10/12/17	20.00	32.00	138.62 km
8	10/12/17	20.00	32.00	138.62 km
9	10/12/17	20.00	32.00	138.62 km
10	10/12/17	20.00	32.00	138.62 km
11	10/12/17	20.00	32.00	138.62 km
12	10/12/17	20.00	32.00	138.62 km
13	10/12/17	20.00	32.00	138.62 km
14	10/12/17	20.00	32.00	138.62 km
15	10/12/17	20.00	32.00	138.62 km
16	10/12/17	20.00	32.00	138.62 km
17	10/12/17	20.00	32.00	138.62 km
18	10/12/17	20.00	32.00	138.62 km
19	10/12/17	20.00	32.00	138.62 km
20	10/12/17	20.00	32.00	138.62 km
21	10/12/17	20.00	32.00	138.62 km
22	10/12/17	20.00	32.00	138.62 km
23	10/12/17	20.00	32.00	138.62 km
24	10/12/17	20.00	32.00	138.62 km
25	10/12/17	20.00	32.00	138.62 km
26	10/12/17	20.00	32.00	138.62 km
27	10/12/17	20.00	32.00	138.62 km
28	10/12/17	20.00	32.00	138.62 km
29	10/12/17	20.00	32.00	138.62 km
30	10/12/17	20.00	32.00	138.62 km
31	10/12/17	20.00	32.00	138.62 km
32	10/12/17	20.00	32.00	138.62 km
33	10/12/17	20.00	32.00	138.62 km
34	10/12/17	20.00	32.00	138.62 km
35	10/12/17	20.00	32.00	138.62 km
36	10/12/17	20.00	32.00	138.62 km
37	10/12/17	20.00	32.00	138.62 km
38	10/12/17	20.00	32.00	138.62 km
39	10/12/17	20.00	32.00	138.62 km
40	10/12/17	20.00	32.00	138.62 km
41	10/12/17	20.00	32.00	138.62 km
42	10/12/17	20.00	32.00	138.62 km
43	10/12/17	20.00	32.00	138.62 km
44	10/12/17	20.00	32.00	138.62 km
45	10/12/17	20.00	32.00	138.62 km
46	10/12/17	20.00	32.00	138.62 km
47	10/12/17	20.00	32.00	138.62 km
48	10/12/17	20.00	32.00	138.62 km
49	10/12/17	20.00	32.00	138.62 km
50	10/12/17	20.00	32.00	138.62 km
51	10/12/17	20.00	32.00	138.62 km
52	10/12/17	20.00	32.00	138.62 km
53	10/12/17	20.00	32.00	138.62 km
54	10/12/17	20.00	32.00	138.62 km
55	10/12/17	20.00	32.00	138.62 km
56	10/12/17	20.00	32.00	138.62 km
57	10/12/17	20.00	32.00	138.62 km
58	10/12/17	20.00	32.00	138.62 km
59	10/12/17	20.00	32.00	138.62 km
60	10/12/17	20.00	32.00	138.62 km
61	10/12/17	20.00	32.00	138.62 km
62	10/12/17	20.00	32.00	138.62 km
63	10/12/17	20.00	32.00	138.62 km
64	10/12/17	20.00	32.00	138.62 km



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 7, 2015

Sam Perry
Prepared By:

Account Code No. #:

Budgeted Amount:

March 30, 2015
Date Prepared:

PC-2015-06 PRELIMINARY SUBDIVISION The Fields at Southpointe, intersection of Southpointe Parkway and 27 South, Proposed residential subdivision consisting of 37.014 acres of land into 85 residential lots, **Trinitas Development, LLC, Applicant/Agent**

Recommendation by the Planning Commission: Denial

Discussion:

The subject property is 37 acres of R2A-zoned land fronting on Southpointe Parkway and Corporate Woods Lane. The property has been mostly vacant other than agricultural use. There are 86 lots proposed for development, one of which is proposed for amenities for the residents of the subdivision, such as a clubhouse, pool and recreational courts. Much of the natural areas have been previously cleared but significant remnants of natural areas remain at the north and south ends of the site.

The applicant and consulting engineer (Bayer Becker) followed the provisions of the subdivision code and participated in a concept review at the staff level. The determination was that a Preliminary Plat application should be submitted for Planning Commission review.

The Preliminary Plat stage is the first formal step in the subdivision process. It offers the opportunity for the Commission, Staff and Applicant to work together to identify any issues prior to the development team commencing with construction plans. Per City of Oxford Code Section 1101.201(A), the Planning Commission reviewed the plat and did not recommend approval to City Council. After a lengthy discussion, the following items were identified as outstanding items:

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

The Planning Commission voted 2-5-0 not recommending approval of the plat. City Council can discuss the outstanding items identified by the Planning Commission and categorize them based upon which ones can be addressed administratively and which ones may need additional information presented. If the plat is approved by City Council, the Preliminary Plat is valid for 3 years.

Approved By:

Department Head:
City Attorney:
City Manager:

Jack 4/2/15
DRE 4/2/15

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

<u>Report Date</u>	April 7, 2015
<u>Case Number</u>	PC-2015-06
<u>Applicant Information</u>	Trinitas Development, LLC 4-Leaf Development
<u>Requested Action</u>	Preliminary Subdivision The Fields at Southpointe
<u>Summary of Request</u>	To allow for a residential subdivision be developed upon 37.014 acres of land into 85 residential lots.
<u>Public Hearing Information</u>	On March 10, 2015 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on February 8, 2015. Courtesy notices were mailed to adjacent property owners on February 19, 2015.
<u>Commission Action</u>	The Planning Commission voted 2-5-0 recommending denial of the Preliminary Subdivision.
<u>Commission Findings and Conclusions</u>	The Planning Commission discussed at length this application. Several items were identified as outstanding issues.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated March 4, 2015 2. Interoffice Review Transmittal Sheets 3. Property Notification Map 4. Letter of Agency 5. Preliminary Subdivision Application Dated January 23, 2015 6. Supporting Documents from Applicant 7. Drawing

City of Oxford
Community Development Department
STAFF REVIEW & COMMENTS

Planning Commission

Case # PC-2015-06

Date – March 10, 2015

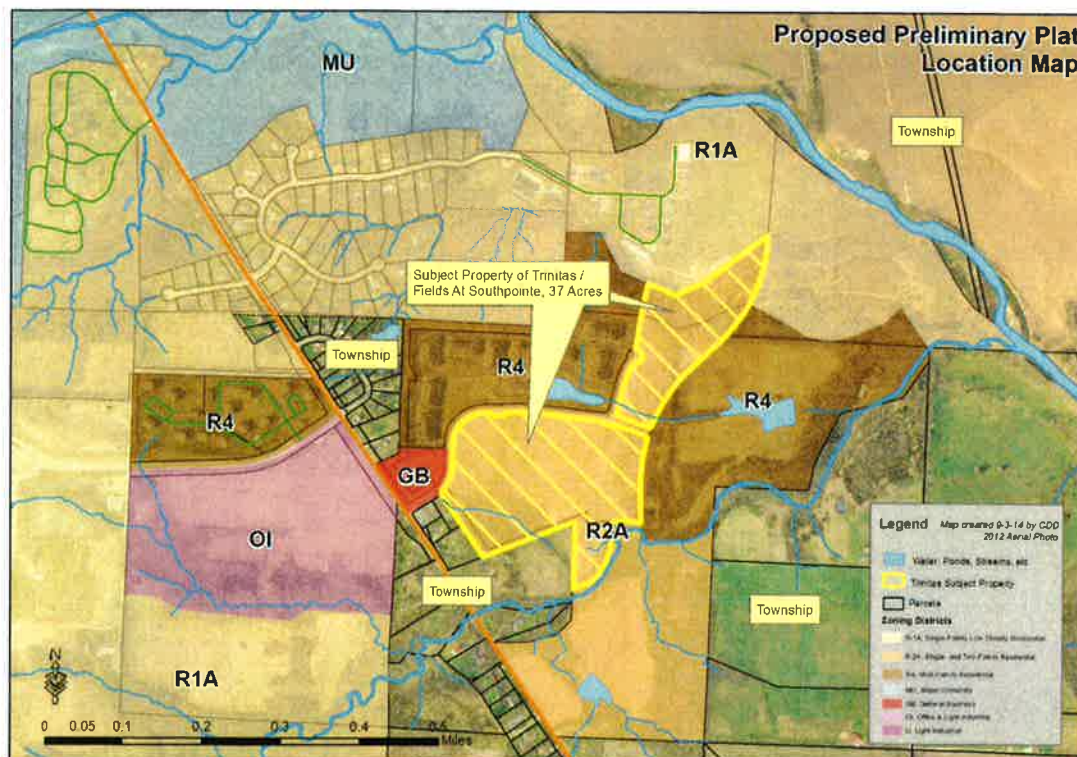
APPLICATION

Applicant: Trinitas Development LLC (Travis Vencel)
Location: Southpointe Parkway, Corporate Woods Lane
Owner: 4-Leaf Development

Action Request: **Recommendation to City Council for a Preliminary Plat of a Subdivision** (The Fields at Southpointe)
Current Zoning: R2A, Single and Two Family Residential
Current Use: Vacant Agricultural and Wooded Land
Surrounding Existing Land Uses: Multi-Family and Vacant

DESCRIPTION

The subject property is 37 acres of R2A-zoned land fronting on Southpointe Parkway and Corporate Woods Lane. The property has been mostly vacant other than agricultural use. There are 86 lots proposed for development, one of which is proposed for amenities for the residents of the subdivision, such as a clubhouse, pool and recreational courts. Much of the natural areas have been previously cleared but significant remnants of natural areas remain at the north and south ends of the site.



The applicant and consulting engineer (Bayer Becker) followed the provisions of the subdivision code and participated in a concept review at the staff level. The determination was that a Preliminary Plat application should be submitted for Planning Commission review.

The Preliminary Plat stage is the first formal step in the subdivision process. It offers the opportunity for the Commission, Staff and Applicant to work together to identify any issues prior to the development team commencing with construction plans. Per City of Oxford Code Section 1101.201(A), the Commission's role is to forward a recommendation of approval or disapproval to City Council. If approved by Council, the Preliminary Plat is valid for 3 years. No construction can occur until Final Plats are filed, approved and recorded.

COMMENT FORMS (Public Comments)

Some phone calls have been received about the proposed plat but no written public comments have been received in response to the public notice invitation.

SITE HISTORY

- A planned unit development was approved in 2004 by the Butler County Planning Commission
 - The subject property portion was labeled as a Business Planned Unit Development (B-PUD)
- A final Residential PUD, College Suites, 29 acres, was approved in 2005 for a portion of the area
 - "Level 27" Apartment buildings were built 2006-07
- The overall development (172 acres) was annexed/zoned into the City of Oxford in 2007
 - The zoning class for the subject property was set as "OI" in August 2007
- A condominium planned unit development was approved by the City of Oxford in 2007 on land east of the subject property.
 - Adjacent vacant portion currently zoned R-4 (re-labeled from R-3)
 - Did not move forward, therefore plan expired after 5 years per plan ordinance
- The subject property was rezoned from OI to R2A by Ordinance 3270 in April 2014
- A Planned Development was reviewed by the Planning Commission for this site in September and October 2014
- The Planned Development request was withdrawn from City Council agenda prior to 2nd reading

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	Returned with no comment.
Fire:	Returned with comment attached.
Engineering:	Returned with comment attached.
Econ. Dev.:	Returned with no comment.

SUBDIVISION CODE REVIEW

Section 1101.400 General Statement

In laying out a subdivision, the subdivider shall comply with the following design standards and requirements. The regulations contained herein, the Zoning Ordinance, Comprehensive Plan, Stormwater Drainage Plan, Water System Master Plan, and the City of Oxford Thoroughfare Plan shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help ensure

- convenient and safe streets;
- creation of useable lots;
- provision of space for public utilities;
- reservation of land for recreation uses;
- to minimize the impact on natural resources and the environment, and

- to ensure the planning of attractive, connected and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, unconnected, undirected, haphazard growth.

The Planning Commission has the responsibility for reviewing the layout of each future subdivision early in its design development. The development shall be laid out

- to minimize
 - the effect on ground water and aquifer recharge;
 - excavation and embankment;
 - unnecessary impervious cover;
- to provide adequate access to lots and sites; and
- to mitigate adverse effects of noise, odor, traffic, drainage, utilities and increased storm water runoff on neighboring properties.

1141.401 SUITABILITY OF LAND

If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water or sewer supply, slippage potential, unstable subsurface conditions due to poor soils or other reasons and other such conditions which may endanger health, life, safety, or property and, if by any public agencies concerned it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning Commission shall not approve the subdivision unless adequate methods for solving the problems are advanced by the subdivider. For major subdivisions a written statement may be required by the Planning Commission describing characteristics of the development site, such as bedrock geology and soils, topography, flood prone areas, existing vegetation, structures and road networks, visual features, and past and present use of the site.

1101.402 SENSITIVE DEVELOPMENT AREAS

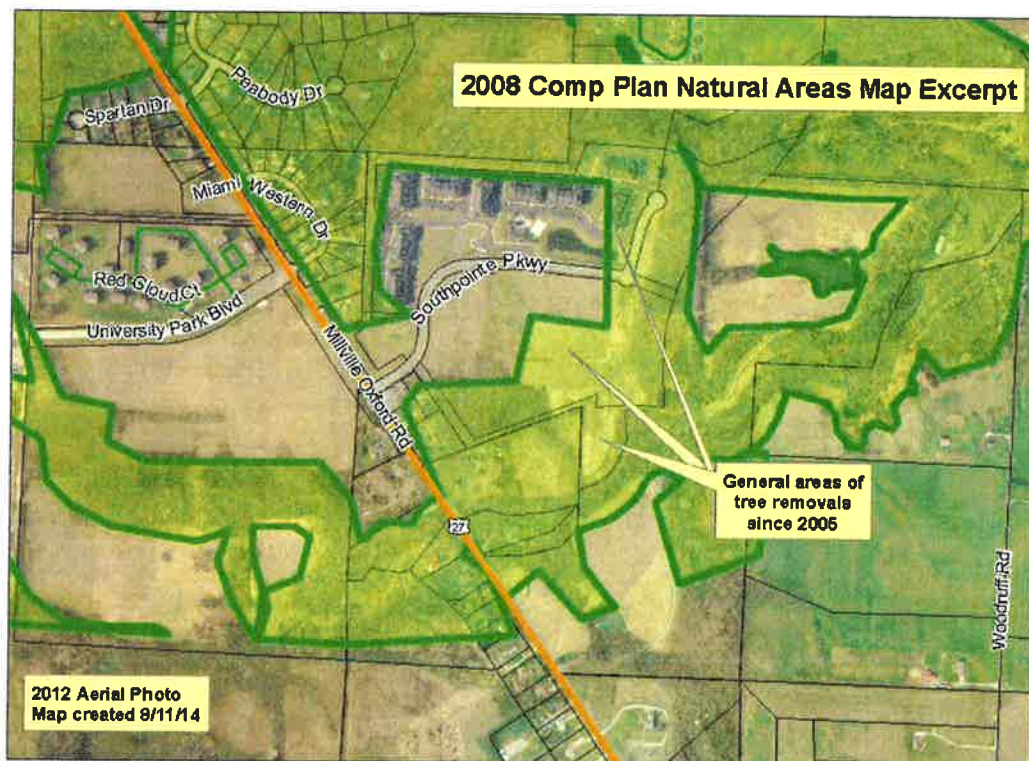
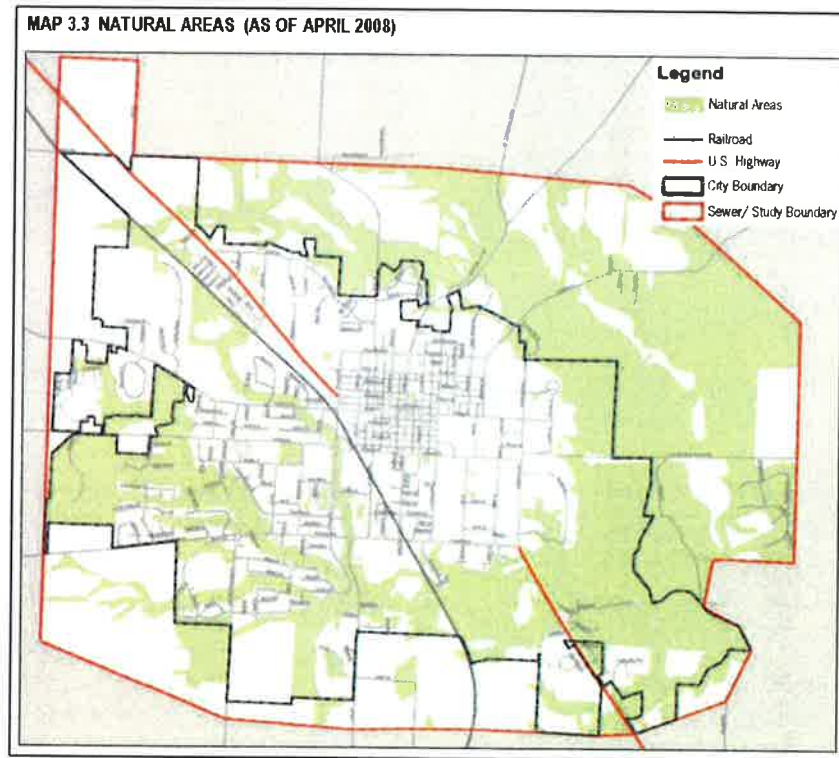
(B)“Design of the subdivision shall be based on a site analysis provided by the applicant. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features.”

Based upon the code section above, and the examples given in the code, below are some observations made about the proposed subdivision submittal. The applicant has submitted a 169 page Phase 1 Environmental Assessment report which covers some of these questions but focuses mainly upon environmental contamination research.

- (1) The Phase 1 Environmental report shows maps of state and national wetlands with none shown on the subject property.
- (2) Only a small portion of the northernmost open space lot is designated as a flood hazard area on the 2010 FEMA Flood Insurance Rate Map. No building lots are affected.
- (3) Steep slopes are identified on the plans by cross hatching. 26 of the proposed building lots are impacted by steep slopes. The letter from Bayer Becker states that those steep slopes will be addressed by using walk out basements or extended foundations. Detailed grading plans have not been developed.
- (4) No information has been submitted regarding any endangered species surveys of the subject property.
- (5) No information has been submitted regarding any historically and culturally significant structures or sites. The Phase 1 report indicates vacant land in recent history.
- (6) The Phase 1 report shows no aquifers on the subject property. There are existing ephemeral streams indicated in the report with photographs.
- (7) **Existing vegetation is shown on the plans. No detailed information has been submitted regarding a vegetation survey, however historical arials in the Phase 1 report indicate that the most mature vegetation is in the north segment of the site on lots 66-85. A survey of that area should be conducted to determine what mature vegetation should be**

conserved while still retaining some reasonable use of the land based upon the zoning designation. If some conservation is justified, a redesigned street layout of that area may be needed.

- (8) **Map 3.3 of the Comprehensive Plan is included below. Approximately 35 of the proposed building lots are impacted by the remaining natural areas shown on this map, lots 1-15 and 66-85.**



1101.403 TYPICAL SECTIONS

The typical street sections have been reviewed and commented on by the Engineering Division. The intent of the applicant is public rights of way dedication.

1101.404 STREETS

The street network has been reviewed and commented upon by the Engineering Division regarding parking demand and traffic flow. The proposed layout and connectivity generally follows the block grid design within the confines of the existing land configuration. Three potential future connections to adjacent land are provided along the east boundary of the property.

1101.405 PEDESTRIAN/MULTI-USE PATHS

Sidewalks are proposed on both sides of the proposed streets, per City of Oxford requirements. Multi-use paths are shown at the end of cul-de-sacs per Section 1101.405(B)(4). **The path between lots 8 and 9 may be challenging due to grade. At this time it does not connect to another public access.**

1101.406 INFRASTRUCTURE

Water, sewer and storm water utilities have been shown on the plans and reviewed by the Engineering Division. Water and sewer service is readily available to the property but grades will still need to be verified for gravity sewer. Street light plans have not been submitted.

1101.407 DRIVEWAYS

Details for driveway locations have not yet been decided which is typical of the Preliminary Plat stage of development review. The applicant's engineer has confirmed that the driveways will comply with the maximum grade limit of 8%.

The applicant's engineer has classified Southpointe Parkway as a Minor Collector which allows driveway curb cuts. If the road were to eventually continue for future development and urban growth beyond the property, the road classification could change to Major Collector, which does not permit driveway curb cuts. If it is a concern of the City, the detailed lot layouts for lots 56-67 could be discussed further before plat approvals.

1101.408 BLOCKS

The plans meet the block dimensional requirements. The applicant has shown a public walkway through the east-west blocks that are over 600 feet in length. The City may require the walkway. **If it is required, more direct alignment between lots 31-32 and 41-42 should be required as the walkway transitions across Street 'C'.**

1101.409 LOTS

The lots meet the arrangement and design requirements of the code and the R2A zoning district. The corner lots could be reduced in size as the front yard setback requirement is not required along the alley. Some lots are unusual shape due to the existing land boundary configuration and buffering of alleys D, E and F. **The maintenance of those narrow strips of land will need to be clarified as the development moves forward because it would be an atypical portion of lot for upkeep.**

1101.410 LANDSCAPE PLAN

The tree planting plan has been submitted and has been reviewed by the Service Department Environmental Specialist. The Fire Chief has commented about the tree spacing.

1101.411 MAINTENANCE OF THE IMPROVEMENTS

City of Oxford Code requires that there be a maintenance plan for the common areas such as parks areas for the subdivision residents and drainage systems. **The plan should contain the necessary deed restrictions and requirements for financial support of the maintenance of the common areas.**

1101.412 DEED RESTRICTIONS AND COVENANTS

“Deed restrictions or covenants running with the land may be included to provide for the creation of a Home Owner's Association, Condominium Association, or Board of Trustees in which individual owners share common responsibilities for the cost and upkeep of common open space, private driveways or streets, park areas, sewage treatment plants, water systems, drainage facilities or other facilities and the enforcement of the covenants and restrictions relating to the development. Any restrictions or easements; declaration of covenants, bylaws of a Home Owner's Association and its incorporation; Declaration of Condominium Ownership or other covenants, if any, shall be reviewed and approved by the City of Oxford Law Director and shall be recorded with the Record Plat. Enforcement of said Restrictions and Covenants is not the responsibility of the City.”

PREVIOUSLY DETERMINED REQUIREMENTS

The Butler County Planned Unit Development (PUD) Resolutions as well as the 2006 Development Agreement between 4Leaf Development and the City of Oxford prescribed several responsibilities upon both parties. Those previous agreements run with the land and should be reviewed and updated each time a development within those lands is reviewed. This will ensure that any remaining responsibilities are not left uncompleted when the last parcel holder seeks development approval.

One previous requirement that is altered by this plan is the boundaries of the open space lots. The lot lines are being altered along lots 7-9 and 81-83. This reduces the width of the open space to benefit the lot arrangement for more buildable area. The amount of acreage of open space is increasing, but the width is decreasing in key areas along steep slopes and remnant natural areas. This may be feasible with a more detailed description or survey by an environmental specialist. However, the spirit and intent of the original open space area should be preserved. **If the boundaries of the open space are allowed to be altered, the development agreement should also be updated to reflect any new supporting information.**

The 2006 Agreement also indicated that a traffic signal would be installed at Southpointe Parkway, which has not been done. Some justification for the lack of a signal should be forwarded to the City for review. **If the traffic signal is not required to be installed, the development agreement should be updated to reflect any new supporting information.**

The PUD Resolutions and Development Agreement prescribe the subject property as Business PUD, i.e. an office park. Since the subject property has been rezoned to residential, the overall allowable dwelling unit density should be updated to reflect the recent zoning decisions and long range plan for the remaining vacant land.

Planning staff is not aware of the status of the other requirements and conditions of the previous agreements.

CONCLUSION

The proposed preliminary plat is consistent with the requirements of City of Oxford Section 1101.400 with the exception of the items bolded above, for additional review and discussion between the applicant and the Planning Commission.

RECOMMENDATION

Staff recommends that the Planning Commission discuss and determine a resolution to the bolded items above prior to forwarding a recommendation to the City Council. Alternatively, the Commission could forward a recommendation with conditions of approval. However any significant changes in the proposed layout should be reviewed again by the Planning Commission. Staff has discussed many of these items with the applicant in advance to prepare for the discussion.

SUBMITTED BY:



Sam Perry, AICP
Planner

DATE: March 4, 2015

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 9, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-06 PRELIMINARY SUBDIVISION The Fields at Southpointe, intersection of Southpointe Parkway and 27 South, Proposed residential subdivision consisting of 37.014 acres of land into 85 residential lots, **Trinitas Development, LLC, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **3/2/2015** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

Tree spacing seems very dense and could likely hamper firefighting operations.

Drawings reviewed by:


John Detherage
PRINTED NAME

Date: 2-19-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 9, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-06 PRELIMINARY SUBDIVISION The Fields at Southpointe, intersection of Southpointe Parkway and 27 South, Proposed residential subdivision consisting of 37.014 acres of land into 85 residential lots, **Trinitas Development, LLC, Applicant/Agent**

 X Review Revisions Other

Please return no later than: 3/2/2015 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 3/2/15

Drawings reviewed by: *Scott Otto* Date: 3/2/15

Scott Otto
PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Scott Otto, P.E.
Engineering Division

RE: PC-2015-06
Preliminary Subdivision

DATE: March 2, 2015

The following are our comments;

- The potential density of the development could result in a significant amount of on-street parking. The proposed roadway width shown in the Typical Section for streets "A", "B", "C", "D", "E", "G", and Corporate Woods Lane will not allow for opposing two-way traffic if parking is allowed and present on both sides of the street.
- The City of Oxford Standard Drawing #3, Local Road Typical Section, has a 60' right-of-way width option also. This option would provide more roadway width for parking on both sides of the street and opposing two-way traffic. 12' wide vehicular travel lanes are ideal.
- Existing utilities within the proposed subdivision will need to be relocated or removed as needed to avoid proposed construction.
- Existing utility and drainage easements will need to be revised to meet proposed utility and drainage construction.
- Existing utilities that will interfere with proposed structures are to be removed, and not abandoned in place.

- The review and acceptance of proposed utilities will be completed upon submission and approval of construction drawings. Feasibility of gravity flow sanitary sewer shall be verified.

If there are questions, please contact the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 9, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

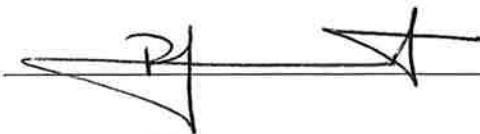
PC-2015-06 PRELIMINARY SUBDIVISION The Fields at Southpointe, intersection of Southpointe Parkway and 27 South, Proposed residential subdivision consisting of 37.014 acres of land into 85 residential lots, **Trinitas Development, LLC, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **3/2/2015** 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:



Date: 3/2/2015

ROBERT B. HOLZWORTH
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 9, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

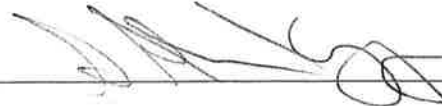
From: Community Development Department

PC-2015-06 PRELIMINARY SUBDIVISION The Fields at Southpointe, intersection of Southpointe Parkway and 27 South, Proposed residential subdivision consisting of 37.014 acres of land into 85 residential lots, **Trinitas Development, LLC, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **3/2/2015** 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: 

Date: FEB 26-15

G. Alan Kych
PRINTED NAME



PC-2015-06 Surrounding Property Owners Map

Legend



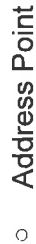
Subject Area



200 Ft. Buffer



Oxford Corporation Limit



Address Point



Parcel



Building Footprint



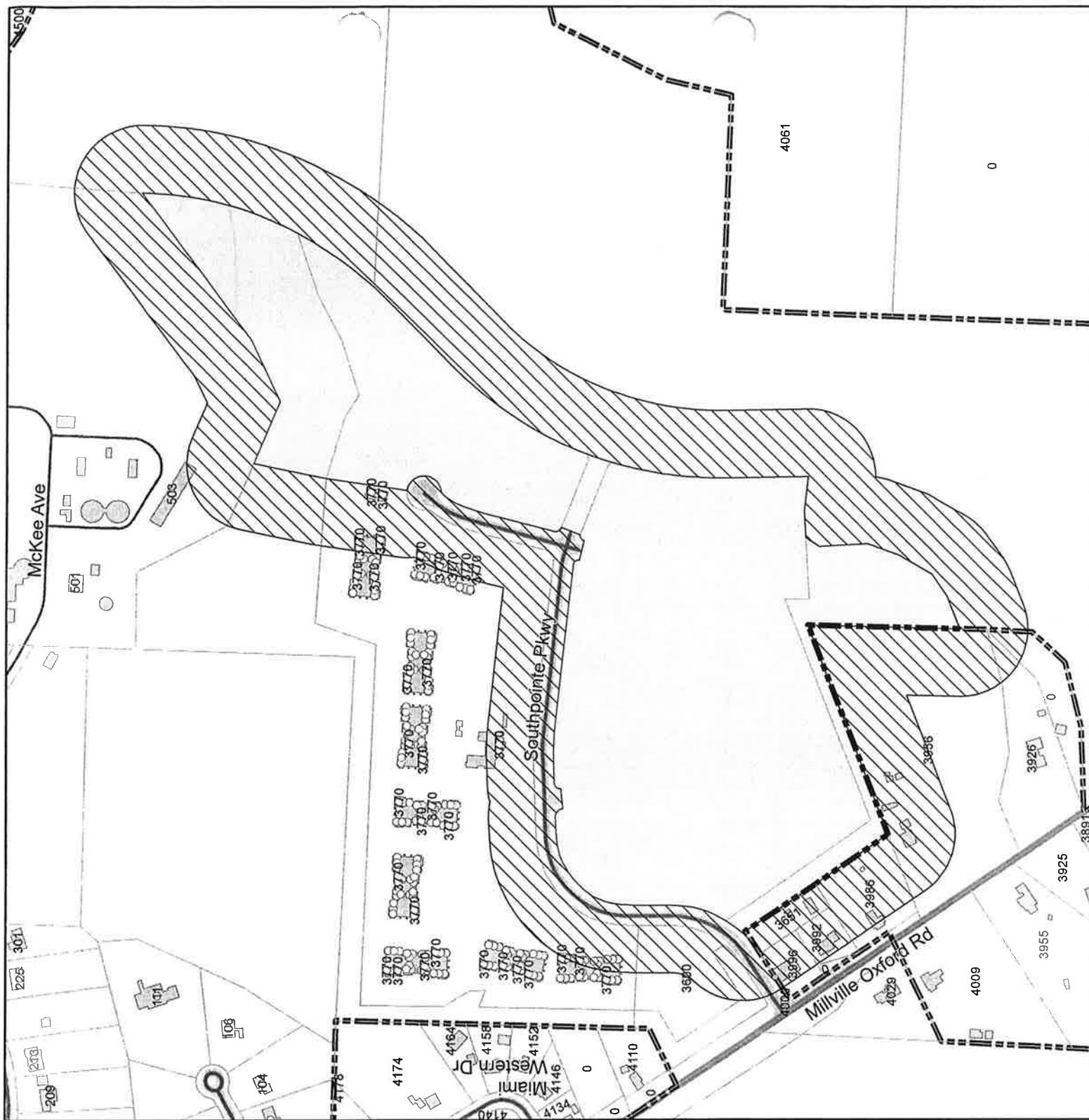
Paved Roadway



1 inch = 400 feet

Prepared on Thursday, February 19, 2015

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



4-Leaf Development, LLC
125 West Spring Street --- Oxford, OH 45056
(513) 524-9500 / FAX (513) 523-9415

January 2, 2015

To Whom it may Concern:

Please be advised that Trinitas Development LLC has our permission to submit applications for the approval of a Residential Subdivision on Lots 3710, 3712, 3714 and 3715 within the Southpointe Crossings development.

Should you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "James M. Clawson".

James M. Clawson
4-Leaf Development, LLC



Internal Use Only:

Case No.

Date Filed

PC-2015-06

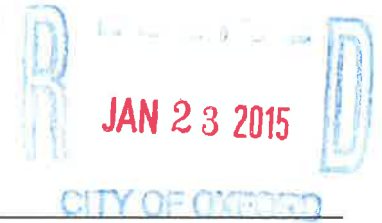
1/23/15

Preliminary Subdivision Application

Applicant Information

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

Name * Trinitas Development LLC
Mailing Address * 201 Main Street, Suite 1000
City, State & Zip Code * Lafayette, IN 47901
Telephone Number(s) * 765-464-2800
Email Address dvanmatre@trinitas.ventures



Engineer/Surveyor Information

Name * Bayer Becker
Mailing Address * 318 South College Avenue
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number(s) * 513-523-4270
Email Address EttaReed@BayerBecker.com

Location and Lot Information

Location of Property * Parcels H4100-109-000-010, H4100-000-002, 004, 005
Legal Description * Entire Lot #3710, 3712, 3714 and 3715
Zoning District * R-2A Proposed Lots * 85 Total Area * 37.013 Acres

Requirements and Documentation

Plat

Twenty (20) copies of the plat on bond. Drawing size must be at least 17x22" and should never exceed 24x36." The plat must be prepared in accordance with Chapter 1101, Subdivision Regulations and Chapters 1121-1137, Zoning Code of the City of Oxford¹. Scale should not exceed 1" = 100.' Plats containing less than three lots are exempted from the provisions of this section. The preliminary plat shall show:

No.	Required Item Description	Have	Need
1	20 sets (17" x 22" minimum)	☒	☐
2	Electronic version of all documentation submitted (PDF preferred)	☒	☐
3	Digital copy in Auto CAD format submitted on a CD. Shall utilize the NAD-83 Ohio South State Plane Coordinate System for horizontal control and the NAVD-1988 for vertical control. All subdivision boundary corners shall also be tied to the NAD-83 Ohio South State Plane Coordinate System and labeled with a north-south and easting, as well as centerline intersections, temporary turn-around center points and easement centerline that does not follow a lot line.	☒	☐
4	The name, mailing address, and telephone number of the applicant and owner.	☒	☐

No.	Required Item Description	Have	Need
5	Letter of Agency. (A statement from the owner that the applicant is entitled to apply on his or her behalf.)	☒	☐
6	Attach a written, detailed description of the request.	☒	☐
7	Metes and bounds description of the property (Legal Description).	☒	☐
8	Vicinity Map	☒	☐
9	The zoning district in which the site is located.	☒	☐
10	Required Fee.	☒	☐
11	Number of proposed lots.	☒	☐
12	Preliminary Plat shall show the following:		
12	A. The location of present property and section lines, streets, buildings, lakes and watercourses.	☒	☐
12	B. Boundary lines, size and tract of whole site and each individual lot in square feet and/or acres.	☒	☐
12	C. Any existing water mains, culverts, sewer lines, railroads, easements, parks, permanent buildings, power poles, other underground structures and streets within the tract or immediately adjacent thereto, including the location, dimension and size of the nearest water main and sewer line.	☒	☐
12	D. The proposed location and width of streets, alleys, lots, parking areas, pedestrian walks, ingress/egress, setback lines and easements.	☒	☐
12	E. The title under which the proposed subdivision is to be recorded and the name of the subdivider and owner if other than the subdivider platting the tract.	☒	☐
12	F. The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels including mailing addresses and parcel numbers within 200 feet of the site.	☒	☐
12	G. North point, scale and date.	☒	☐
12	H. Existing contours with intervals of five feet or less referred to U.S.G.S. datum and obtained from a field survey.	☒	☐
12	I. The seal, registry number and signature of the registered surveyor and professional engineer who prepared the plat.	☒	☐
12	J. The plan should evaluate existing watercourses, channels, storm sewers, culverts and proposed improvements pertaining to drainage and flood control in regard to their ability to handle the anticipated greater volume of run-off and peak flows.	☒	☐
12	K. Any existing building(s) to remain or to be razed. N/A	☐	☐
12	L. Location of any wooded areas, topographic and natural features that are within and adjacent to the proposed project area to be preserved.	☒	☐
12	M. If and how the proposed subdivision will be subdivided in Phases.	☒	☐
12	N. Site Analysis as stipulated in Section 402(b).	☒	☐
12	O. Landscaping Plan	☒	☐
12	P. Building Concepts, as applicable.	☒	☐
12	R. Any other information that may be necessary as determined by Staff.	☐	☐

Surrounding Property Owners

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

Fees & Receipt

The required fee for preliminary plan is \$400.00 plus \$10.00 per lot, plus postage charge.

To calculate the postage charge, multiply the number of adjoining properties by current postage rate³ (e.g. \$0.46).

Sign and Date

Applicant Signature *

Date *



 1-23-15

Submit Application, Plans and Documentation, and Fees

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

Send or drop off this application with required copies of the preliminary plans containing all required information as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

1/23/15

Receipt Number *

27745

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

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

³ The United States Postal Service: <http://www.usps.com/>

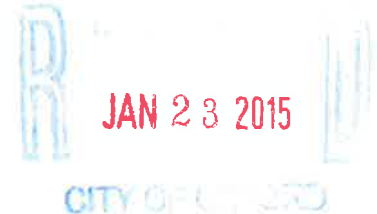


*Where Creativity
Meets Functionality*

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

January 23, 2015

Mr. Sam Perry
Planner
City of Oxford
101 East High Street
Oxford, Ohio 45056



Re: The Fields at Southpointe
Preliminary Plat Submittal

Dear Mr. Perry:

Trinitas Development LLC is interested in developing lots 3710, 3712, 3714 and 3715 of the Southpointe Crossings development as a Residential Subdivision in accordance with the regulations of the City of Oxford. The aforementioned lots are zoned R-2A (Single and Two-Family Residential) which allows for the development of single and two-family residential units. The Fields at Southpointe Subdivision is proposed to contain 85 residential lots to be developed along public dedicated streets and alleys. Furthermore, the development will include the extension of public sanitary sewer, storm sewer and water mains to serve the subdivision.

Amenities will be provided in a lot on the western end of the development, labeled "Amenity Space" on the enclosed Preliminary Plat. The exact amenities to be constructed have yet to be defined, however potential items include a clubhouse, swimming pool, volley ball court and basketball courts.

The residential development at The Fields at Southpointe will consist of a mix of single and duplex cottage units designed in the craftsman style. The exterior materials of the cottages include painted cementitious board siding in a variety of colors and white accent trim, along with dual-glazed vinyl windows and sliding glass doors. Entry doors will be painted with accent colors. The gabled roofs are covered with composition shingles and the lower accent roofs are metal standing seam. The cottages also feature covered private patio areas.

The existing topography of the development south of Southpointe Parkway, slopes from the west to the east/southeast. The proposed streets have been aligned to run perpendicular to the grade so to minimize the amount of grading needed to create the lots for development. In order to accommodate the grade difference from the front to the rear of several of the lots along the south side of Street A, residential buildings with walkout basements or extended foundations will be utilized.

The property located on the north side of Southpointe Parkway drains both to the north and south. Again, the proposed streets have been laid out to run perpendicular to the slope so to minimize the amount of grading that will be necessary. Several of the lots on the north side of Corporate Woods Lane may be constructed with either walkout basements or extended foundations, in order to minimize the impact to the existing topography and vegetation.

Article VI B of the Development Agreement between the City of Oxford and 4-Leaf Development LLC, indicates that at the request of the City, 4-Leaf shall grant to Three Valley Conservation Trust, or another agreed upon eligible entity, a conservation easement over a portion of the property located at both the north and south ends of The Fields at Southpointe development. Trinitas Development LLC will work with City staff to dedicate a conservation easement, as shown on the Site Analysis, over the undisturbed areas at the north and south ends of the development.

6900 Tylersville Road, Suite A
Mason, OH 45040
513-336-6600

318 South College Avenue
Oxford, OH 45056
513-523-4270

1404 Race Street, Suite 204
Cincinnati, OH 45202
513-834-6151

209 Grandview Drive
Fort Mitchell, KY 41017
859-261-1113

<http://www.bayerbecker.com>

Page 2
Mr. Sam Perry
The Fields at Southpointe
January 23, 2015

Enclosed please find the following items in support of Trinitas Development LLC's request for approval of the Preliminary Plat for The Fields at Southpointe residential subdivision:

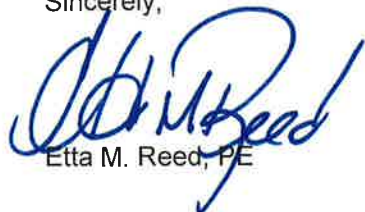
- 1) Twenty (20) packets containing one copy of each of the following:
 - a. Executed Preliminary Plat Application.
 - b. An Affidavit from 4 Leaf Development LLC granting Trinitas Development LLC permission to submit applications for the approval of a Residential Subdivision.
 - c. Preliminary Plat.
 - d. Metes and bounds legal description of the property.
 - e. Site Analysis.
 - f. Landscape Plan.
 - g. List of all property owners within 200 feet of the subject parcel.
- 2) A CD containing an electronic copy of the above items.
- 3) A check in the amount of \$1,254.41 made payable to *City of Oxford* to cover the review and application fee.
- 4) Applicant:
Trinitas Development LLC
201 Main Street, Suite 1000
Lafayette, IN 47901
765-464-2800

Owner:
4 Leaf Development LLC
125 W. Spring Street
Oxford, OH 45056
513-524-9500
- 5) Design Professionals:
 - a. Architect:
KJG Architecture, Inc.
527 Sagamore Pkwy. W, Suite 101,
West Lafayette, IN 47906
765-497-4598
 - b. Engineer, Surveyor & Landscape Architect:
Bayer Becker
318 S. College Ave
Oxford, OH 45056
513-336-6600

Please place this item on the March 10th Planning Commission Agenda.

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

Sincerely,



Etta M. Reed, PE

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

<http://www.bayerbecker.com>

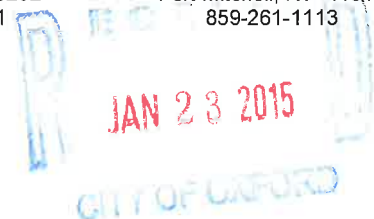
Date: July 23, 2014
Description: Southpointe Crossings, Section One
Lots #3710 & #3712
Location: City of Oxford
Butler County, Ohio



Situated in the City of Oxford, Butler County, Ohio, being all of Lot #3710 and Lot #3712 of Southpointe Crossing, Section One as recorded in Plat Book 4020, Pages A & B of the Butler County Recorder's Office and being further described as follows:

Beginning found steel fence post at northeast corner of said Lot #3710 and being the **True Point of Beginning**:

thence, with the easterly boundary of said Southpointe Crossings, Section One for the following four courses: South 02° 08' 25" West, 5.02 feet;
thence, with a curve to the right, having a central angle of 45° 25' 51", a radius of 1000.00 feet, an arc length of 792.92 feet and a chord bearing and distance of, South 24° 51' 21" West, 772.31 feet;
thence, South 47° 34' 16" West, 282.77 feet;
thence, with a curve to the left, having a central angle of 23° 32' 45", a radius of 1100.00 feet, an arc length of 452.05 feet and a chord bearing and distance of, South 35° 47' 54" West, 448.87 feet to the northerly right of way of Southpointe Parkway;
thence, leaving said easterly boundary of Southpointe Crossings, Section One and with said northerly right of way of Southpointe Parkway, with a curve to the right, having a central angle of 87° 26' 29", a radius of 20.00 feet, an arc length of 30.52 feet, and a chord bearing and distance of, South 67° 44' 46" West, 27.65 feet to the northerly right of way of Southpointe Parkway;
thence, with said northerly right of way of Southpointe Parkway, North 68° 32' 00" West, 211.10 feet;
thence, with a curve to the left, having a central angle of 00° 54' 42", a radius of 530.00 feet, an arc length of 8.43 feet and a chord bearing and distance of, North 68° 59' 21" West, 8.43 feet to the easterly right of way of Corporate Woods Lane;
thence, with said easterly right of way of Corporation Woods Lane for the following five courses: with a curve to the right, having a central angle of 84° 47' 03", a radius of 20.00 feet, an arc length of 29.60 feet and a chord bearing and distance of, North 27° 03' 10" West, 26.97 feet;
thence, North 15° 20' 21" East, 241.92 feet;
thence, with a curve to the right, having a central angle of 18° 49' 25", a radius of 291.32 feet, an arc length of 95.71 feet and a chord bearing and distance of, North 24° 45' 04" East, 95.28 feet;
thence, with a curve to the right, having a central angle of 45° 54' 16", a radius of 35.00 feet, an arc length of 28.04 feet and a chord bearing and distance of, North 57° 06' 54" East, 27.30 feet;



thence, with a curve to the left, having a central angle of $156^{\circ} 46' 22''$, a radius of 50.00 feet, an arc length of 136.81 feet, and a chord bearing and distance of, North $01^{\circ} 40' 51''$ East, 97.95 feet to the easterly line of Lot #3711 of said Southpointe Crossings, Section One;

thence, leaving said right of way of Corporate Woods Lane and with said easterly line of Lot #3711, North $13^{\circ} 17' 40''$ East, 430.67 feet to the northeast corner of Lot #3709 of said Southpointe Crossings, Section One, being the northerly boundary of said Southpointe Crossings, Section One and the southerly line of Lot #2022 of said City of Oxford;

thence, with said northerly boundary of Southpointe Crossings, Section One and the southerly line of said Lot #2022 for the following three courses: South $65^{\circ} 04' 39''$ East, 199.80 feet;

thence, North $66^{\circ} 05' 41''$ East, 199.87 feet;

thence, North $54^{\circ} 27' 42''$ East, 547.65 feet to the **True Point of Beginning** containing 11.883 acres of land more or less of which 5.093 acres are in Lot #3710 and 6.790 acres are in Lot #3712 and being subject to all easements, legal highways, restrictions and agreements of record.

Date: July 23, 2014
Description: Southpointe Crossings, Section One
Lots #3714 & #3715
Location: City of Oxford
Butler County, Ohio



Situated in the City of Oxford, Butler County, Ohio, being all of Lot #3714 and Lot #3715 of Southpointe Crossing, Section One as recorded in Plat Book 4020, Pages A & B of the Butler County Recorder's Office and being further described as follows:

Beginning at a found concrete monument at the southwest corner of said Lot #3715 and being the southeast corner of Edwards Subdivision as recorded in Plat Envelope 318, Page B, being on the westerly corporation line of the City of Oxford and being the **True Point of Beginning**;

thence, with the easterly boundary of said Edwards Subdivision and said westerly corporation line of the City of Oxford, North 33° 20' 39" West, 528.35 feet to the southerly right of way of Southpointe Parkway;

thence, leaving said easterly boundary of said Edwards Subdivision and said westerly corporation line of the City of Oxford and with and through said southerly right of way of Southpointe Parkway for the following nine courses: with a curve to the left, having a central angle of 45° 14' 55", a radius of 280.00 feet, an arc length of 221.13 feet, and a chord bearing and distance of, North 22° 37' 27" East, 215.42 feet;

thence, North 00° 00' 00" East, 123.60 feet;

thence, with a curve to the right, having a central angle of 88° 04' 43", a radius of 220.00 feet, an arc length of 338.20 feet and a chord bearing and distance of, North 44° 02' 21" East, 305.87 feet;

thence, North 88° 04' 43" East, 52.07 feet;

thence, with a curve to the right, having a central angle of 90° 00' 00", a radius of 20.00 feet, an arc length of 31.42 feet and a chord bearing and distance of South 46° 55' 17" East, 28.28 feet;

thence, North 88° 04' 43" East, 60.00 feet;

thence, with a curve to the right, having a central angle of 90° 00' 00", a radius of 20.00 feet, an arc length of 31.42 feet and a chord bearing and distance of North 43° 04' 43" East, 28.28 feet;

thence, North 88° 04' 43" East, 94.91 feet;

thence, with a curve to the right, having a central angle of 08° 12' 01", a radius of 270.00 feet, an arc length of 38.64 feet and a chord bearing and distance of South 87° 49' 17" East, 38.61 feet;

thence, South 83° 43' 17" East, 491.06 feet;

JAN 23 2015

CITY OF OXFORD

thence, with a compound curve to the right, having a central angle of $02^{\circ} 40' 52''$, a radius of 470.00 feet, an arc length of 21.99 feet and a chord bearing and distance of South $82^{\circ} 22' 51''$ East, 21.99 feet;

thence, with a curve to the right, having a central angle of $96^{\circ} 22' 46''$, a radius of 20.00 feet, an arc length of 33.64 feet and a chord bearing and distance of South $32^{\circ} 51' 02''$ East, 29.81 feet;

thence, South $74^{\circ} 39' 53''$ East, 60.00 feet;

thence, with a curve to the right, having a central angle of $96^{\circ} 07' 39''$, a radius of 20.00 feet, an arc length of 33.55 feet and a chord bearing and distance of South $63^{\circ} 24' 11''$ East, 29.76 feet;

thence, South $68^{\circ} 32' 00''$ East, 209.12 feet;

thence, with a curve to the right, having a central angle of $87^{\circ} 26' 29''$, a radius of 20.00 feet, an arc length of 30.52 feet, and a chord bearing and distance of, South $24^{\circ} 48' 46''$ East, 27.65 feet; to the easterly boundary of said Southpointe Crossing, Section One;

thence, leaving said southerly right of way of Southpointe Parkway and with said easterly boundary of Southpointe Crossing, Section One for the following ten courses: with a curve to the left, having a central angle of $18^{\circ} 25' 58''$, a radius of 1100.00 feet, an arc length of 353.89 feet, and a chord bearing and distance of South $09^{\circ} 41' 29''$ West, 352.36 feet;

thence, South $00^{\circ} 28' 30''$ West, 238.26 feet;

thence, North $81^{\circ} 47' 13''$ West, 104.46 feet;

thence, South $88^{\circ} 11' 02''$ West, 56.88 feet;

thence, South $35^{\circ} 24' 04''$ West, 49.34 feet;

thence, South $00^{\circ} 44' 30''$ East, 143.90 feet;

thence, South $22^{\circ} 37' 31''$ West, 102.20 feet;

thence, South $32^{\circ} 22' 25''$ West, 110.14 feet;

thence, South $57^{\circ} 36' 25''$ West, 80.70 feet;

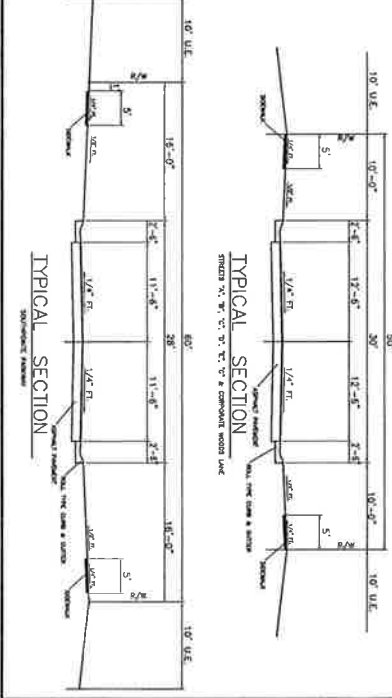
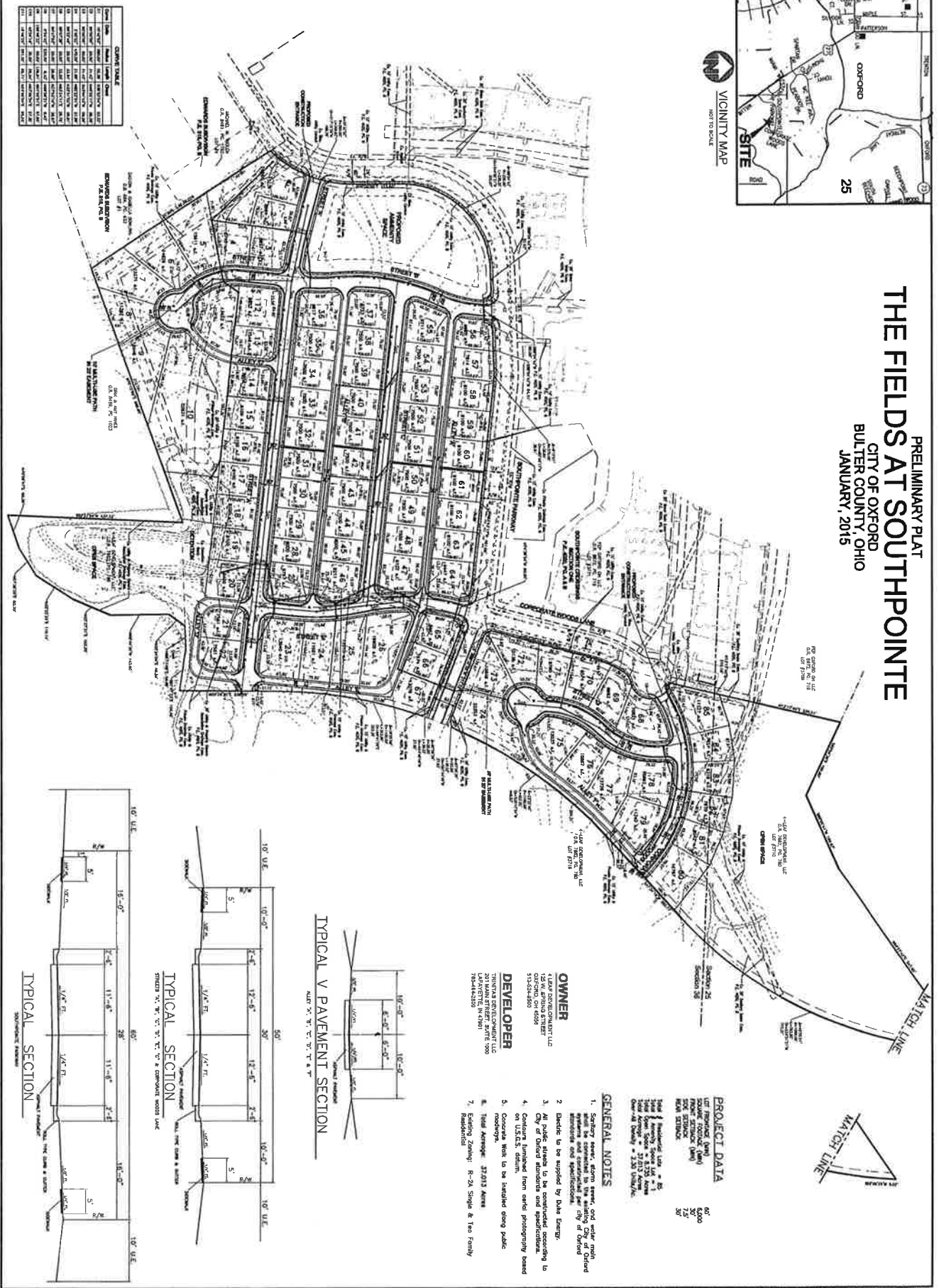
thence, South $70^{\circ} 59' 47''$ West, 85.38 feet to said westerly corporation line of the City of Oxford, being the westerly boundary of said Southpointe Crossings, Section One;

thence, with said westerly corporation line of the City of Oxford, and said westerly boundary of Southpointe Crossings, Section One, North $02^{\circ} 23' 54''$ East, 437.33 feet;

thence, continuing with said westerly corporation line of the City of Oxford and the southerly boundary of said Southpointe Crossings, Section One, South $70^{\circ} 13' 00''$ West, 669.69 to the **True Point of Beginning** containing 25.1308 acres of land more or less of which 21.7573 acres are in Lot #3714 and 3.3735 Acres are in Lot #3715 and being subject to all easements, legal highways, restrictions and agreements of record.



PRELIMINARY PLAT THE FIELDS AT SOUTHPOINTE CITY OF OXFORD BUTLER COUNTY, OHIO JANUARY, 2015



TYPICAL V PAVEMENT SECTION

TYPICAL SECTION

TYPICAL SECTION

OWNER
THE FIELDS AT SOUTHPOINTE, LLC
123 W. LINDEN STREET
OXFORD, OH 43084
714-234-5678

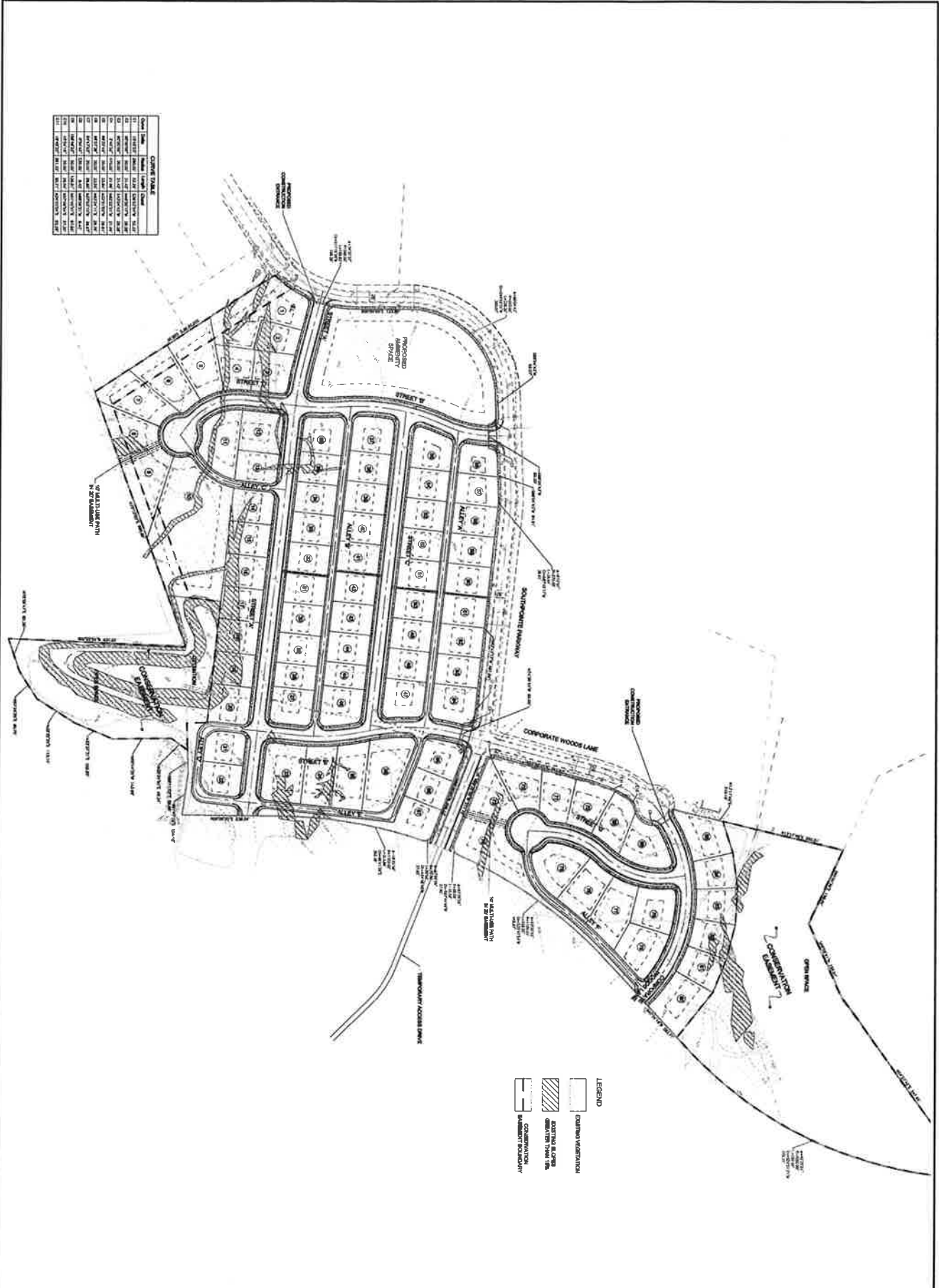
DEVELOPER
THE FIELDS AT SOUTHPOINTE, LLC
207 MAIN STREET, SUITE 1000
OXFORD, OH 43084
714-234-5678

GENERAL NOTES

1. Survey used, from 2008, and color map.
2. All dimensions are in feet and inches.
3. All public streets to be constructed according to City of Oxford standards and specifications.
4. Contour lines shown from aerial photography board.
5. Contour interval is 2 feet.
6. Total Area: 23.01 Acres
7. Existing Zoning: R-2A Single & Two Family Residential

PROJECT DATA

LOT AREA (AC)	23.01
LOT AREA (SQ FT)	1,584,000
PER ACRE (SQ FT)	43,560
PER ACRE (SQ YD)	4,840
PER ACRE (SQ MI)	0.022957
PER ACRE (SQ KM)	0.009363
PER ACRE (SQ M)	10,013.9
PER ACRE (SQ IN)	6,451,600
PER ACRE (SQ CM)	39,198,361
PER ACRE (SQ MM)	3,919,836
PER ACRE (SQ DM)	391,983
PER ACRE (SQ CM)	39,198,361
PER ACRE (SQ MM)	3,919,836
PER ACRE (SQ DM)	391,983



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 7, 2015

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

March 24, 2015
Date Prepared:

PC-2015-04 ZONING MAP AMENDMENT To establish a Neighborhood Conservation Overlay District in the Southern Knolls Subdivision, specifically Marcia Drive, part of Dana Drive and part of David Drive and Glenview Drive, for a total of 66 parcels in the proposed overlay district, **City of Oxford, Applicant**

Recommendation: Approval

Discussion:

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R-2A (Single and Two-Family Residential) District. A total of 66 parcels were included in the petition and a total of 54 property owners' signatures were obtained, representing 54 parcels. The legislation allows a neighborhood to generate a petition to create an overlay district subject to meeting certain standards and public hearing process.

The petition to establish a neighborhood conservation overlay district was filed on November 11, 2014 with the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on January 6, 2015. The Planning Commission reviewed the request on March 10, 2014. The Planning Commission recommended approval of this amendment and forwarding this request to City Council for legislative action.

The intent is to be a grass-roots effort which only alters one aspect of the permitted land uses (residential occupancy). Therefore the base zoning district regulations are retained. Without the overlay, a single dwelling unit can have up to four unrelated persons. With the overlay, a single dwelling unit may still be rental property, but is limited to no more than two unrelated persons. Existing dwellings with more than two unrelated persons would be allowed to continue as legal conforming.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC / 3/24/15
DRE / 4/3/15

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT IN A R-2A (SINGLE AND TWO FAMILY RESIDENTIAL) DISTRICT FOR 66 PARCELS LOCATED ON DANA DRIVE, DAVID DRIVE, MARCIA DRIVE AND GLENVIEW DRIVE, IN THE CITY OF OXFORD, OHIO.

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

SECTION 1: Council finds in accordance with Section 1146 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on March 10, 2015 on the City of Oxford's application for a Zoning Map Amendment to establish a Neighborhood Conservation Overlay District in a R-2A (Single and Two Family Residential) District for 66 parcels located on Dana Drive, David Drive, Marcia Drive and Glenview Drive, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2: The Oxford Planning Commission, after public hearing and deliberation, recommended granting the Zoning Map Amendment to establish a Neighborhood Conservation Overlay District, and found that the proposed request was in keeping with the intended characteristics of the neighborhood and was an appropriate classification for the properties in question.

SECTION 3: Council hereby accepts the recommendation of the Oxford Planning Commission, and after deliberation, finds for the granting of the Zoning Map Amendment, to establish a Neighborhood Conservation Overlay District in a R-2A (Single and Two Family Residential) District for 66 parcels located on Dana Drive, David Drive, Marcia Drive and Glenview Drive, in the City of Oxford, Ohio, a map of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 4: Council hereby grants the Zoning Map Amendment as requested, incorporating the application and documents submitted with the application as a term and condition of the granting of this Zoning Map Amendment and orders that the official zoning map be amended.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL
INTRODUCED BY: KEVIN MCKEEHAN
PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	April 7, 2015
<u>Case Number</u>	PC-2015-04
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	ZONING MAP AMENDMENT To establish a Neighborhood Conservation Overlay District in the Southern Knolls Subdivision, specifically Marcia Drive, part of Dana Drive and part of David Drive and Glenview Drive, for a total of 66 parcels in the proposed overlay district, City of Oxford, Applicant
<u>Public Hearing Information</u>	On March 10, 2015 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on February 8, 2015. Public Hearing notices were mailed out to surrounding properties on November 18, 2014.
<u>Commission Action</u>	The Planning Commission voted 6-1-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met the Decision Standards of Chapter 1146, and at least one Decision Standard of Chapter 1135
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated February 18, 2015 2. Proposed Boundary Map 3. Interoffice Reviews 4. Surrounding Property Notifications 5. Review and Comment Form Responses 6. Zoning Map Amendment Application Dated January 9, 2015 7. Resolution 4883 City Council Acceptance of Petition 8. Staff Summary to City Council Dated January 6, 2015 9. Petition for Residential Conservation Overlay District

City of Oxford
Community Development Department
STAFF REPORT
Planning Commission

Case # PC-2015-04

Date – March 10, 2015

APPLICATION

Applicant:	City of Oxford
Action Request:	ZONING MAP AMENDMENT to establish a Neighborhood Conservation Overlay District in an R-2A (Single and Two-Family Residential) District, in the neighborhood of Dana Drive, David Drive, Marcia Drive, and Glenview Drive. City of Oxford, Applicant

DESCRIPTION

The proposed map amendment is to establish a Neighborhood Conservation Overlay District in an R-2A (Single and Two-Family Residential) District in the neighborhood of David Drive, Dana Drive, Marcia Drive and Glenview Drive.

A petition to establish a neighborhood conservation overlay district was filed on November 11, 2014 to the Clerk of City Council. A resolution was adopted by the City Council accepting the petition and forwarding this request to the Planning Commission on January 6, 2015.

ZONING CODE

The Oxford Zoning Ordinance Chapter 1146 governs the establishment of the Neighborhood Conservation Overlay District.

COMPREHENSIVE PLAN

In the Overview Section of Chapter 7, Housing, in the Comprehensive Plan residents echoed the same sentiments that Oxford has a unique housing market involving a large rental population that limits opportunities for family housing options and changes the community character, specifically within the Mile Square. The public input sessions also pointed out the lack of housing opportunities for families and the hope to encourage owner-occupied housing and promote the return of full-time residents to the area. Even the Comprehensive Plan does not implicitly point to the establishment of an overlay district to encourage owner-occupied neighborhoods, but several objectives and strategies are relevant to this idea of maintaining traditional neighborhoods and owner-occupied residential dwellings.

Objective Expand Housing options

- H2.1 Update development regulations to allow for a variety of housing types in new developments.*
- H2.4 Provide financial assistance to increase homeownership opportunities for low and moderate income residents.*

Objective: Expand homeownership opportunities

- H5.1 Encourage local employers to provide homeownership incentives.*
- H5.2 Encourage rehabilitation of owner-occupied structures within the Mile Square.*
- H5.3 Create an urban homeownership incentive program such as homeownership grants to help offset the cost of housing.*
- H5.4 Develop a revolving loan fund.*
- H5.5 Establish an Oxford Homeownership Office in partnership with Miami University.*
- H5.6 Support the University loan program to increase homeownership opportunities within the Mile Square.*

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	Received with no comments
Fire:	Received with no comments
Engineering:	Received with no comments
Econ. Dev.	Received with no comments

PUBLIC REVIEW AND COMMENTS

Two comments received in favor of the map amendment.

DECISION CRITERIA

A copy of the Decision Criteria for Overlay District is attached.

ANALYSIS

The idea of the neighborhood conservation overlay district was to preserve neighborhoods from being turned into rental properties and to maintain the traditional neighborhood owner-occupied character. The Planning Commission went through extensive discussion about this overlay district in 2012. It was designed to provide mechanisms to the neighborhoods to initiate a grass roots movement to get all the neighbors together and to petition City Council for the consideration of placing more restrictions on the underlying district.

The overlay district is not uncommon in the land use arena to put in place a specific set of regulations that are more stringent than the underlying district in order to accomplish specific objectives. The most commonly used overlay district is for the historic area. Others are used for specific design standards to promote some uniformity in certain specific subset areas.

The conversion of a single family residential dwelling from owner-occupied to rental property in a neighborhood creates a negative impact to the neighborhood in a variety of forms, including property deterioration, congestion, noise and traffic. It also set the pace for more properties in the neighborhood to be more susceptible to turning into rental properties.

A petition was filed by a group of neighbors in Dana Drive, David Drive, Marcia Drive and Glenview Drive for a total of 66 parcels of tracts of land, to be considered a Neighborhood Conservation Overlay District on November 11, 2014 with the Clerk of the Oxford City Council. The petition also showed that there were 54 signatures obtained that represent 54 parcels. The signatures supporting this petition exceed the two-third requirements of the parcels of this petitioned area. The signatures represent 82% of the parcels within the boundary. A map of the proposed district is attached illustrating the area for consideration.

Based on the Neighborhood Conversation Overlay District requirements, the City Council accepted the petition on January 6, 2015 and forwarded this petition to the Planning Commission for Zoning Map Amendment consideration.

There are specific decision standards that the Planning Commission shall reference and the decision standards are also attached for reference. The Planning Commission also shall consider the purpose and objectives of such overlay district are to achieve the privacy of residents and to minimum noise, congestion and nuisance impact by rental properties and to maintain an attractive community appearance and provide a desirable living environment and finally to prevent excessive traffic and parking problems in the neighborhood.

The petition met the boundary requirements as stipulated in the Chapter 1146.03(h). The petition also met the minimum two-thirds requirements of owner signatures within the proposed boundary. Additionally, the dates of those signatures were also within six months prior to the time the petition was filed with the City Clerk.

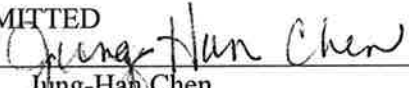
Please note that this process is a neighborhood driven process beginning with a petition to the City Council and followed with a public hearing before the Planning Commission for a Map Amendment recommendation. The City Council may waive certain requirements after a positive recommendation from the Planning Commission. This process is far lengthier than normal map amendment process and has additional decision standard thresholds to meet. It is a process that the neighborhood had taken seriously and the neighbors have demonstrated their commitment to preserve their neighborhood and to maintain their neighborhood characters by going through an extra step to initiate.

RECOMMENDATION

Staff recommends that the Planning Commission approval of this amendment and forward this request to City Council for legislative action.

SUBMITTED

BY:


Jung-Han Chen
Community Development Director

DATE: February 18, 2015

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with 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.

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.

ATTACHMENT

Chapter 1135 Zoning Map Amendment procedures and decision standards

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

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

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

Map Amendments

- A. There is an error on the Official Zoning Map or in the delineations between districts thereon.
- B. The proposed amendment will make the map conform more closely with 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.

Planning Commission must utilize the Chapter 1146 Specific Decision Standards to consider the Neighborhood Conservation Overlay District and they are as follows:

1146.03(2) b Decision Standards for Considering Overlay District:

1. The proposed Overlay District meets the boundary criteria.
2. The proposed Overlay District will preserve and enhance the neighborhood character.
3. The proposed Overlay District will promote the public health, safety and general welfare of the people of the neighborhood.
4. The proposed Overlay District will promote and implement the intent of the Comprehensive Plan.
5. The proposed Overlay District will satisfy a legitimate need.



City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 18, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-04 ZONING MAP AMENDMENT To establish a Neighborhood Conservation Overlay District in the Southern Knolls Subdivision, specifically Marcia Drive, part of Dana Drive and part of David Drive and Glenview Drive, for a total of 66 parcels in the proposed overlay district, **City of Oxford, Applicant**

☒ Review ☐ Revisions ☐ Other

Please return no later than: **3/4/2015** 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:



Date: 2-18-15

John Dethridge
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 18, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-04 ZONING MAP AMENDMENT To establish a Neighborhood Conservation Overlay District in the Southern Knolls Subdivision, specifically Marcia Drive, part of Dana Drive and part of David Drive and Glenview Drive, for a total of 66 parcels in the proposed overlay district, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **3/4/2015** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments

without/comments

RECEIVED

FEB 20 2015

City of Oxford
Service Department

Drawings reviewed by:

Scott Otto

Date:

3/4/15

Scott Otto

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 18, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-04 ZONING MAP AMENDMENT To establish a Neighborhood Conservation Overlay District in the Southern Knolls Subdivision, specifically Marcia Drive, part of Dana Drive and part of David Drive and Glenview Drive, for a total of 66 parcels in the proposed overlay district, **City of Oxford, Applicant**

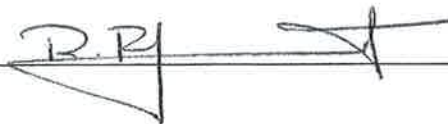
 X Review Revisions Other

Please return no later than: **3/4/2015** 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: _____



Date: 2/26/2015

ROBERT B. HOLZWORTH

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 18, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-04 ZONING MAP AMENDMENT To establish a Neighborhood Conservation Overlay District in the Southern Knolls Subdivision, specifically Marcia Drive, part of Dana Drive and part of David Drive and Glenview Drive, for a total of 66 parcels in the proposed overlay district, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **3/4/2015** 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:  Date: Feb-26-15

G. ALAN KUCEN

PRINTED NAME



PC-2015-04 Surrounding Property Owners Map

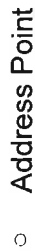
Legend



Subject Area



200 Ft. Buffer



Address Point



Parcel



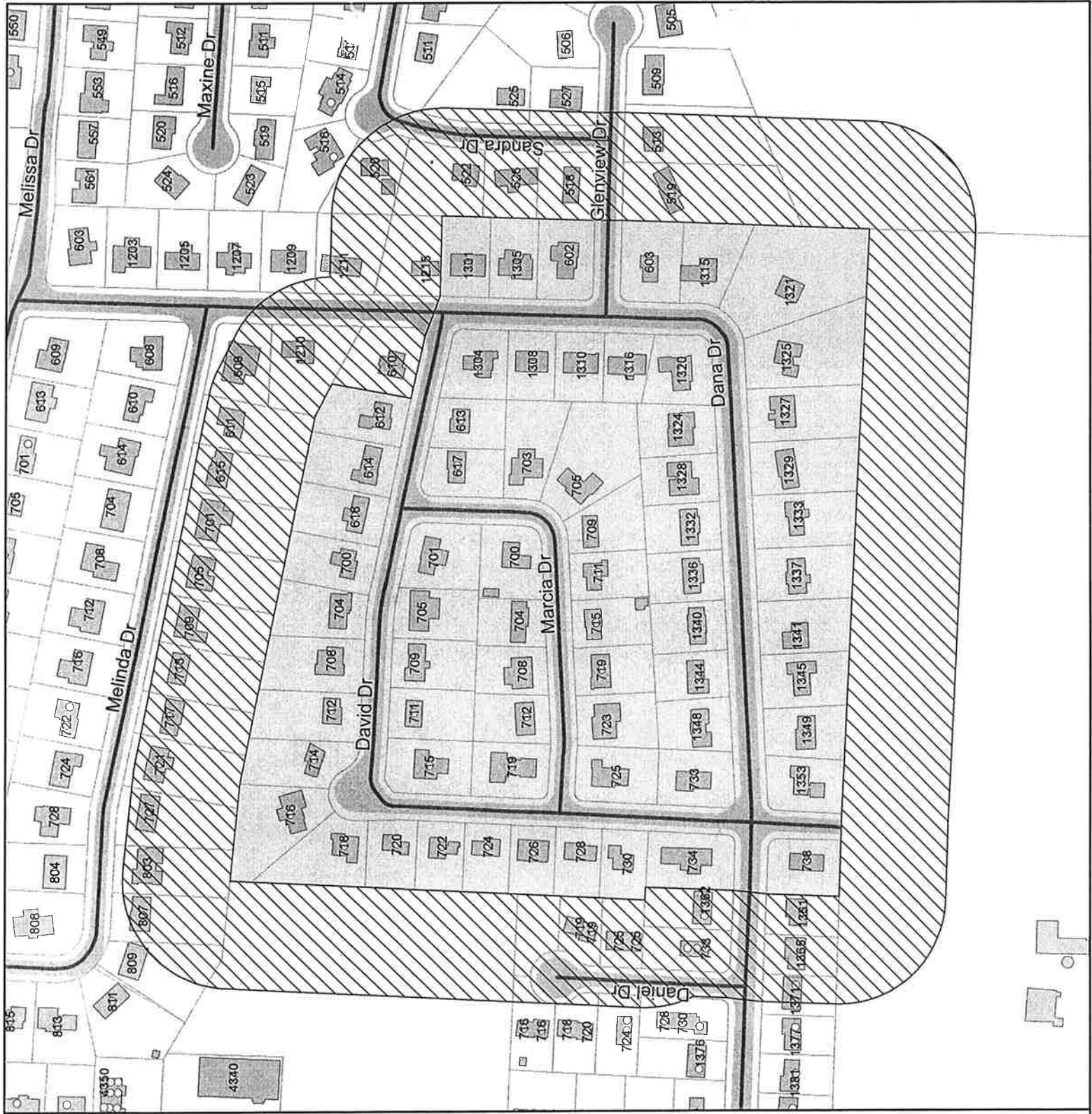
Building Footprint



Paved Roadway



1 inch = 250 feet



Prepared on Thursday, February 19, 2015

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



**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2015-04

DATE OF HEARING: March 10, 2015

ZONING MAP AMENDMENT To establish a Neighborhood Conservation Overlay District in the Southern Knolls Subdivision, specifically Marcia Drive, part of Dana Drive and part of David Drive and Glenview Drive, for a total of 66 parcels in the proposed overlay district, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

Dennis Sena

Address:

1308 Dana Dr

Oxford

Telephone:

Home:

Work:

COMMENTS:

I favor the creation
the Overlay District that
includes my house 1308 Dana.

Signature

Date

2/27/15

**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**



Internal Use Only:	March
Case No.	PC-2015-04
Date Filed	1/9/15

Zoning Map Amendment Application

Applicant Information

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

Name * City of Oxford
Mailing Address * 101 E High St.
City, State & Zip Code * Oxford Oh 45056
Telephone Number(s) * 513-524-5204
Email Address jhchen@cityofoxford.org

Location and Lot Information

Location * _____
General Description of Proposed Amendment * Neighborhood Conservation Overlay District
Current Zoning * R2A
Proposed Zone(s) * Overlay

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
- A. Application Fee.
 - B. The name, mailing address, and telephone number of the applicant.
 - C. A general description of the proposed amendment.
 - D. A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - E. A statement that identifies potential negative consequences of the proposed amendment.
 - F. Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - G. A legal description of the area to be rezoned.
 - H. The proposed zoning of the area.
 - I. The current zoning of the area.
 - J. A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The Butler County Auditor Real Estate Search² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

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.

- 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 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.

Fees & Receipt

The required fee is \$150.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *

Gung Han Chen
1/9/15

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required documentation as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

NA

Receipt Number * _____

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

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

³ The United States Postal Service: <http://www.usps.com/>

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: January 6, 2015

Account Code No. #:

Sam Perry
Prepared By

Budgeted Amount:

December 23, 2014
Date Prepared

Agenda Title:	Resolution Accepting a Petition to Establish a Neighborhood Conservation Overlay District and Referring the Petition to the Planning Commission for Recommendation
----------------------	---

Recommendation: <u>Approval</u>
--

Discussion:

The Residential Conservation Overlay District legislation was adopted by the City Council in 2012 to protect residential neighborhoods, maintain an attractive community appearance, and to provide a desirable living environment by restricting residential properties to be rented to no more than two unrelated individuals. The process to establish an overlay district begins with a petition with signatures of more than two-thirds of property owners within the proposed district. This petition goes before City Council for acceptance and the petition is then referred to the Planning Commission for review. There have been eight petitions to come before the City Council previously.

This petition for acceptance was filed by residents in the neighborhood of Dana, David, Marcia and Glenview Drives on November 11, 2014. There are a total of 66 parcels contained in the proposed overlay district boundary. The petition shows signatures obtained and the date when the owners signed the petition. A map of the proposed area is attached illustrating the area for consideration.

The signatures supporting this petition exceed the two-thirds requirement of the parcels of this petitioned area. The signatures represent 54 parcels within the boundary, which is 82%. Additionally, the boundary of the proposed overlay district also satisfies the general boundary requirements of Section 1146 of the Codified Ordinances. This overlay fits like a puzzle piece with the previous overlay to the north.

This is the first step in creating a neighborhood conservation overlay district and requires City Council to formally accept the petition and forward this petition to the Planning Commission for review. Staff recommends approval of this resolution.

Approved by:

	Initial	Date
Department Head:	<u>JHC</u>	<u>12/23/14</u>
City Attorney:		
City Manager:	<u>JRE</u>	<u>1-2-15</u>

RESOLUTION NO. 4883

RESOLUTION OF COUNCIL ACCEPTING THE PETITION AS REQUIRED BY OXFORD CODIFIED ORDINANCE §1146.03 TO ESTABLISH A NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT FOR THAT AREA OF DANA DRIVE, DAVID DRIVE, MARCIA DRIVE AND GLENVIEW DRIVE AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO AND REFERRING THE PETITION TO THE OXFORD PLANNING COMMISSION FOR RECOMMENDATIONS TO CITY COUNCIL.

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

SECTION 1: The Clerk of Council and the Community Development Director having determined pursuant to Oxford Codified Ordinance §1146.03(b) that the Petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto conforms to the petition requirements of Oxford Codified Ordinance §1146.03 and recommends that the petition be referred to the Oxford Planning Commission to make recommendations to City Council.

SECTION 2: City Council accepts the recommendation of the Clerk of Council and the Community Development Director and further refers the petition to establish a Neighborhood Conservation Overlay District as set forth on Exhibit "A" attached hereto to the Oxford Planning Commission to make recommendations to City Council.

SECTION 3: This resolution shall take effect at the earliest date allowed by law.


MAYOR

ADOPTED: January 6, 2015

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

October 2014

Dear Oxford Neighborhood Homeowners,

It is our hope to include you in our attempt to create a "Neighborhood Conservation Overlay District" for our neighborhood of 66 parcels/lots which include David, Marcia and Dana Dr. from David Drive to where it meets the other end of David Dr. (see map). Melissa, Melinda and part of Dana Drive in Southern Knolls have already turned in their petition. Our neighborhood is in an area the City has zoned R2A, Single and Two-Family Residential.

An Overlay District, allowed by ordinance of the City of Oxford in September 2012, is defined as a residential neighborhood/district whose residents may petition the City to restrict the rental use of one-family dwellings to no more than two unrelated persons (or, where there are more than two persons residing in the dwelling unit, persons classified as constituting a family).

Without the Overlay established in our neighborhood, a single dwelling unit could house up to four unrelated people, meaning anyone could turn our neighborhood houses into student rentals. Other Oxford neighborhoods (Heritage, Emerald Woods Drive area and Cedar Dr.) have already turned in the paperwork to qualify as an Overlay District. Contreras/James/Dick/Joseph homeowners have already been granted their Zoning Map Amendment for an Overlay District.

This letter is being mailed to each home owner. We hope you will join us in this effort to establish an Overlay District for our neighborhood by signing a petition we will be circulating in the coming weeks. The entire process takes three or more months.

To achieve a "Neighborhood Overlay" zoning, a neighborhood must:

1. Contact its property owners and have 2/3 sign a petition within a 60-day time period;
2. Send the completed petition to Oxford City Council to be approved by the Planning Commission and then City Council;
3. Have the petition read and approved at a second City Council meeting.

One of us will be contacting you soon with the opportunity for you to sign the petition. The signer must be the homeowner (if jointly owned, only one needs to sign the petition).

Jan and Dave Belka, 1333 Dana Drive Phone 523-1122 (Call with any questions.)
Michael and Terry Beck, 1348 Dana Drive
Helen Gorman, 719 David Drive
Christine Ingham, 1327 Dana Drive

OXFORD ZONING PETITION FOR RESIDENTIAL CONSERVATION OVERLAY DISTRICT

THE PETITION IS SUBMITTED PURSUANT TO OXFORD ZONING CODE CHAPTER 1146 TO REQUEST CITY COUNCIL TO INTRODUCE AN ORDINANCE ACCEPTING A PETITION WHICH WOULD ALLOW THE INITIATION OF A ZONING MAP AMENDMENT TO CREATE A DISTRICT WITHIN THE DESCRIBED BOUNDARIES WHICH WOULD RESTRICT THE ABILITY OF PROPERTY OWNERS TO RENT THEIR PROPERTY TO MORE THAN TWO UNRELATED INDIVIDUALS.

THIS PETITION, IF ADOPTED, WOULD ALLOW THE PETITIONER TO INITIATE A ZONING MAP AMENDMENT TO RESTRICT ANY PROPERTY WITHIN THE DISTRICT TO BE RENTED TO NO MORE THAN TWO UNRELATED INDIVIDUALS. THIS PETITION WILL NOT AFFECT PROPERTIES ALREADY LICENSED.

PLEASE SEE THE ATTACHED MAP FOR EXACT BOUNDARIES:

EAST BOUNDARY:	Dana Drive # 1301 to # 1321
NORTH BOUNDARY:	David Drive # 612 to # 716
WEST BOUNDARY:	David Drive # 718 to # 738
SOUTH BOUNDARY:	Dana Drive # 1321 to # 1353
CIRCULATOR'S FULL NAME:	Janice Belka
CIRCULATOR'S ADDRESS:	1333 Dana Drive, Oxford, OH 45056
CIRCULATOR'S SIGNATURE:	<i>Janice Belka</i>
CIRCULATOR'S FULL NAME:	David Belka
CIRCULATOR'S ADDRESS:	1333 Dana Drive, Oxford, OH 45056

RECEIVED
NOV 11 2014
CITY OF OXFORD

CIRCULATOR'S SIGNATURE: David E. Belba

CIRCULATOR'S FULL NAME: Michael Beck

CIRCULATOR'S ADDRESS: 1348 Dana Drive

CIRCULATOR'S SIGNATURE: Michael Beck

CIRCULATOR'S FULL NAME: Theresa Beck

CIRCULATOR'S ADDRESS: 1348 Dana Drive

CIRCULATOR'S SIGNATURE: Theresa Beck

CIRCULATOR'S FULL NAME: Helen Gorman

CIRCULATOR'S ADDRESS: 719 David Drive

CIRCULATOR'S SIGNATURE: Helen Gorman

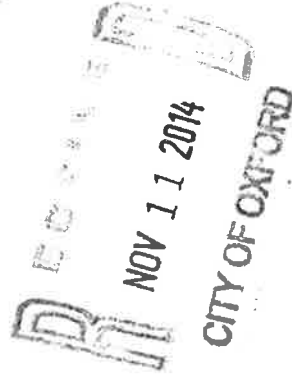
CIRCULATOR'S FULL NAME: Joan Christine Ingham

CIRCULATOR'S ADDRESS: 1327 Dana Drive

CIRCULATOR'S SIGNATURE: J.C. Ingham

DATE SUBMITTED: 11/11/2014

(THE PETITION MUST CONTAIN THE SIGNATURE OF AN OWNER OR RECORD OF AT LEAST TWO-THIRDS OF THE PARCELS WITHIN THE PROPOSED DISTRICT. SIGNATURES OVER SIX MONTHS OLD ARE VOID.)



C = Charleston (12)

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
10-26-14	1301 DANA DR	BRADLEY D ENGEL	<i>Bradley Engel</i>	
10/26/14	1304 DANA DR	TIMOTHY A AND MEGAN K KUYKENDOLL	<i>Timothy Kuykendoll</i>	
10-26/14	1305 DANA DR	JOSHUA L KLEIMAN	<i>Joshua Kleiman</i>	
10-26/14	1308 DANA DR	DENNIS P & BARBARA K JENA	<i>Dennis Jena</i>	
	1310 DANA DR	ELLEN A & HERBERT JAEGER		<i>called left message. letter sent from</i>
	1315 DANA DR	WILMA J NEUMANN TR		
	1316 DANA DR	NATHAN S & LAUREN M FRENCH		
	1320 DANA DR	MICHAEL AND LESLIE WENDT ETAL		
	1321 DANA DR	JAMES E & SUSAN C LIPNICKY		
	1324 DANA DR	SHAWN H PRINCELL		

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	1301 DANA DR	BRADLEY D ENGEL		
	1304 DANA DR	TIMOTHY A AND MEGAN K KUYKENDOLL		
	1305 DANA DR	JOSHUA L KLEIMAN		
	1308 DANA DR	DENNIS P & BARBARA K JENA		
	1310 DANA DR	ELLEN A & HERBERT JAEGER		
10/27/14	1315 DANA DR	WILMA J NEUMANN TR	<i>Wilma Neumann</i>	
11/4/14	1316 DANA DR	NATHAN S & LAUREN M FRENCH	<i>NF</i>	
	1320 DANA DR	MICHAEL AND LESLIE WENDT ETAL		<i>Sent letter no response</i>
10/27/14	1321 DANA DR	JAMES E & SUSAN C LIPNICKY	<i>James E Lipnicky</i>	
10/31/14	1324 DANA DR	SHAWN H PRINCELL	<i>Shawn H Princell</i>	

C

C

C

C

C

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	1325 DANA DR	JOSEPH AND KAREN SIMPSON		
	1327 DANA DR	JC INGHAM		
	1328 DANA DR	NICHOLAS J AND KATHARINE M GILLESPIE		
	1329 DANA DR	MATTHEW J AERNI STEPHANIE M SWEET-AERNI		
	1332 DANA DR	PAMELA S HUGHES		
10-15-14	1333 DANA DR	DAVID & JANICE BELKA	Janice Belka duplicate	
	1336 DANA DR	ROHIT MENEZES		
	1337 DANA DR	KRISTIN K PRINCELL		
	1340 DANA DR	TIMOTHY A POFF		
11/8/14	1341 DANA DR	CHARLES JR & MARTHA WATERS	Martha J. Waters	

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
10/27/14	1325 DANA DR	JOSEPH AND KAREN SIMPSON	Joseph C Simpson	
11/27/14	1327 DANA DR	JC INGHAM	JC Ingham	
	1328 DANA DR	NICHOLAS J AND KATHARINE M GILLESPIE		No sent letter
	1329 DANA DR	MATTHEW J AERNI STEPHANIE M SWEET-AERNI		No sent letter
	1332 DANA DR	PAMELA S HUGHES		
	1333 DANA DR	DAVID & JANICE BELKA		
10/27/2014	1336 DANA DR	ROHIT MENEZES	David J. J. J.	
11/8/14	1337 DANA DR	KRISTIN K PRINCELL	Kristin Princell	
	1340 DANA DR	TIMOTHY A POFF		
	1341 DANA DR	CHARLES JR & MARTHA WATERS		

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	1325 DANA DR	JOSEPH AND KAREN SIMPSON		
	1327 DANA DR	JC INGHAM		
	1328 DANA DR	NICHOLAS J AND KATHARINE M GILLESPIE		
	1329 DANA DR	MATTHEW J AERNI STEPHANIE M SWEET-AERNI		
	1332 DANA DR	PAMELA S HUGHES		
	1333 DANA DR	DAVID & JANICE BELKA		
	1336 DANA DR	ROHIT MENEZES		
	1337 DANA DR	KRISTIN K PRINCELL		
10/30/2014	1340 DANA DR	TIMOTHY A POFF		
	1341 DANA DR	CHARLES JR & MARTHA WATERS		

From: "Belka, David" <dbelka@mlamhoh.edu>
 Subject: Jan Belka
 Date: October 31, 2014 1:17:49 PM EDT
 To: Pam Hughes <pamhughes310@gmail.com>
 1 Attachment, 844 KB

This should be the one. Sorry for the mistake.

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
 David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	1325 DANA DR	JOSEPH AND KAREN SIMPSON		
	1327 DANA DR	JC INGHAM		
	1328 DANA DR	NICHOLAS J AND KATHARINE M GILLESPIE		
	1329 DANA DR	MATTHEW J AERNI STEPHANIE M SWEET-AERNI		
10/31/14	1332 DANA DR	PAMELA S HUGHES	<i>Dan & Pam Hughes</i>	<i>Noted</i>
	1333 DANA DR	DAVID & JANICE BELKA	<i>Janice Belka</i>	
	1336 DANA DR	ROHIT MENEZES		
	1337 DANA DR	KRISTIN K PRINCELL		
	1340 DANA DR	TIMOTHY A POFF		
	1341 DANA DR	CHARLES JR & MARTHA WATERS		

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
11/2/14	1344 DANA DR	SARAH AND GEOFFREY RIGGLE	<i>Sarah Riggle</i>	
<i>letter Mick</i>	1345 DANA DR	KELLY K CHURCH THOMAS C WRIGHT		
	1348 DANA DR	MICHAEL B & THERESA E BECK	<i>Theresa E. Beck</i>	
<i>letter Mick</i>	1349 DANA DR	MICHAEL T & JANET CHURCH		
10/30/2014	1353 DANA DR	TIMOTHY J & INGRID HEINEMAN	<i>Angela Heineman</i>	
	612 DAVID DR	STEVEN A & JENNIFER A LIPKE		
	613 DAVID DR	CLYDE BROWN		
11/9/14	614 DAVID DR	TERRENCE L WILLIAMSON	<i>Terrence L. Williamson</i>	
11/10/14	617 DAVID DR	RICHARD B THOMAS	<i>Richard B. Thomas</i>	
	618 DAVID DR	ANDREA AND JASON D BIRCHFIELD		

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	1344 DANA DR	SARAH AND GEOFFREY RIGGLE		
	1345 DANA DR	KELLY K CHURCH THOMAS C WRIGHT		
	1348 DANA DR	MICHAEL B & THERESA E BECK		
	1349 DANA DR	MICHAEL T & JANET CHURCH		
	1353 DANA DR	TIMOTHY J & INGRID HEINEMAN		
	612 DAVID DR	STEVEN A & JENNIFER A LIPKE		
10/29/14	613 DAVID DR	CLYDE BROWN		
	614 DAVID DR	TERRENCE L WILLIAMSON		
	617 DAVID DR	RICHARD B THOMAS		
	618 DAVID DR	ANDREA AND JASON D BIRCHFIELD		

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	1344 DANA DR	SARAH AND GEOFFREY RIGGLE		
	1345 DANA DR	KELLY K CHURCH THOMAS C WRIGHT		
	1348 DANA DR	MICHAEL B & THERESA E BECK		
10/31	1349 DANA DR	MICHAEL T & JANET CHURCH	Janet Church	
	1353 DANA DR	TIMOTHY J & INGRID HEINEMAN		
10/26	612 DAVID DR	STEVEN A & JENNIFER A LIPKE	Steven A. Lipke	
	613 DAVID DR	CLYDE BROWN		
	614 DAVID DR	TERRENCE L WILLIAMSON		
	617 DAVID DR	RICHARD B THOMAS		
10/26	618 DAVID DR	ANDREA AND JASON D BIRCHFIELD	Andrea Birchfield	

B J B J B J C B B J

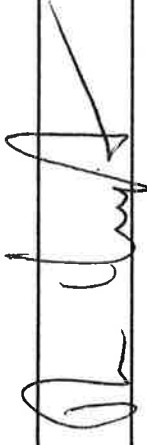
Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	1344 DANA DR	SARAH AND GEOFFREY RIGGLE		
10/21/14	1345 DANA DR	KELLY K CHURCH THOMAS C WRIGHT		
	1348 DANA DR	MICHAEL B & THERESA E BECK		
	1349 DANA DR	MICHAEL T & JANET CHURCH		
	1353 DANA DR	TIMOTHY J & INGRID HEINEMAN		
	612 DAVID DR	STEVEN A & JENNIFER A LIPKE		
	613 DAVID DR	CLYDE BROWN		
	614 DAVID DR	TERRENCE L WILLIAMSON		
	617 DAVID DR	RICHARD B THOMAS		
	618 DAVID DR	ANDREA AND JASON D BIRCHFIELD		

B J B J B J C B B J

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
10-28-14	733 DAVID DR	KRISTINA L WHEELRIGHT		
10-28-14	734 DAVID DR	BRUCE W & DARLENE M GRAY		
10-28-14	738 DAVID DR	BRIAN C & ANDREA C TOBIN		
10-28-14	602 GLENVIEW DR	CLAYTON MARTIN MILLER JR RUTH G MILLER	Clayton Martin Miller Jr.	
10-30-14	603 GLENVIEW DR	TAMISE R AND GEORGE M IRONSTRACK	George Ironstrack	
	700 MARCIA DR	RALPH W ALEXANDER & KATHLEEN R ALEXANDER		
11-2-14	703 MARCIA DR	THOMAS A FARMER	Shawn Farmer	
	704 MARCIA DR	JANICE JARRELL MCCLAUGHLIN		
11-2-2014	705 MARCIA DR	SCOTT & VICTORIA SHRIVER	Victoria Shriver	
10-30-14	708 MARCIA DR	MARGARET T SACCO	Margaret T. Sacco	

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
10-26-14	733 DAVID DR	KRISTINA L WHEELRIGHT	Kristina Wheelright	
10/26/2014	734 DAVID DR	BRUCE W & DARLENE M GRAY	Darlene M Gray	
	738 DAVID DR	BRIAN C & ANDREA C TOBIN		sent letter no response
	602 GLENVIEW DR	CLAYTON MARTIN MILLER JR RUTH G MILLER		
	603 GLENVIEW DR	TAMISE R AND GEORGE M IRONSTRACK		
	700 MARCIA DR	RALPH W ALEXANDER & KATHLEEN R ALEXANDER		sent letter no response
	703 MARCIA DR	THOMAS A FARMER		
	704 MARCIA DR	JANICE JARRELL MCLAUGHLIN		sent letter no response
	705 MARCIA DR	SCOTT & VICTORIA SHRIVER		
	708 MARCIA DR	MARGARET T SACCO		

H

H

H = Helen Gorman

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
H 10/26/14	716 DAVID DR	FREDERICK J SCHUURMANN & THERESA	<i>Theresa Schuurmann</i>	
H 11/2/14	718 DAVID DR	CHRISTIAN A PETTITT TR	<i>Richard M. Pettitt</i>	<i>Richard M. Pettitt</i>
H 10/26/14	719 DAVID DR	RAYMOND F GORMAN	<i>Rayl Gorman</i>	
H	720 DAVID DR	KATHRYN KOHL		NO sent letter
H	722 DAVID DR	BOBBE I BURKE		NO sent letter
H 10/26/14	724 DAVID DR	TIFFANY BELKA FRANCISCO AYO CUESTA	<i>Tiffany Belka</i>	
H 10-26-14	725 DAVID DR	JENNIFER N RICHARDSON ROBERT S HELTON	<i>Jennifer N. Richardson</i>	
H 10/30/14	726 DAVID DR	KAREN L WOMACK	<i>Karen L. Womack</i>	
H 10/28/14	728 DAVID DR	DANIEL J HERRON DEBORAH B HERRON	<i>Deborah B. Herron</i>	
H 10-26-14	730 DAVID DR	ADAM BECK	<i>Adam Beck</i>	

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	700 DAVID DR	ALISHA & RUSSELL BOWER		
	701 DAVID DR	MARIA CARRUBBA & CHRISTINE WHETSTONE		
10/25/14	704 DAVID DR	MARILYN P YOUNG TR	Marilyn P. Young	
10/25/14	705 DAVID DR	HOBART MCNASH SMITH MARGARET L SMITH	Hobart McNash Smith	
11/2/14	708 DAVID DR	MICHAEL S & BARBARA J BROIDA	Michael Broida	
	709 DAVID DR	BEVERLY ANN DREIBELBIS		
	711 DAVID DR	WASHINGTON RAMPA VAZQUEZ MARIA S VAZQUEZ		
	712 DAVID DR	WILLIAM C HAGEN RENEE HAGEN		
10/30/2014	714 DAVID DR	ROBERT & ISABEL GEORGE	Robert & Isabel George	
	715 DAVID DR	PATRICK N DOWLING		

✓

B

B

B

J

B

H

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	700 DAVID DR	ALISHA & RUSSELL BOWER		
	701 DAVID DR	MARIA CARRUBBA & CHRISTINE WHETSTONE		
	704 DAVID DR	MARILYN P YOUNG TR		
	705 DAVID DR	HOBART MCNASH SMITH MARGARET L SMITH		
	708 DAVID DR	MICHAEL S & BARBARA J BROIDA		
	709 DAVID DR	BEVERLY ANN DREIBELBIS		
	711 DAVID DR	WASHINGTON RAMPA VAZQUEZ MARIA S VAZQUEZ		
	712 DAVID DR	WILLIAM C HAGEN RENEE HAGEN		
	714 DAVID DR	ROBERT & ISABEL GEORGE		
10-26-14	715 DAVID DR	PATRICK N DOWLING	Patrick N. Dowling	

H = Helen Gorman

Jan 2008

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	700 DAVID DR	ALISHA & RUSSELL BOWER		for sale empty
	701 DAVID DR	MARIA CARRUBBA & CHRISTINE WHETSTONE		N/A 11/7. 10/30 letter sent
	704 DAVID DR	MARILYN P YOUNG TR		
	705 DAVID DR	HOBART MCNASH SMITH MARGARET L SMITH		
	708 DAVID DR	MICHAEL S & BARBARA J BROIDA		
10-27-14	709 DAVID DR	BEVERLY ANN DREIBELBIS	Beverly Dreibellis	
	711 DAVID DR	WASHINGTON RAMPA VAZQUEZ MARIA S VAZQUEZ	Maria S Vazquez	
10/26/14	712 DAVID DR	WILLIAM C HAGEN RENEE HAGEN	William Hagen	
	714 DAVID DR	ROBERT & ISABEL GEORGE		
	715 DAVID DR	PATRICK N DOWLING		

J

J

B

B

B

J

B

J

B

H

Petition for Dana David Marcia Glenview Neighborhood Conservation Overlay District, Oxford, Ohio

Petition Initiators: Janice Belka, 1333 Dana Drive
David Belka, 1333 Dana Drive

I, the undersigned, do hereby state that I am an owner of a property within the boundaries designated by the petition and that my residence is truly stated in opposite by the signature below.

This petition, if adopted, would allow the petitioners to initiate a zoning map amendment pursuant to Chapter 1146 of the city's zoning code to restrict any property within the district to be rented to no more than two unrelated individuals. This petition will not affect properties already licensed.

Please see attached map for exact boundaries. North and West Boundary: David Drive; South and East Boundary: Dana Drive.

Date	Address	Name(s)	Signature	Notes
	709 MARCIA DR	KARL Y CHOW		
	711 MARCIA DR	LUIS I PRADANOS-GARCIA & DANIELA INCLEZAN	Daniela Inclezan	
	712 MARCIA DR	THOMAS W SPEH TR		Sent letter no response
	715 MARCIA DR	ANNE SETTEVEN	Anne Setteven	
	719 MARCIA DR	BETA HOMES LLC	Robert Benz/Beta Homes	
	723 MARCIA DR	ROBERT M & DOROTHY MAE BENZ	Robert M Benz	

B
J
B
B
B
B

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 7, 2015

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

March 24, 2015
Date Prepared:

PC-2015-05 CONDITIONAL USE, 7- 9 W. High Street, to allow a first floor vacant space to be used as an accessory (exercise/study room) for upper story residential dwelling units, **Scott Webb, Applicant/Agent**

Recommendation: Approval

Discussion:

The applicant is seeking approval to utilize an existing vacant ground floor space for studying and exercise for residents of the building.

Since 2011, the vacant space has not been used by either of the ground floor commercial tenants since both entities have sufficient space for their operations. The vacant space only has access from inside the building and alley.

The conversion of this space for residential, even though it is an accessory in nature, is considered a Conditional Use in the Uptown District. Any request of this nature should not be considered under the administrative purview but by the Planning Commission.

Some concerns were raised from the Planning Commission on how to monitor/prevent the space from being used for other purposes. At the conclusion of this case, the Planning Commission voted 7-0-0 to recommend approval of this Conditional Use Permit subject to the following conditions:

1. The approval of this Conditional Use Permit is only for converting this space to a study and/or exercise room, not a dwelling unit.
2. The Planning Commission would waive the residential floor area ratio to exceed the 2:1 of the lot area, due to this space being used as a residential amenity area, since any outdoor patio, decks and balconies would be counted toward the residential floor area ratio.
3. Any residential use different than the proposed use would require an amendment to this Conditional Use Permit application.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC 3/24/15
DRE 4/3/15

ORDINANCE NO.

ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO PERMIT FIRST FLOOR VACANT SPACE TO BE USED AS AN ACCESSORY (EXERCISE ROOM) IN AN EXISTING MIXED USE BUILDING IN THE UPTOWN (UP) DISTRICT AT 7-9 WEST HIGH STREET WITH CONDITIONS.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147 on March 10, 2015 for the purpose of considering the request of Scott Webb, Architect, Applicant, for a conditional use permit to permit first floor vacant space to be used as an accessory (exercise room) in an existing mixed use building in the Uptown (UP) District at 7-9 West High Street.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of the conditional use application to permit first floor vacant space to be used as an accessory (exercise room) in an existing mixed use building in the Uptown (UP) District at 7-9 West High Street with conditions.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to permit first floor vacant space to be used as an accessory (exercise room) in an existing mixed use building in the Uptown (UP) District at 7-9 West High Street with the following conditions:

- a. The Conditional Use Permit shall only be for converting the space to a study and/or exercise room not a dwelling unit.
- b. The Planning Commission shall waive the residential floor area ratio requirement.
- c. Any residential use different than the proposed use shall require an amendment to this Conditional Use Permit application.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	April 7, 2015
<u>Case Number</u>	PC-2015-05
<u>Applicant Information</u>	Scott Webb, Architect BDL II Associates
<u>Requested Action</u>	Conditional Use 7-9 W. High Street
<u>Summary of Request</u>	To allow residential tenants utilize existing vacant ground floor space as a place for studying and exercise.
<u>Public Hearing Information</u>	On March 10, 2015 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on February 8, 2015. Courtesy notices were mailed to adjacent property owners on February 19, 2015.
<u>Commission Action</u>	The Planning Commission voted 7-0-0 recommending approval of the Conditional Use with conditions.
<u>Commission Findings and Conclusions</u>	The Planning Commission raised concerns on how to monitor and prevent the space from being used for other purposes. Three conditions were approved.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated February 18, 2015 2. Interoffice Review Transmittal Sheets 3. Property Notification Map 4. Letter of Agency 5. Conditional Use Permit Application Dated January 23, 2015 6. Supporting Documents from Applicant 7. Drawing

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2015-05

Date – March 10, 2015

APPLICATION

Applicant:	Scott Webb, Applicant
Location:	7-9 W. High Street
Owner:	BDL II Associates
Agent:	Scott Webb, Architect
Action Request:	Conditional Use Permit Application – To Allow a First Floor Vacant Space be Used as an Accessory (exercise room) for Residents of the Building
Current Use:	Mixed-Use Building
Surrounding Existing Land Uses:	Mixed-Use Buildings and Commercial/Retail Use

DESCRIPTION

This application is seeking approval to utilize an existing vacant ground floor space for studying and exercise for residents of the building.

Since 2011, the vacant space has not been used by either of the ground floor commercial tenants since both entities have sufficient space for their operations. The vacant space only has access from inside the building or from the alley. (see attached drawings)

SURROUNDING NEIGHBORHOOD

The property is located in the heart of the Uptown area and is surrounded by other mixed-use buildings in all directions. Again, this building is located on the first block of W. High Street and is directly across the street from the Uptown Park.

SITE HISTORY

HAPC-2003-05 Remodel building with new signage
HAPC-2004-01 Additional storage in the rear of the building
HAPC-2010-14 Demolition and rebuild of a new mixed use building
PC-2010-07 Lot consolidation

COMPREHENSIVE PLAN (2008)

Not applicable for this application

ZONING CODE REGULATIONS EXCERPTS

- (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.
 9. Hospitals
- (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 feet minimum
Side Yard	none except	* Adjacent to a residential district 6 feet minimum
 - (3) Structural requirements.
 - A. Building height:

Minimum - 23 feet and a minimum of 2 stories above street grade

Maximum - 48 feet and 4 stories maximum above street grade.
 - B. Gross Floor Area Ratio:
 1. The maximum permitted gross floor area ratio of a structure at or above grade in the Uptown District shall be 3. (Lot area x 3 = total bldg. sq. ft.)

- a. Commercial space shall provide a minimum ratio of 0.7:1 of the lot area on the street level subject to the following:
 - i. The basement of a structure may be used for retail, personal and professional uses but shall not be computed into the minimum 0.7:1 ratio.
 - ii. Uncovered outdoor areas shall:
 - a. Be associated with the first floor commercial occupant,
 - b. Be located on the property and/or on the public sidewalk, only with a valid sidewalk permit.
 - c. 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.

COMMENT FORMS

All property owners within 200 feet have been notified by letter, a sign has been posted on the property and notice has been placed in the newspaper. At the time of this writing, **No public comments have been received.**

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering & Economic Development Departments. The following comments have been received:

Police:	Received with no comments
Fire:	Received with no comments
Engineering:	Received with no comments
Econ. Dev.	Received with no comments

DECISION CRITERIA

A copy of the Conditional Use Permit Decision Standards is attached.

ANALYSIS

The proposal is to use the existing vacant commercial space for the residents of the building to study or exercise. The space was an extra space that both commercial tenants do not need for their operation. It only has access to the alley and access from inside of the building.

As the application narrative indicates that this would be a residential amenity area, it is considered as part of the residential use of the building. The idea of converting this space for residential usage, even though it is accessory in nature, is interpreted as a conditional use in the Uptown District, since the intent of the Uptown District is to provide space for commercial purposes. Any request of this nature cannot be considered under the administrative purview and should be considered by the Commission, even though the impact of such accessory would be considered minimal.

As far as staff is aware this would be the second Uptown building to offer an exercise room for their residents. The other one is located in the basement of the building.

It is unknown how this space would have been utilized, if not being part of the ground floor tenants facing High Street, when it was first conceived. But from a practical standpoint, it could potentially be

problematic for identification and public safety purposes, if the use of this space is an entirely separate entity from the two tenant spaces that have High Street access. Therefore, the usability of this "office space" could be only marginal at best.

Based on the narrative from the applicant, this is only for studying and/or exercise for the residents of the building, so the users are only limited to the residents. It would appear that there is no demand for additional public services under this scenario. It would also seem that the proposed use would have very little impact to the adjoining properties, as indicated in the narrative by the applicant.

Staff also contacted the applicant to find out if a layout for this study and/or exercise room had been developed. The applicant indicated that there has been no detailed plan developed until after the approval of this conditional use application.

RECOMMENDATION

Should the Commission be in favor of this application, Staff would like to make certain the following stipulations for consideration.

1. It needs to be very clear that the approval of this Conditional Use Permit is only for converting this space to a study and/or exercise room, not a dwelling unit.
2. The Commission would waive the residential floor area ratio to exceed the 2:1 of the lot area, due to this space being used for a residential amenity area, since any outdoor patio, decks and balconies would be counted toward the residential floor area ratio.
3. Any residential use different than the proposed use would require further review from staff and potentially by City Boards and Commissions.

SUBMITTED

BY: Jung Han Chen
Jung-Han Chen

DATE: February 18, 2015

ATTACHMENT

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof.

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(2) General decision standards. All Conditional Uses shall satisfy these General Decision Standards:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 18, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-05 CONDITIONAL USE 7-9 W. High Street To allow a first floor vacant space to be used as an accessory (exercise room) for residents of the building, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **3/4/2015** 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:

Date: 2-23-15

John Dethierage

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 18, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-05 CONDITIONAL USE 7-9 W. High Street To allow a first floor vacant space to be used as an accessory (exercise room) for residents of the building, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **3/4/2015** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

RECEIVED

FEB 20 2015

City of Oxford
Service Department

Drawings reviewed by: Scott Otto Date: 3/4/15

Scott Otto
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 18, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-05 CONDITIONAL USE 7-9 W. High Street To allow a first floor vacant space to be used as an accessory (exercise room) for residents of the building, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **3/4/2015** 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:



Date: 2/26/2015

ROBERT HOLZWORTH

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 18, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-05 CONDITIONAL USE 7-9 W. High Street To allow a first floor vacant space to be used as an accessory (exercise room) for residents of the building, **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **3/4/2015** 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:  Date: 3-2-15

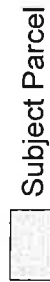
G. ALAN KUCNER

PRINTED NAME

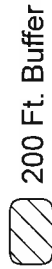


PC-2015-05 Surrounding Property Owners Map

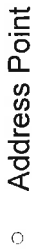
Legend



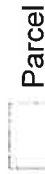
Subject Parcel



200 Ft. Buffer



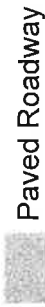
Address Point



Parcel



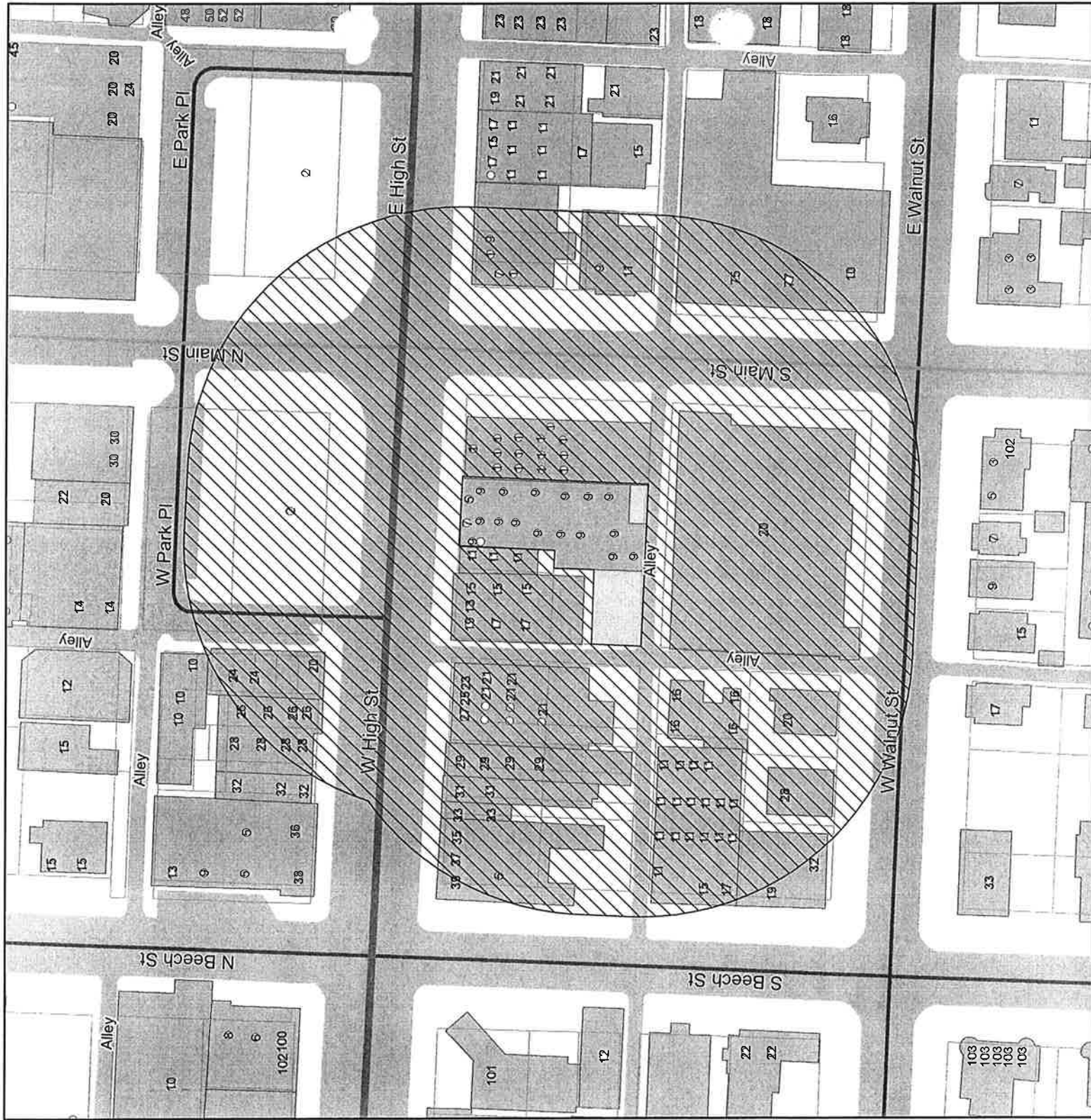
Building Footprint



Paved Roadway



1 inch = 100 feet



Prepared on Thursday, February 19, 2015

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

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the Planning Commission hearing February 10, 2015 regarding the use of an un-used portion of the ground floor area for a Residential Amenity Area in the UP zoning district, Oxford, Ohio.

Thank-you,

Signed:


(Mike Burke)

(BDL II Associates.)


Date:



Internal Use Only:	
Case No.	PC-2015-05
Date Filed	1/23/15

Conditional Use Permit Application

Applicant Information

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

Name * Scott Webb

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name * BDL II Associates

Mailing Address * 2301 Hunters Ridge Blvd.

City, State & Zip Code * Beavercreek Ohio 45434

Telephone Number(s) * (937) 369-5753

Email Address mikeburke@woh.rr.com

Location and Lot Information

Location of Property * 7-9 West High Street (rear)

Legal Description *

Zoning District * UP

Total Area * 0.231 → Check One * Acres ☒ Square Feet ☐

Existing Use Description * Vacant Ground Floor Space

Proposed Use Description * Residential Amenity Area

Submission Requirements and Documentation

From Section 1147.02(a)¹.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.
- Application Fee.
 - Description of Use and Site.
A written, detailed description shall include the following information. A separate response is required for each subsection.
 - The name, mailing address, and telephone number of the applicant and the property owner.
 - If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
 - A legal description of the site, including all separate lots.

- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

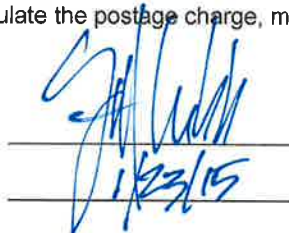
Fees & Receipt

The required fee is \$400.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *



Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

Receipt Number *

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

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

³ The United States Postal Service: <http://www.usps.com/>

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Ground Floor Residential Amenity Area
7-9 West High Street (Rear)
Oxford, Ohio

January 23, 2015

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use allowing a vacant portion of the ground floor area to be used for residential purposes.

The intention is to provide an amenity area in the rear of the ground floor of the existing mixed-use Building in the Uptown District.

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

Property Owners:

BDL II Associates.
2301 Hunters Ridge Blvd.
Beavercreek Ohio 45434

Architect:

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

Narrative Statement describing how the proposed Conditional Use meets the following decision standards of the zoning district in which it is located.

In response to the decision standards outlined in the application, we offer the following:

A. *The proposed use is in fact a Conditional Use in the Zoning District in which it is proposed;*

Ground floor residential remains a conditional use in the Uptown Zoning District

B. *The use and site will satisfy the general intent of the Zoning Code;*

The general intent of the Zoning Code is to limit the occupants of a building and to insure that the ground floor areas are used for commercial purposes. There are

currently (2) business operating from the front of the building. The area in question was not needed by either tenant, and is only accessible from the alley (or from inside the building) and has remained vacant since the building was constructed.

No increase in occupancy is intended by this application; simply the ability to use the space for an amenity area for the existing residents.

- C. *The use and site will be compatible with general intent of the Comprehensive Plan;*

The Comprehensive Plan encourages a vibrant sustainable uptown. The intent to find a use for vacant space, providing amenities for uptown residents would not be in opposition to the comprehensive plan.

- D. *The size and shape of the site are sufficient for the proposed use.*

The size and shape of the site is unaffected by this proposal. *The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.*

- E. *The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.*

The use of this space will not involve activities, materials or process that will detrimentally affect any neighboring properties or uses.

- F. *The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.*

The proposed use is accessory to existing uses on the site.

- G. *The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal or adequate provisions will be made to provide the same services privately.*

No additional public utilities will be required..

- H. *Development of the site and operation of the use will not require substantial public expenditure for infrastructure or services.*

No public expense is anticipated by this project, as the building and site are existing.

- I. *The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district*

The existing building has been open since 2011, and is harmonious with the neighborhood

- J. *The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.*

Traffic will not be affected by this proposal.

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

No new construction is proposed. All activities will take place within the existing building.

- L. *All Necessary permits and licenses for the Conditional Use and its operation have been obtained or can be obtained for the use at the proposed location.*

A professional review of the building code has been performed, and all necessary permits and licenses can be obtained for this use in this location..

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

Respectfully,

A handwritten signature in blue ink, appearing to read 'S. Webb', is written over the word 'Respectfully,'.

Scott Webb, Architect

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Ground Floor Residential Amenity Area
7-9 West High Street (Rear)
Oxford, Ohio

January 23, 2015

Dear Mr. Chen,

In addition to the narrative statement required on the Conditional Use Application, please accept this letter as the additional narrative statement required by Section 1147.02 of the Zoning Code.

In response to the items listed in 1147.02, we offer the following:

6. *A description of the proposed use.*

- a. *A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery & service vehicles*

The proposed use of this small ground floor area will be for study and/or exercise and will not involve sales or services.

- b. *Hours of operation*

As a residential building, no hours of operation are prescribed..

7. *A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties;*

- a. *How is the use similar to or different from existing area uses and if there will be any interaction between the proposed and existing uses*

This is an existing Mixed-Use building, containing commercial and residential, as is common and prescribed in the UP District.

- b. *How any existing structures, proposed structures, and the site design relate to adjacent structures and sites*

As a "landlocked" small rear area, accessible only from the alley or from inside the building, adjacent buildings and uses will be unaffected

- c. *If the use will involve any operations that create potential nuisances, such as excessive noise, lighting, odor, fumes, vibration, or emissions.*

The proposed use will not create potential nuisances

- d. *How any potential negative effects on adjacent land will be mitigated.*

The small rea in question will not cause any negative effects.

8. *A statement about why the location proposed is more appropriate for use than other locations;*

As the ground floor commercial tenants leased up the ground floor of this building, neither had use for a small "office" area to the rear of the building. The City Planner, Sam Perry, has made it clear to the building owners, that he is not in favor a business in this location, as it is only accessible from the alley. Rather than leave the space vacant, the owners would simply like to allow the residents of the building to use this area for study or exercise.

9. *A statement of the necessity or desirability of the proposed use to the neighborhood or community.*

As an amenity for the residents of the building only, the neighborhood and community are unaffected..

10. *Separate detailed statements that individually address each of the items listed as potential concerns for the proposed use.*

There are no specific concerns listed in the Zoning Code for ground floor residential uses in the UP district.

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

Respectfully,



Scott Webb, Architect



**SCOTT
WEBB**

ARCHITECT

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

scottwebbarchitect.com

PROPOSED NEW MIXED-USE BUILDING

7 West High Street

OXFORD, OHIO 45056

DATE _____

January 23, 2014

REVISIONS

$$A =$$

LEGEND

2.000 Proposed Steps Arrow

2.000 Existing Spot Elevation

2.000 Proposed Spot Elevation

2.000 Proposed Interim Contour

2.000 Proposed Interim Contour

2.000 Proposed Boundary

2.000 Ex Property Line

2.000 Ex Right-of-Way

2.000 Ex Proposed Striping

2.000 Ex Building

2.000 Ex Building

2.000 Ex Other Main

2.000 Ex Sidewalk

2.000 Ex Curb

2.000 Ex Underground One Inch

2.000 Ex Underground Electric

2.000 Ex T

2.000 Ex Underground Telephone

GENERAL NOTES

1. REFER TO THE ARCHITECTURAL PLANS FOR EXISTING BUILDING DIMENSIONS.

2. EXISTING SHOWN REPRESENTATIVE FINAL DIMENSIONS. EXISTING DIMENSIONS NOTED IN ALL DIMENSIONS.

3. EXISTING DIMENSIONS TO BE MAINTAINED TO PROVIDE A CLEAN EDGE. EXISTING DIMENSIONS TO BE MAINTAINED TO PROVIDE A CLEAN EDGE. EXISTING DIMENSIONS TO BE MAINTAINED TO PROVIDE A CLEAN EDGE.

4. EXISTING DIMENSIONS TO BE MAINTAINED TO PROVIDE A CLEAN EDGE. EXISTING DIMENSIONS TO BE MAINTAINED TO PROVIDE A CLEAN EDGE. EXISTING DIMENSIONS TO BE MAINTAINED TO PROVIDE A CLEAN EDGE.

BENCHMARK

EXISTING BENCHMARK MANHOLE TOP OF RM

IN ALL DIMENSIONS

1. 13.000

2. 13.000

3. 13.000

4. 13.000

5. 13.000

6. 13.000

7. 13.000

8. 13.000

9. 13.000

10. 13.000

11. 13.000

12. 13.000

13. 13.000

14. 13.000

15. 13.000

16. 13.000

17. 13.000

18. 13.000

19. 13.000

20. 13.000

21. 13.000

22. 13.000

23. 13.000

24. 13.000

25. 13.000

26. 13.000

27. 13.000

28. 13.000

29. 13.000

30. 13.000

31. 13.000

32. 13.000

33. 13.000

34. 13.000

35. 13.000

36. 13.000

37. 13.000

38. 13.000

39. 13.000

40. 13.000

41. 13.000

42. 13.000

43. 13.000

44. 13.000

45. 13.000

46. 13.000

47. 13.000

48. 13.000

49. 13.000

50. 13.000

51. 13.000

52. 13.000

53. 13.000

54. 13.000

55. 13.000

56. 13.000

57. 13.000

58. 13.000

59. 13.000

60. 13.000

61. 13.000

62. 13.000

63. 13.000

64. 13.000

65. 13.000

66. 13.000

67. 13.000

68. 13.000

69. 13.000

70. 13.000

71. 13.000

72. 13.000

73. 13.000

74. 13.000

75. 13.000

76. 13.000

77. 13.000

78. 13.000

79. 13.000

80. 13.000

81. 13.000

82. 13.000

83. 13.000

84. 13.000

85. 13.000

86. 13.000

87. 13.000

88. 13.000

89. 13.000

90. 13.000

91. 13.000

92. 13.000

93. 13.000

94. 13.000

95. 13.000

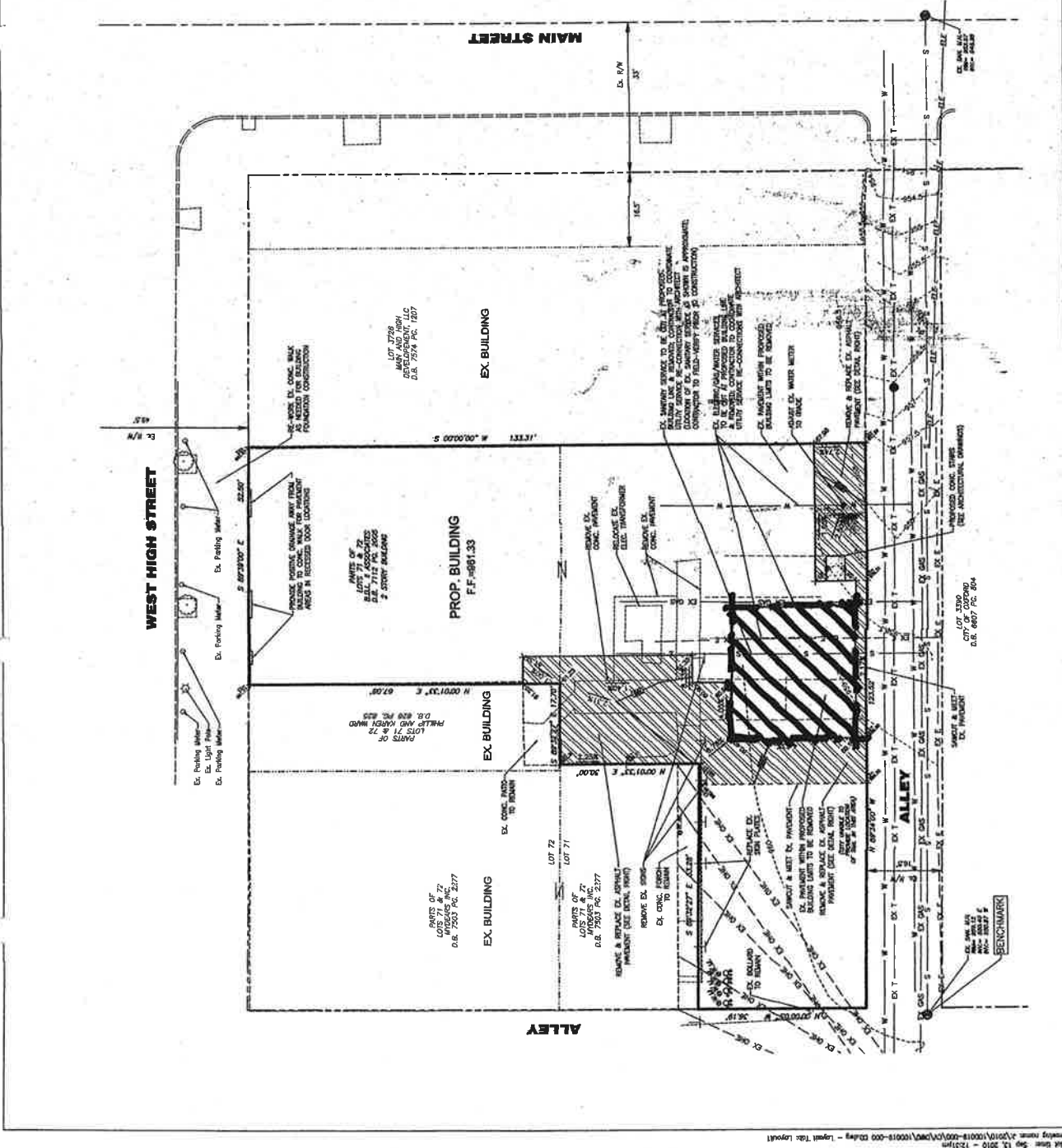
96. 13.000

97. 13.000

98. 13.000

99. 13.000

100. 13.000



**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 7, 2015

Jung-Han Chen
Prepared By:

Account Code No. #:

Budgeted Amount:

March 24, 2014
Date Prepared:

PC-2015-07 ZONING MAP AMENDMENT to rezone certain parcels located on West Central Avenue, east of railroad tracks, specifically parcel numbers H4100106000017, H4100106000020 and H4100106000023 from R2MS (Single and Two Family Mile-Square Residential) District to GB (General Business) District, City of Oxford, Applicant

Recommendation: Approval

Discussion:

This request is to rezone three (3) parcels, along West Central Avenue, on the east side of the railroad tracks, from R2MS (Single- and Two-Family Mile-Square Residential) District to GB (General Business) District, thus relieving the property from being undevelopable. An Agreement exists between the property owner and the Ohio EPA to prohibit the property from being used for residential purposes due to prior remediation. See the attached document for your review.

The properties were part of the Capitol Dry Cleaning operation many years ago. The site was also the subject of a Volunteer Action Program (VAP) to remediate contamination stemming from dry cleaning operations. In this Agreement, it explicitly restricts the properties to be limited to only commercial and/or industrial uses. Given that the current zoning only allows for residential uses, the site becomes undevelopable.

After the Public Hearing, the Planning Commission felt that this zoning map amendment would be reasonable given the agreement between the property owner and the Ohio EPA. The Commission voted 6-0-0 to recommend approval of this map amendment to City Council for consideration.

Approved By:

Department Head:
City Attorney:
City Manager:

JHC / 3/25/15
DRE / 4/3/15

ORDINANCE NO.

AN ORDINANCE ACCEPTING THE PLANNING COMMISSION'S RECOMMENDATION AND GRANTING A ZONING MAP AMENDMENT FOR PROPERTY LOCATED ON WEST CENTRAL AVENUE (PARCELS H4100106000017, H4100106000020 AND H4100106000023) OXFORD, OHIO AND REZONING THE PROPERTY FROM R2MS (SINGLE AND TWO FAMILY MILE SQUARE RESIDENTIAL) DISTRICT TO GB (GENERAL BUSINESS) DISTRICT.

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

SECTION 1: Council finds in accordance with Section 1135.02 of the Codified Ordinances of the City of Oxford, the Oxford Planning Commission held a public hearing on March 10, 2015 on the City of Oxford's application for a Zoning Map Amendment for property located on West Central Avenue (Parcels H4100106000017, H4100106000020 and H4100106000023) Oxford, Ohio rezoning the property from R2MS (Single and Two Family Mile Square Residential) District to GB (General Business) District.

SECTION 2: The Oxford Planning Commission, after public hearing and due deliberation, recommended granting the Zoning Map Amendment, finding that the proposed rezoning request was in keeping with the intended characteristics of the general vicinity of the property and was an appropriate use of the property.

SECTION 3: The Planning Commission found the request does comply with the intent of the Oxford Codified Ordinances and the Oxford Comprehensive Plan

SECTION 4: Council hereby accepts the report of the Oxford Planning Commission, and after due deliberation, finds for the granting of the Zoning Map Amendment rezoning property located on West Central Avenue (Parcels H4100106000017, H4100106000020 and H4100106000023) Oxford, Ohio to GB (General Business) District.

SECTION 5: Council hereby grants the rezoning request for the property as requested by the applicant, incorporating the application and documents submitted by the applicant as a term and condition of the granting of this rezoning request and orders that the official zoning map be amended.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	April 7, 2015
<u>Case Number</u>	PC-2015-07
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Zoning Map Amendment
<u>Summary of Request</u>	ZONING MAP AMENDMENT To rezone certain parcels located on West Central Avenue, east of railroad tracks, specifically parcel numbers H4100106000017, H4100106000020 and H4100106000023 from R2MS (Single and Two-Family Mile Square Residential) District to GB (General Business) District, City of Oxford, Applicant
<u>Public Hearing Information</u>	On March 10, 2015 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on February 8, 2015. Public Hearing notices were mailed out to surrounding properties on February 19, 2015.
<u>Commission Action</u>	The Planning Commission voted 6-0-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission recommended this Zoning Map Amendment having met at least one Decision Standard of Chapter 1135.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated February 19, 2015 2. Interoffice Reviews 3. Surrounding Property Notifications 4. Review and Comment Form Response 5. Zoning Map Amendment Application Dated January 23, 2015 6. Ohio Environmental Protection Agency Documents

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2015-07

Date – March 10, 2015

APPLICATION

Applicant:	City of Oxford
Action Request:	Zone Map Amendment to Amend the Zoning Designation of Certain Property, on West Central Avenue, East of Railroad Tracks, Specifically Parcels Numbered H4100106000017, H410010600020 and H4100106000023 from R2MS (Single- and Two-Family Mile Square Residential) District to GB (General Business) District, City of Oxford, Applicant
Address:	Vacant Lots
Parcels:	H4100106000017, H410010600020 and H4100106000023

DESCRIPTION

This request is to rezone three (3) parcels, along West Central Avenue, on the east side of the railroad tracks, from R2MS (Single- and Two-Family Mile-Square Residential) District to GB (General Business) District, thus relieving the property from being undevelopable. There is an Agreement between the property owner and the Ohio EPA to prohibit the property from being used for residential purposes due to prior remediation. See attached document.

SURROUNDING NEIGHBORHOOD

The surrounding neighborhood to the east, west and south east of these parcels are apartment complexes. Directly north are all single family dwellings with a railroad track to the west.

COMP PLAN

Continue to Manage Growth

To maintain the community's small college town character, will be preserved and enhanced.

Future growth at the edge of the City will preserve open space; protect the area's rural character in consideration of Township land use.

AGENCY COMMENTS

Fire:	Returned without comments
Police:	Returned without comments
Engineering:	Returned without comments
Economic Development:	Returned without comments

PUBLIC COMMENT FORMS

No comments have been received to date.

STAFF ANALYSIS

This is a request initiated by the City to rectify the zoning map amendment that took place in 2003 that may have inadvertently prevented the properties from being developed at all. The current zoning classification of these properties is R2MS (Single and Two-Family Mile Square Residential) District which allows single and two-family residences to be located on these parcels.

The properties were part of the Capitol Dry Cleaning operation many years ago. The site was also the subject of a Volunteer Action Program (VAP) to remediate contamination stemming from dry cleaning operations. In this Agreement, it explicitly restricted the properties to be limited to only commercial and/or industrial uses. Given that the current zoning only allows residential uses, the site becomes undevelopable.

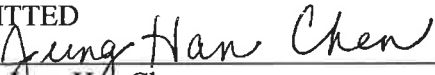
The proposed zoning map amendment would make the site developable, but still needing to follow the City's land use regulations.

RECOMMENDATION

Staff is recommending the site be rezoned to GB District to allow for property development.

SUBMITTED

BY:


Jung-Han Chen

Community Development Department

DATE: February 19, 2015

ATTACHMENT

Chapter 1135 Zoning Code Amendments

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

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

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

Map Amendments

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

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-07 ZONING MAP AMENDMENT To rezone certain parcels located on West Central Avenue, east of railroad tracks, specifically parcel numbers H4100106000017, H4100106000020 and H4100106000023 from R2MS (Single and Two-Family Residential) District to GB (General Business) District, **City of Oxford, Applicant**

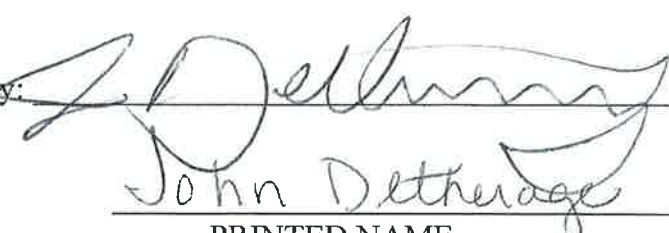
 X Review Revisions Other

Please return no later than: **3/4/2015** 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:


John Dethridge

PRINTED NAME

Date: 2-23-15

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-07 ZONING MAP AMENDMENT To rezone certain parcels located on West Central Avenue, east of railroad tracks, specifically parcel numbers H4100106000017, H4100106000020 and H4100106000023 from R2MS (Single and Two-Family Residential) District to GB (General Business) District, City of Oxford, Applicant

 X Review Revisions Other

Please return no later than: **3/4/2015** Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments

without/comments

RECEIVED

FEB 20 2015

City of Oxford
Service Department

Drawings reviewed by:

Scott Otto

Date:

3/4/15

Scott Otto

PRINTED NAME

PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 19, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-07 ZONING MAP AMENDMENT To rezone certain parcels located on West Central Avenue, east of railroad tracks, specifically parcel numbers H4100106000017, H4100106000020 and H4100106000023 from R2MS (Single and Two-Family Residential) District to GB (General Business) District, **City of Oxford, Applicant**

 X Review Revisions Other

Please return no later than: **3/4/2015** 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: _____

Date: FEB-26-15

G. Alan Kyrin

PRINTED NAME



PC-2015-07 **Surrounding** **Property Owners** **Map**

Legend

-  Subject Area
-  200 Ft. Buffer
-  Address Point
-  Parcel
-  Building Footprint
-  Paved Roadway



1 inch = 100 feet



Prepared on Thursday, February 19, 2015

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



CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM



CASE NO.: PC-2015-07

DATE OF HEARING:

March 10, 2015

ZONING MAP AMENDMENT To rezone certain parcels located on West Central Avenue, east of railroad track, specifically parcel numbers H4100106000017, H4100106000020 and H4100106000023 from R2MS (Single and Two-Family Residential) District to GB (General Business) District, **City of Oxford, Applicant**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name:

William W. Pulley

Address:

4 W. Central Ave. Oxford

Telephone:

Home:

Work:

513-523-4121

COMMENTS:

My family has owned this small parcel of land for over 60 years. It was originally acquired by my father in connection with the 4 W. Central Ave and 801 S. Beech St properties.

When we resolved the contamination resulting from drycleaning solvent, we received a "no further action" letter from Ohio EPA. We accepted the restriction on the use of this parcel that prohibits residential use. The change in zoning from business to residential (which we unaware of) makes the

Signature

William W. Pulley

Date

March 9, 16

Property Worthen

Managing Partner,

Cleaning & Maintenance Services LLC

3/10/2015

Comments received from:

William W. Pulley

4 W. Central Avenue, Oxford, Ohio

"My family has owned this small parcel of land for over 60 years. It was originally acquired by my father in connection with 4 W. Central Avenue and 801 S. Beech Street properties.

When we resolved the contamination resulting from dry cleaning solvent, we received a "no further action" letter from the Ohio EPA. We accepted the restriction on the use of this parcel that prohibited residential use. The change in zoning from business to residential (which we were unaware of) makes the property worthless."



Internal Use Only:	
Case No.	PC-2015-07
Date Filed	1/23/15

Zoning Map Amendment Application

Applicant Information

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

Name * City of Oxford

Mailing Address * 101 E High St

City, State & Zip Code * Oxford OH 45056

Telephone Number(s) * 513/524-5204

Email Address Jhchen@cityofoxford.org

Location and Lot Information

Location * W Central Avenue, East of Railroad Tracks

General Description of Proposed Amendment * Amend Zoning Designation

Current Zoning * R2MS

Proposed Zone(s) * GB

Submission Requirements and Documentation

From Section 1135.02 Procedure¹.

- (a) Initiation. A map amendment may be initiated by adoption of a motion by Planning Commission, by adoption of a motion by Council, or by application to Planning Commission by at least one owner of the property within the area proposed to be rezoned.
- (b) Application. If Planning Commission or Council initiates an amendment, then the Zoning Administrator shall provide information as necessary for proper consideration of the motion. The information provided shall be substantially similar to that required of an application for amendment.

An application for amendment shall be filed with the Zoning Administrator. An application shall be complete prior to being scheduled for a public hearing. An application will be considered complete only if the Zoning Administrator is satisfied that all of the materials required by this chapter are included and are sufficient in their content to satisfy the intent of the application requirements.

- (1) Contents of application. The applicant shall contact the Zoning Administrator prior to submitting an application to discuss the submission requirement, which includes the following information. A written, detailed description, where applicable, is required for each subsection.
- Application Fee.
 - The name, mailing address, and telephone number of the applicant.
 - A general description of the proposed amendment.
 - A narrative statement that describes how the proposed amendment relates to the Comprehensive Plan.
 - A statement that identifies potential negative consequences of the proposed amendment.
 - Such other information regarding the proposed amendment as may be pertinent to the application or required by Planning Commission or Council.
 - A legal description of the area to be rezoned.
 - The proposed zoning of the area.
 - The current zoning of the area.
 - A description of existing uses in the area.

- K. A vicinity map, at a scale approved by the Zoning Administrator, showing property lines, streets, existing and proposed zoning and other items required by the Zoning Administrator.
- L. A list of the names and mailing addresses of all owners of land that is proposed to be rezoned and all land owners within 200 feet of every parcel proposed to be rezoned (see later section).

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number. *Property Owner names will not be provided in the agenda packet.*

Decision Process

From Section 1135.02(c)(1) Decision Standards¹.

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.

- 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 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.

Fees & Receipt

The required fee is \$150.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *

Jung Han Chen
1/23/15

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required documentation as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

NA

Receipt Number *

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

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

³ The United States Postal Service: <http://www.usps.com/>

OHIO E.P.A.

DEC -2 1999

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In The Matter of:

First National Bank of Southwestern
Ohio
300 High Street
P.O. Box 476
Hamilton, Ohio 45012

Covenant Not to Sue

Regarding the property known as:

Director's Final Findings
and Orders

Capitol Dry Cleaning - North
West Central Avenue
Oxford, Ohio
Butler County

Pursuant to Ohio Revised Code ("ORC") Chapter 3746 and Ohio Administrative Code ("OAC") Chapter 3745-300, the Director of the Ohio Environmental Protection Agency ("Director") hereby makes the following Findings and Issues the following Orders ("Findings and Orders" or "Covenant").

FINDINGS

1. An original No Further Action Letter, No. 99NFA051 (the "NFA Letter"), was submitted on March 5, 1999, to Ohio EPA's Division of Emergency and Remedial Response, Voluntary Action Program ("VAP") on behalf of First National Bank of Southwestern Ohio, Trustee of the Verlin and Corola Pulley Trust (the "Volunteer" or "Current Owner"), by Mr. John L. Payne, a certified professional, No. CP104, as defined in ORC Section 3746.01(E) and OAC Rule 3745-300-01(A)(8) (the "Certified Professional").

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency

By: Joseph A. Anderson Date 12-02-99

OHIO E.P.A.

DEC -2 1999

ENTERED DIRECTOR'S JOURNAL

2. The NFA Letter describes investigational and remedial activities undertaken at the approximately 0.25 acre property known as Capitol Dry Cleaning - North located on West Central Avenue, Oxford, Butler County, Ohio, (the "Property"). An exact legal description of the Property is attached hereto as Exhibit 1 and is contained in the deed recorded in Official Record Book Volume 1607, Page 640, located in the Butler County Recorder's Office. A site location map is attached hereto as Exhibit 2.
3. An addendum to the NFA Letter, dated September 30, 1999, was submitted to Ohio EPA by the Certified Professional. The NFA Letter, the addendum thereto, and Ohio EPA's comments regarding the NFA Letter and the addendum, are collectively referred to herein as the "NFA."
4. Based upon the information contained in the NFA, the following investigational and remedial activities regarding the Property were undertaken and completed on behalf of the Volunteer:
 - a. a Phase I Property Assessment, in accordance with OAC Rule 3745-300-06, to determine whether there is any reason to believe that any release of hazardous substances or petroleum has or may have occurred at or emanated from the Property;
 - b. a Phase II Property Assessment, in accordance with OAC Rule 3745-300-07, including but not limited to investigations of soil and ground water to assess environmental conditions related to any release of hazardous substances and petroleum;
 - c. a Property Specific Risk Assessment, in accordance with OAC Rule 3745-300-09, including data evaluation, exposure assessment, toxicity evaluation and risk characterization; and
 - d. a deed restriction on the Property, recorded in the Butler County Recorder's Office, Official Record Book Volume 6406, Pages 1499-1501, which restricts the Property to commercial and industrial uses, prohibits the construction or installation of any permanent subsurface structures, and which also prohibits the use of ground water located beneath the Property, for any purpose or use, except for purposes of environmental investigation and environmental remediation.
5. The Certified Professional has verified by affidavit that the investigational and remedial activities undertaken at the Property comply with the standards established

OHIO E.P.A.

DEC -2 1999

In ORC Chapter 3746 and OAC Chapter 3745-300, that the Property is eligible to receive a Covenant Not to Sue under the VAP, and that the voluntary action was conducted in compliance with all applicable federal, state and local laws.

6. At the time that analyses were performed, Quanterra Incorporated, located in North Canton, Ohio was a certified laboratory, No. CL 00024, as defined in ORC Section 3746.01(D) and OAC Rule 3745-300-01(A)(7), whose services were used in support of the NFA for the Property (the "Certified Laboratory").
7. According to information provided by the Certified Laboratory in an affidavit contained in the NFA, the Certified Laboratory performed analyses for which it was certified and qualified, pursuant to ORC Chapter 3746 and OAC Chapter 3745-300, that formed the basis for the issuance of the NFA by the Certified Professional.
8. A deed restriction on the use of the Property has been recorded in the Butler County Recorder's Office, in accordance with OAC Rule 3745-300-13(E)(13). A copy of the deed restriction is attached hereto as Exhibit 3. The deed restriction:
 - a. limits the use of the Property to commercial/industrial land uses;
 - b. prohibits the extraction of ground water beneath the Property for any purpose or use, potable or otherwise, except for investigational and remedial activities consistent with ORC Chapter 3746 and OAC Chapter 3745-300; and
 - c. prohibits the construction or installation of any permanent subsurface structures.
9. Based on the information contained in the NFA, and upon all other conditions set forth herein, the Property meets the applicable standards contained in ORC Chapter 3746 and OAC Chapter 3745-300 for commercial and industrial land use, including but not limited to:
 - a. Commercial/Industrial land use category direct contact soil standards for hazardous substances in accordance with OAC Rule 3745-300-08 for generic numerical standards, or in accordance with OAC Rule 3745-300-09(D) for those standards derived through Property-specific risk assessment procedures, at a point of compliance from the surface to a depth 2 feet;
 - b. Ground water standards derived through Property-specific risk assessment procedures in accordance with OAC Rule 3745-300-09(D) for human

receptor exposures resulting from direct contact or inhalation by construction/excavation workers, and from volatilization of chemicals of concern from ground water to indoor air;

- c. Soil standards protective of construction/excavation workers derived through Property-specific risk assessment procedures in accordance with OAC Rule 3745-300-09 for all soils down to the ground water table, which varied in depth from approximately 5 to 11 feet.
10. Based on the information contained in the NFA, and upon all other conditions set forth herein, the Director has determined that the issuance of a Covenant Not to Sue for the Property is protective of human health, safety and the environment.

ORDERS

Covenant

1. Upon the effective date of these Findings and Orders, and subject to the conditions set forth herein, Ohio EPA hereby releases and covenants not to sue First National Bank of Southwestern Ohio, and its agents, employees, shareholders, officers, directors, successors or assigns of the Property, from all civil liability to the State to perform additional investigational and remedial activities at the Property for the releases of hazardous substances or petroleum identified in the Phase I and Phase II Property Assessments completed in accordance with ORC Chapter 3746 and OAC Chapter 3745-300.

Conditions and Limitations

2. The Covenant Not to Sue provided in Order No. 1 herein (the "Covenant") shall only apply to the approximately 0.25 acre Property described herein and in the NFA, and the Exhibits attached hereto, upon which the investigational and/or remedial activities specified in the NFA were conducted.
3. Pursuant to ORC Section 3746.12(B), the Covenant shall remain in effect for as long as the Property continues to comply with the applicable standards upon which the Covenant is based, as referenced in these Findings and Orders.
4. Pursuant to ORC Section 3746.05, any use of the Property that does not comply with the institutional controls identified herein, including the deed restriction and any non-deed use restrictions, shall void the Covenant on and after the commencement

OHIO E.P.A.

DEC -2 1999

of the noncomplying use. Pursuant to ORC Section 3746.17, authorized representatives of Ohio EPA shall be granted access to the Property for visual inspection purposes to determine whether the Property is being used in compliance with the institutional controls identified herein.

5. The Covenant shall not apply to releases of hazardous substances or petroleum:
 - a. that occur after the submittal of the NFA to Ohio EPA; or
 - b. on or emanating from the Property, that are not described in the NFA; or
 - c. for which investigational or remedial activities were conducted that were not in compliance with ORC Chapter 3746 or OAC Chapter 3745-300.
6. The Covenant shall not apply to:
 - a. claims for natural resource damages the State may have pursuant to Sections 107 or 113 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. Sections 9607 and 9613, as amended; or
 - b. claims the State may have pursuant to Section 107 of CERCLA, 42 U.S.C. Section 9607, as amended, for costs other than those for damages to natural resources, provided that the State incurs those other costs as a result of an action by the United States Environmental Protection Agency; or
 - c. as otherwise specifically provided in ORC Chapter 3746.
7. Nothing in ORC Chapter 3746 limits the authority of the Director to act under ORC Sections 3734.13 and 3734.20 to 3734.23, or to request that a civil action be brought pursuant to the ORC or common law of the State to recover the costs incurred by Ohio EPA for investigating or remediating a release or threatened release of hazardous substances or petroleum at or from a property where a voluntary action is being or has been conducted under ORC Chapter 3746 and OAC Chapter 3745-300, when the Director determines that the release or threatened release poses an imminent and substantial threat to public health or safety or the environment.
8. Nothing in the Covenant shall be construed to limit or waive the Director's authority to revoke the Covenant in response to any of the circumstances for revocation of a covenant, as provided in ORC Chapter 3746 and OAC Chapter 3745-300.

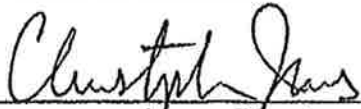
OHIO E.P.A.

DEC -2 1999

Deed Record and Transfer ENTERED DIRECTOR'S JOURNAL

9. A summary of the NFA and the text of the NFA Addendum, as approved by Ohio EPA, and a copy of these Findings and Orders, including Exhibits 1 (Legal Description), 2 (Site Map) and 3 (Deed Restriction), shall be recorded in the Butler County Recorder's Office, in the same manner as a deed to the Property, within sixty (60) days of the effective date of these Findings and Orders.
10. Pursuant to ORC Section 3746.14 and OAC Rule 3745-300-13(K), the NFA and the Covenant may be transferred to any person by assignment or in conjunction with the acquisition of title to the Property.

IT IS SO ORDERED:



Christopher Jones, Director
Ohio Environmental Protection Agency

DEC 02 1999

Date

OR 6404 PAGE 1499

TRANSFER NOT NECESSARY

KAY ROGERS

BY 9-9-99 DEPT.

AUDITOR, BUTLER CO., OHIO

QUITCLAIM DEED
(North VAP Property)

199900070344
Filed For Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 09-09-1999 At 03:42:11 pm.
DEED 18.00
OR Book 6404 Page 1499 - 1501

FIRST NATIONAL BANK OF SOUTHWESTERN OHIO, TRUSTEE, hereby grants to FIRST NATIONAL BANK OF SOUTHWESTERN OHIO, TRUSTEE, the address of which is P.O. Box 476, Third and High Streets, Hamilton, Ohio 45012, Attention: Trust Division (the grantor/grantee being referred to herein as the "Trustee"), the real property located in the City of Oxford, Butler County, Ohio as more particularly described on Exhibit "A" attached hereto and made a part hereof (herein, the "North VAP Property").

(A) Restrictions. The Trustee hereby subjects the North VAP Property to the following restrictive covenants ("Restrictive Covenants"):

(i) Restriction Against Extraction of Ground Water. Neither the Trustee nor any other person or entity hereafter acquiring an interest in the North VAP Property shall extract, produce or utilize the ground water located in, on, or underlying the North VAP Property for any purpose or use, potable or otherwise. As used in the preceding sentence, potable purpose or use shall mean those uses described in Ohio Administrative Code ("OAC") rule 3745-300-01(A)(33) (as effective on December 16, 1996).

(ii) Restriction Against Permanent Subsurface Structures. Neither the Trustee nor any other person or entity hereafter acquiring an interest in the North VAP Property shall construct on the North VAP Property a basement or any other permanent subsurface or underground structure designed for routine human occupancy without obtaining the prior written approval of the Ohio Environmental Protection Agency (the "Ohio EPA").

(iii) Restriction Limiting Use of Property to Commercial/Industrial Uses. Use of the North VAP Property shall be limited to commercial and/or industrial uses, as set forth in OAC rule 3745-300-08(B)(2)(c)(iii) and OAC rule 3745-300-08(B)(2)(c)(iii) (as effective on December 16, 1996), and consistent with the modified exposure assumptions established by the property-specific risk assessment developed in accordance with OAC rule 3745-300-09 (as effective on December 16, 1996). A copy of the property-specific risk assessment can be obtained by contacting the Ohio EPA Voluntary Action Program at (614) 644-2924.

(B) Covenants Running With the Land, Etc. The Restrictive Covenants shall be deemed to be covenants running with the land and shall be binding upon the Trustee and all other persons and legal entities hereafter acquiring any right, title or interest in the North VAP Property. The Restrictive Covenants shall inure to the benefit of, and be enforceable by, the Ohio EPA. The failure by the Ohio EPA to enforce any of the Restrictive Covenants shall in no event be deemed as a waiver of its right to do so thereafter. If any one or more of the Restrictive Covenants shall be found to be legally unenforceable in any respect, the validity, legality and enforceability of the remaining Restrictive Covenants shall not in any way be affected or impaired thereby.

(C) Termination. The Restrictive Covenants shall terminate and become null and void upon the filing by the Ohio EPA, in the Butler County, Ohio Recorder's Office, of a written instrument memorializing such termination, or, in lieu thereof, and with permission from the Ohio EPA, a written termination recorded by the Trustee (or its successor-in-interest) supported by written confirmation from the Ohio EPA that the ground water and any hazardous substances and/or petroleum located on, underlying or emanating from the North VAP Property no longer pose a significant risk to human health or safety.

JE 11:00

FIRST SOUTHWESTERN TRUST

FAX NO. 513867522

P. 03

Vol 1762 PAGE 68

The real estate, the transfer of which is memorialized by this certificate, is described as follows (describe using extra sheets if necessary. If decedent's interest was a fractional share, be sure to so state)

ACT I:

Parcel 1: An undivided one-half interest in the following described real estate located in the City of Oxford, County of Butler and State of Ohio, being Lots numbered Five Hundred Fifty-Three (553), Five Hundred Fifty-Four (554), Five Hundred Fifty-Five (555), Five Hundred Fifty-Six (556), Five Hundred Fifty-Seven (557), Five Hundred Fifty-Eight (558), Five Hundred Fifty-Nine (559), Five Hundred Sixty (560), Five Hundred Sixty-One (561), Five Hundred Sixty-Two (562), Five Hundred Sixty-Three (563), Five Hundred Sixty-Four (564), Five Hundred Sixty-Five (565), Five Hundred Sixty-Six (566), Five Hundred Sixty-Seven (567), Five Hundred Sixty-Eight (568), Five Hundred Sixty-Nine (569), Five Hundred Seventy (570), Five Hundred Seventy-One (571), and Five Hundred Seventy-Two (572) as the same are designated on the revised List of Lots in the Homestead Subdivision of Lots in said City.

Parcel 2: An undivided one-half interest in the following described real estate, to wit: Situate in the City of Oxford, County of Butler and State of Ohio, and being part of Inlots numbered Five Hundred and Fifty-One (551) and Five Hundred and Fifty-Two (552) as the same are known on the revised list of lots in said City, bounded and described as follows: Beginning at the northeast corner of said Inlot No. 551; thence east with the north line thereof twenty-six (26) feet; thence south parallel with the east lines of said Inlots, one hundred (100) feet to the south line of Inlot No. 552; thence east with the south line of said Inlot, eighty-six (86) feet to the southeast corner thereof; thence northwestwardly with the east lines of said Inlots, one hundred and eighteen (118) feet to the place of beginning. Said premises being subject to an annual ground rent of \$1.00 on each part of said Inlots, payable to the Treasurer of Miami University on August 28th every year.

Parcel 3: An undivided one-half interest in the following described real estate, to wit: The West 100 feet taken evenly off of the West ends of Inlots Number Five Hundred and Fifty-One (551) and Five Hundred and Fifty-Two (552), as the same are known and designated on the revised list of lots in the City of Oxford, County of Butler, State of Ohio. The same being subject to an annual ground rent payable to the Treasurer of Miami University, each year.

Prior Deed: Volume 1607, Page 638.

(CONTINUED ON ATTACHED SHEET)

AUG - 6 1992

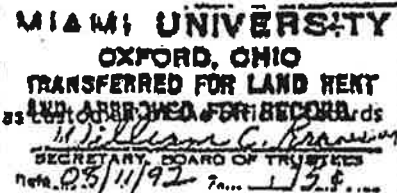
Steph W. Powell

11111111

Probate Judge

AUTHENTICATION

I certify that the above document is a true copy of the original kept by me as clerk of this Court.



AUG - 6 1992

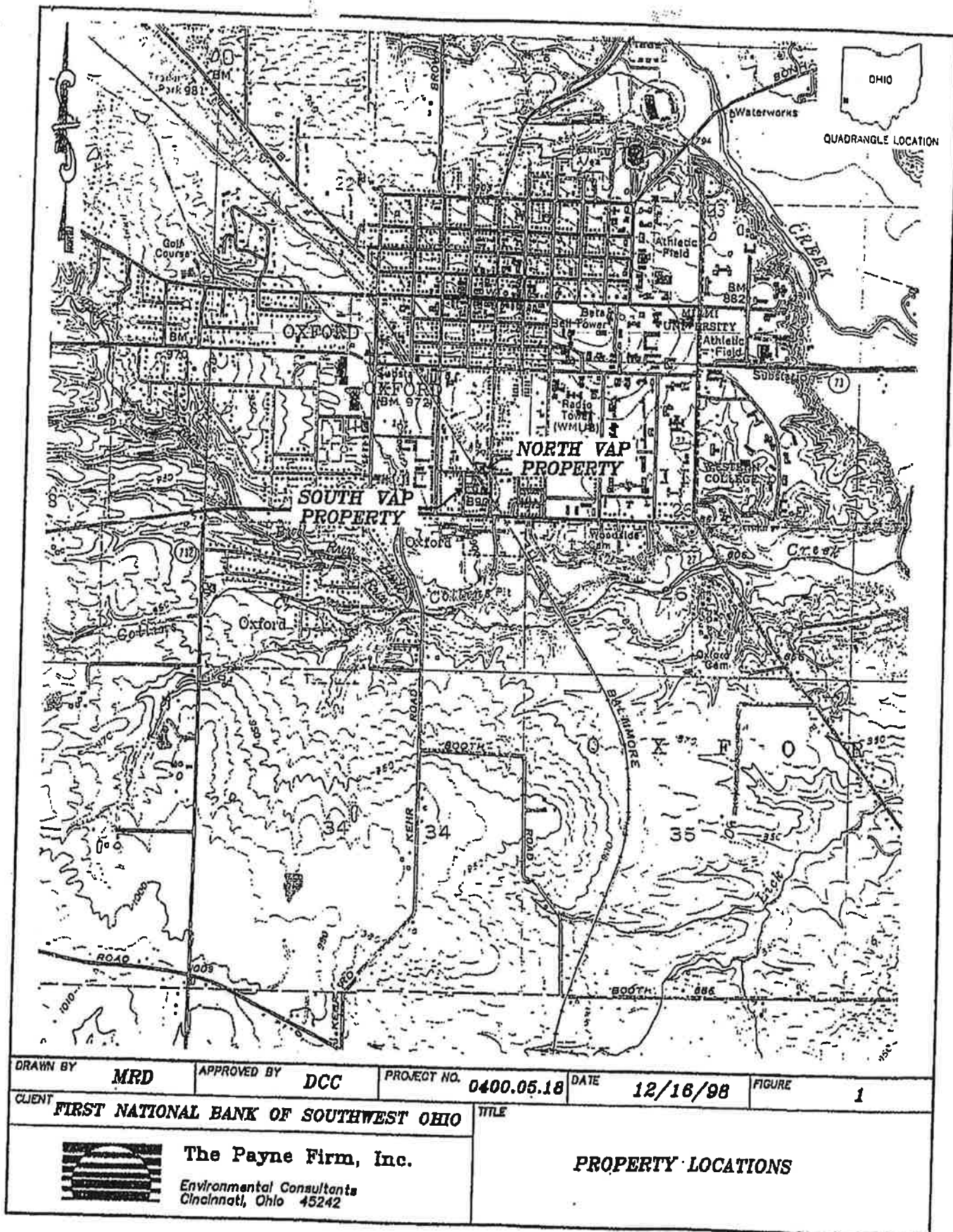
Cindy J. Baker

APPROVED:

Robert E. Fayman

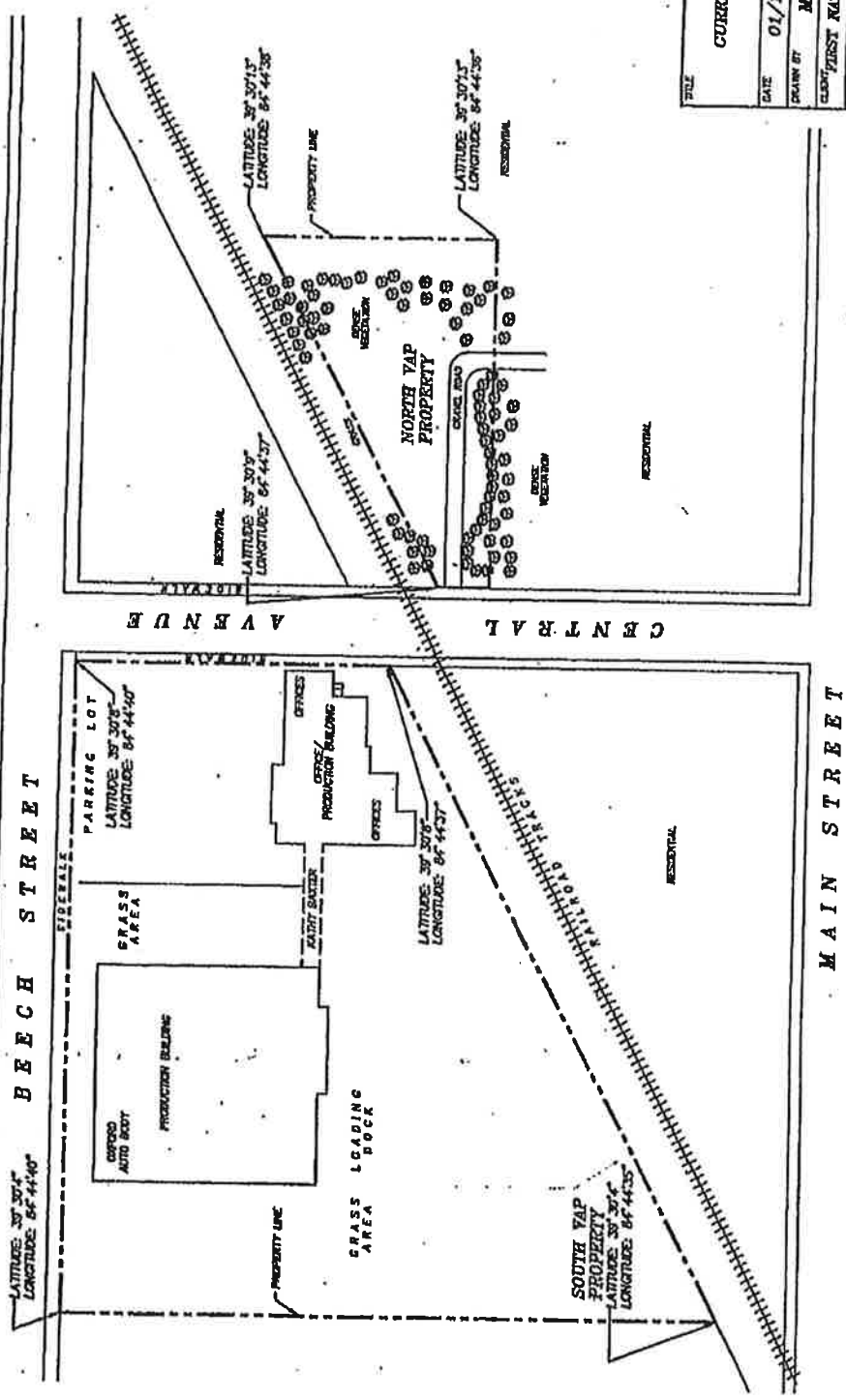
Attorney for Fiduciary

F.1.1.1.1.1.1





APPROXIMATE SCALE: 1 INCH = 60 FEET



CURRENT PROPERTY FEATURES			
DATE	01/15/98	FOUR	2
DRAWN BY	MRD	APPROVED BY	DCC
CLIENT	FIRST NATIONAL BANK OF SOUTHWEST OHIO		
PROJECT NO.	0400.05.12		
			
The Payne Firm, Inc. Environmental Consultants Channah, Ohio 43242			

Exhibit 2, pg 2 of 2

RECEIVED ST 24 1999

O.R. 6407 PAGE 654

QUITCLAIM DEED
(South VAP Property)199900072248
Filed for Record in
BUTLER COUNTY, OHIO
JOYCE B THALL
On 09-17-1999 At 03:27:48 pm.
DEED 18.00
OR Book 6407 Page 654 - 656

FIRST NATIONAL BANK OF SOUTHWESTERN OHIO, TRUSTEE, hereby grants to FIRST NATIONAL BANK OF SOUTHWESTERN OHIO, TRUSTEE, the address of which is P.O. Box 476, Third and High Streets, Hamilton, Ohio 45012, Attention: Trust Division (the grantor/grantee being referred to herein as the "Trustee"), the real property located at 4 West Central Avenue, City of Oxford, Butler County, Ohio as more particularly described on Exhibit "A" attached hereto and made a part hereof (herein, the "South VAP Property").

(A) Restrictions. The Trustee hereby subjects the South VAP Property to the following restrictive covenants ("Restrictive Covenants"):

(I) Restriction Against Extraction of Ground Water. Neither the Trustee nor any other person or entity hereafter acquiring an interest in the South VAP Property shall extract, produce or utilize the ground water located in, on, or underlying the South VAP Property for any purpose or use, potable or otherwise. As used in the preceding sentence, potable purpose or use shall mean those uses described in Ohio Administrative Code ("OAC") rule 3745-300-01(A)(33) (as effective on December 16, 1996).

(II) Restriction Against Permanent Subsurface Structures. Neither the Trustee nor any other person or entity hereafter acquiring an interest in the South VAP Property shall construct on the South VAP Property a basement or any other permanent subsurface or underground structure designed for routine human occupancy without obtaining the prior written approval of the Ohio Environmental Protection Agency (the "Ohio EPA").

(III) Restriction Limiting Use of Property to Commercial/Industrial Uses. Use of the South VAP Property shall be limited to commercial and/or industrial uses, as set forth in OAC rule 3745-300-08(B)(2)(c)(ii) and OAC rule 3745-300-08(B)(2)(c)(iii) (as effective on December 16, 1996), and consistent with the modified exposure assumptions established by the property-specific risk assessment developed in accordance with OAC rule 3745-300-09 (as effective on December 16, 1996). A copy of the property-specific risk assessment can be obtained by contacting the Ohio EPA Voluntary Action Program at (614) 644-2924.

(B) Covenants Running With the Land, Etc. The Restrictive Covenants shall be deemed to be covenants running with the land and shall be binding upon the Trustee and all other persons and legal entities hereafter acquiring any right, title or interest in the South VAP Property. The Restrictive Covenants shall inure to the benefit of, and be enforceable by, the Ohio EPA. The failure by the Ohio EPA to enforce any of the Restrictive Covenants shall in no event be deemed as a waiver of its right to do so thereafter. If any one or more of the Restrictive Covenants shall be found to be legally unenforceable in any respect, the validity, legality and enforceability of the remaining Restrictive Covenants shall not in any way be affected or impaired thereby.

(C) Termination. The Restrictive Covenants shall terminate and become null and void upon the filing by the Ohio EPA, in the Butler County, Ohio Recorder's Office, of a written instrument memorializing such termination, or, in lieu thereof, and with permission from the Ohio EPA, a written termination recorded by the Trustee (or its successor-in-interest) supported by written confirmation from the Ohio EPA that the ground water and any hazardous substances and/or petroleum located on, underlying or emanating from the South VAP Property no longer pose a significant risk to human health or safety.

TRANSFER NOT NECESSARY
KAY ROGERS
BY 9-17-99 DEPT.
AUDITOR

Exhibit 3 no 1012

O.R. 6407 PAGE 655

This Deed is recorded for the purpose of establishing and placing of record the Restrictive Covenants. THIS DEED AND THE RESTRICTIVE COVENANTS SET FORTH HEREIN SUPERSEDES IN ITS ENTIRETY THE "DECLARATION OF RESTRICTIVE COVENANT (SOUTH VAP PROPERTY)" PREVIOUSLY RECORDED BY THE GRANTEE ON FEBRUARY 9, 1999 AT OFFICIAL RECORD 6325, PAGES 2386-2388, OF THE RECORDS OF BUTLER COUNTY, OHIO, AND SAID PREVIOUSLY RECORDED DECLARATION OF RESTRICTIVE COVENANT IS HEREBY NULL AND VOID.

This transfer is permitted under Section 5302.18, Ohio Revised Code, which provides that a grantor may also be a grantee.

Prior instrument reference: Certificate of Transfer recorded in Volume 1607, Page 638, and Certificate of Transfer recorded in Volume 1762, Page 67, of the Records of Butler County, Ohio.

IN WITNESS WHEREOF, the Trustee has executed this Deed this 25th day of August, 1999.

Signed and acknowledged
in the presence of:

FIRST NATIONAL BANK OF
SOUTHWESTERN OHIO, TRUSTEE

Jennifer L. Rednour
Printed name: Jennifer L. Rednour
(Witness 1)

By: Gayle E. Wyckoff
Gayle E. Wyckoff
Trust Officer

Lisa R. French
Printed name: Lisa R. French
(Witness 2)

STATE OF OHIO

COUNTY OF BUTLER

ss:

The foregoing instrument was acknowledged before me this 25th day of August, 1999 by GAYLE E. WYCKOFF, Trust Officer at FIRST NATIONAL BANK OF SOUTHWESTERN OHIO, a corporation organized under the laws of the State of Ohio, on behalf of the corporation in its capacity as Trustee under the COROLA W. PULLEY TRUST AGREEMENT dated January 13, 1983 and as Trustee under the VERLIN L. PULLEY TRUST AGREEMENT dated January 14, 1983.

Jennifer L. Rednour (May)
Notary Public

My commission expires: Apr. 14, 2004

This instrument prepared by:

Taft, Stettinius & Hollister LLP, 1800 Firststar Tower, 425 Walnut Street, Cincinnati, OH 45202
CAPS-022.2



JENNIFER L. GRAY
Notary Public, State of Ohio
My Commission Expires April 14, 2004

O.R. 6404 PAGE 1501

EXHIBIT "A"

LEGAL DESCRIPTION
(North VAP Property)

TRACT III:

Situate in the City of Oxford, County of Butler and State of Ohio and being parts of Inlots numbered Five Hundred Forty-eight (548), Five Hundred Forty-nine (549) and Five Hundred Fifty (550) and known and designated upon the revised list of Inlots numbers of said City, more particularly bounded and described as follows: Commencing at a point in the south line of Inlot numbered 550, 170 feet west of the southeast corner of said lot; thence on a line due north across Inlots numbered 550, 549 and 548 to a point in the north line of Inlots numbered 548, which is situated 170 feet west from the northeast corner thereof; thence west on said north line of Inlot numbered 548 to the northwest corner of Inlot numbered 548; thence in a southeasterly direction along the west line of Inlots 548, 549 and 550 to the southwest corner of Inlot numbered 550; thence east on the south line of Inlot numbered 550 to the place of beginning. The premises herein conveyed being subject to an annual ground rent due and payable to the Treasurer of Miami University in the sum of \$3.00 on May 23rd every year.

Prior Deed: Deed Book 411, Page 557.



UNOFFICIAL

O.R. 6502 PAGE 873

WARRANTY DEED

200000046057
 Filed for Record in
 BUTLER COUNTY, OHIO
 DANNY N. CRANK
 On 08-11-2000 At 02:10:08 pm.
 DEED 14.00
 OR Book 6502 Page 873 - 873

William W. Pulley, married, for valuable consideration paid, grants with general warranty covenants to CVS Properties, Ltd., an Ohio limited liability company, whose tax mailing address is 4 W. Central Avenue, Oxford, Ohio 45056, an undivided one-fourth interest in and to the following described REAL PROPERTY:

TRANSFERRED
 DATE 8-11-00
 CONVEYANCE # -0-
 FEE \$ -0-
 EXEMPT 3254
 Key Rogers, Butler Co. Auditor
 This conveyance has been examined and the grantor has complied with section 949.202 of the revised code.

TRACT I: Entire Lot Numbered Two Thousand Eight Hundred Eighteen (2818) as the same is known and designated on the List of Lots for the City of Oxford, Butler County, Ohio, together with that portion of the South Beech Street alley appending to said Lot 2818 by virtue of the vacation of said alley by the City of Oxford in Ordinance #2209, which is recorded in Book 1784, Page 78 of the Deed Records of Butler County, Ohio.

Subject to the Restrictive Covenants recorded in Volume 6434, Page 2236 of the Official Records of Butler County, Ohio and to all easements, conditions and restrictions of record.

TRACT II: Situate in the City of Oxford, County of Butler and State of Ohio and being parts of Inlots numbered Five Hundred Forty-Eight (548), Five Hundred Forty-Nine (549) and Five Hundred Fifty (550) and known and designated upon the revised list of Inlot numbers of said City, more particularly bounded and described as follows: Commencing at a point in the south line of Inlot numbered 550, 170 feet west of the southeast corner of said lot; thence on a line due north across Inlots numbered 550, 549 and 548 to a point in the north line of Inlots numbered 548, which is situated 170 feet west from the northeast corner thereof; thence west on said north line of Inlot numbered 548; thence in a southeasterly direction along the west line of Inlots 548, 549 and 550 to the southwest corner of Inlot numbered 550; thence east on the south line of Inlot numbered 550 to the place of beginning.

Subject to the Restrictive Covenants recorded in Volume 6404, Page 1499 of the Official Records of Butler County, Ohio and to all easements, conditions and restrictions of record.

Prior Instrument Reference: Volume 6501, Page 2393 of the Official Records of Butler County, Ohio.

IN WITNESS WHEREOF, William W. Pulley and Martha Lee Pulley, his wife, who hereby releases all of his right and expectancy of dower in said premises, have hereunto signed their names this 10th day of July, 2000.

Signed and acknowledged
 in the presence of us:

[Signature]
 [Print Witness Name Lee H. Parrish]

[Signature]
 [Print Witness Name Robin K. Charnett]

[Signature]
 William W. Pulley
[Signature]
 Martha Lee Pulley

STATE OF OHIO, COUNTY OF BUTLER, SS:

The foregoing instrument was acknowledged before me this 10th day of July, 2000 by William W. Pulley and Martha Lee Pulley.



[Signature]
 Notary Public, State of Ohio



This instrument was prepared by:
 Lee H. Parrish, Attorney at Law

Book : 6502 Page : 873 Instrument Number : 2000-00046057 Seq: 1

**CITY OF OXFORD
STAFF SUMMARY REPORT**

Report to the City Manager

Community Development
Originating Department

Council Meeting Of: April 7, 2015

Sam Perry

Account Code No. #:

Prepared By:

Budgeted Amount:

March 31, 2015

Date Prepared:

PC-2015-08 CONDITIONAL USE 801 S. Beech Street To build a mini-warehouse and business incubator facility **Scott Webb, Applicant/Agent**

Recommendation: Approval

Discussion:

The Planning Commission reviewed a proposal for an adaptive re-use of a predominantly vacant and underutilized 2 acre property at the intersection of West Central Avenue, South Beech Street and the railroad tracks. The property is surrounded by low density residential and a railroad track. 32,650 square feet of self-storage and leasable office spaces are proposed for this redevelopment. The proposal does not include a business incubator plan but is permissible in zoning code without it. Structurally, the existing office building will remain and the warehouse building will be adapted for an interior self-storage business. New rows of freestanding self-storage buildings will be constructed all around the site, maximizing the use of the property's position along the railroad. The property was formerly a large regional laundry operation for many decades but in recent years has been mostly vacant or held smaller businesses.

The 0.3 acre vacant grassy site across the railroad tracks is not part of this review due to the current residential zoning designation. A zoning map amendment for that property is in process, which will allow a future separate conditional use review for the desired self-storage use.

The Planning Commission discussed fire safety, storm water, building codes, traffic, light spillover, tree lawn, front/side yard setbacks, and the construction of a wall along S. Beech Street and W. Central Avenue. An engineered development plan had not been submitted so it was not fully known of the zoning code compliance. Some adjacent property owners spoke at the hearing and asked general questions about potential impacts.

The Planning Commission voted 5-1-0 to recommend approval of the mini-warehouse/self-storage conditional use in the GB District. One member was recused.

Approved By:

Department Head:

City Attorney:

City Manager:

JHC / 3/31/15
DRE / 4/3/15

ORDINANCE NO.

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO PERMIT A MINI WAREHOUSE AND BUSINESS INCUBATOR FACILITY TO BE LOCATED AT 801 S. BEECH STREET OXFORD, Ohio.

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

SECTION 1: The Planning Commission met pursuant to Oxford Codified Ordinance Section 1147.02 on March 10, 2015 for the purpose of considering the request of Scott Webb, Applicant, Agent, for a conditional use permit to permit a Mini Warehouse and Business Incubator facility to be located at 801 S. Beech Street Oxford, Ohio.

SECTION 2: The Planning Commission, after a public hearing and discussion, voted and approved a motion recommending approval of the conditional use application to permit a Mini Warehouse and Business Incubator facility to be located at 801 S. Beech Street Oxford, Ohio.

SECTION 3: Council hereby accepts the action of the Planning Commission and accepts the recommendation report submitted by the Planning Commission and incorporates the same herein and further grants the conditional use permit application to permit a Mini Warehouse and Business Incubator facility to be located at 801 S. Beech Street Oxford, Ohio as presented by the applicant.

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

MAYOR

ADOPTED:

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KEVIN MCKEEHAN

PREPARED BY: LAW (STAFF)

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

<u>Report Date</u>	April 7, 2015
<u>Case Number</u>	PC-2015-08
<u>Applicant Information</u>	City of Oxford
<u>Requested Action</u>	Conditional Use
<u>Summary of Request</u>	CONDITIONAL USE 801 S. Beech Street To build a mini-warehouse and business incubator facility Scott Webb, Applicant/ Agent
<u>Public Hearing Information</u>	On March 10, 2015 a Public Hearing took place at 118 W. High Street. A Public Hearing notice was published in the Oxford Press on February 8, 2015. Public Hearing notices were mailed out to surrounding properties on February 19, 2015.
<u>Commission Action</u>	The Planning Commission voted 5-1-0 recommending approval to City Council.
<u>Commission Findings and Conclusions</u>	The Planning Commission was in favor that an existing underutilized building would be redeveloped, that the use included an adaptive re-use of an existing warehouse, that there was adequate parking and the structures would meet all fire safety, stormwater management and building codes. The Planning Commission also discussed the impact to the neighborhood. Some concerns were raised regarding additional traffic, light spill off, lack of tree lawn or front yard setback, and the construction of a ten foot wall along S. Beech Street and W. Central Avenue. After hearing the applicant response, the Planning Commission waived the front yard setback, south side yard setback and wall height requirement and approved the conditional use request.
<u>Exhibits Submitted to the Commission</u>	1. Staff Report Dated March 5, 2015 2. Letter addressing Neighbor Concerns, dated March 8, 2015 3. Interoffice Reviews 4. Surrounding Property Notifications 5. Review and Comment Form Response 6. Letter of Agency 7. Conditional Use Permit Application Dated January 23, 2015 8. Supporting Documents from Applicant 9. Drawings from Applicant 10. Preliminary Site Plans

City of Oxford
Community Development Department
STAFF REPORT

Planning Commission

Case # PC-2015-08

Date – March 10, 2015

APPLICATION

Applicant:	Scott Webb
Location:	801 South Beech Street
Owner:	CVS Properties LTD. (Jeff Pulley)
Agent:	Scott Webb, Architect
Action Request:	Recommendation for Conditional Use of Mini-Warehouse/Storage Facility
Current Use:	Office, Vacant Warehouse
Zoning:	GB (General Business District)
Surrounding Existing Land Uses:	Low Density Residential and Railroad

GENERAL DESCRIPTION

Architect Scott Webb is proposing the adaptive re-use of a predominantly vacant and underutilized 2 acre property at the intersection of West Central Avenue, South Beech Street and the railroad tracks. The property is surrounded by low density residential and a railroad track. 32,650 square feet of self-storage and 5,000 square feet of office is proposed on the property. As noted in Mr. Webb's narrative, the existing office building will remain and the warehouse building will be adapted for an interior self-storage business. New rows of freestanding self-storage buildings will be constructed all around the site, maximizing the use of the property's position along the railroad. The property was formerly a large laundry operation for many decades but in recent years has been several smaller businesses and mostly vacant in recent years.

The 0.3 acre vacant grassy site across the railroad tracks is not part of this review due to the current residential zoning designation. A zoning map amendment for that property has been filed for review.



BACKGROUND

Storage facilities were recently added by City Council to the General Business District Zoning Code as potentially allowable conditional uses in Section 1143.12(b)(2)(C)(8). Per Section 1147.01, the general purpose of conditional uses are "land uses that are potentially appropriate in many zoning districts but that are likely to have characteristics that could be detrimental to the public health, safety, or general welfare

if not located appropriately, operated appropriately, or mitigated with good design.” This allows the Planning Commission the opportunity to publicly discuss the proposal and make determinations before forwarding a recommendation to City Council. If approved, construction permits would have to be submitted within one year and the operation be functioning within two years of the approval.

ADDITIONAL DESCRIPTION

The existing connector between the two buildings will be removed to make way for the relocated curb cut on South Beech Street. A screening wall would be built along West Central and a portion of South Beech, eliminating the function of the West Central curb cut. The existing parking area is to be replaced with new freestanding self-storage. New customer and office parking is to be provided adjacent to the South Beech access point. Along Beech Street is to remain a 67’ buffer between the adjacent residential property to the south. However, at the rear of the property, a row of 18 storage units will be constructed within 8 and 15 feet of the adjacent residential properties.

Based upon aerial photographs approximately 50% of the existing green space will be converted to building or hard surface, leaving the above mentioned 67’ buffer along the street line as the only significant green space. Much of the site is gravel or overgrown former parking area, so the actual converted area is difficult to ascertain until a detailed civil engineering plan is formulated. As with all site developments, a detailed engineering plan involving storm water management and utility connections will be required to be submitted for staff review.

Facade treatments on the existing warehouse building are proposed to improve the aesthetics along the street wall.

The property is to be gated with hours of operation limited to 7:00 a.m. to 9:00 p.m.

The plans label the use as combined with a “Business Incubator” but there has been no information submitted that articulate the operation as such, therefore it is determined to be an office space, which is a permitted use in the GB District.

PUBLIC COMMENTS

Public notice was mailed to surrounding property owners. Some phone calls were received about the proposal. One adjacent property came to review the plans submitted and ask questions. No written comments were submitted.

AGENCY REVIEWS

Requests for review were made to the Police, Fire, Engineering and Economic Development Departments. The following comments have been received:

Police:	Returned with no comments.
Fire:	Returned with comments attached.
Engineering:	Returned with comments attached.
Econ. Dev.:	Returned with comments attached.

ZONING CODE REVIEW

General Business District - 1143.12

The General Business District requires a 35 foot front yard setback with landscaping. This corner lot is considered to have front yards along both streets and two side yards with no rear yard requirement. The property is already nonconforming with regarding to front yard setback. There is currently buildings and parking fully encroaching into the 35 foot required yard. New screening and buildings are shown furthering the nonconformity in the same location.

Supplementary regulations require landscaping within the required 25 foot buffer from a residential district. The proposal meets the requirement along the street but not at the rear of the property. Trees are not shown along the street as the code requires.

Supplementary regulations require facade material and window percentages. Some brick has been stated in the proposal but it is not clear what percentage will be and how much will be visible with regard to the screening wall. The nature of storage buildings are not storefronts with windows. Additionally, fences are not permitted within 2 feet of a front lot line per Section 1141.01. However up to 6 feet height is permitted for non-residential fences.

Alternative transportation mode accommodation such as bike parking is not shown.

Vehicle Management (Parking and Site Access) — 1149

Complete plans have not yet been presented for review. Details such as paving setbacks, materials, curbs and landscaping are not complete. These preliminary plans indicate an inadequate number of parking spaces striped to meet the office requirement of 1 space per 300 square feet of building. (10 instead of 17) It is expected that additional information will be submitted as plans develop.

Conditional Uses for Storage — Section 1147.03 (b)(32)

The potential concerns section outlines areas for consideration. The Fire Chief has identified one area of concern regarding hazardous materials and a mitigation method. An additional concern has to do with environmental impact.

The concern of outdoor storage can be mitigated to the neighborhood by the gated nature of the development. However, the height of any potential stored items is unknown, so it is possible that some stored items would still be visible. This could be mitigated by an on-site manager with a towing or site-clean up policy and warning signage in place. The hours of operation also may support this concern.

The concern of proximity to residential uses should be a focus because of the infill nature of the development. Additional information such as storm water run off management techniques and outdoor lighting impacts, should be required. The limited hours of operation should support this concern as well. A complete study including the proposed new lighting on the surrounding area should be submitted. The building mounted lighting discussed in the proposal should be designed with fixtures and angles that are not obtrusive to surrounding residents, but still serve the purpose of on-site security lighting.

The design criteria regulations require that the rear of the building not face the right of way, however the nature of storage buildings is not a storefront, therefore the front of the buildings would be roll-up doors.

Building facades are required to have articulation in height and setback, however the nature of storage buildings is continuous heights and setbacks. This may be a difficult regulation to achieve based upon the plans submitted. Renderings provided do not fully illustrate how this regulation will be met. Additional detailed views and elevation drawings should be required.

General Decision Standards for Conditional Uses — Section 1147.02(C)(2)

(2) General Decision Standards. All Conditional Uses shall satisfy these General Decision Standards.

A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.

Yes, the use can be allowed as a conditional use.

B. The use and site will satisfy the general intent of this Zoning Code.

Public health, safety and general welfare are general intents of the Zoning Code. Based upon the information available, it has yet to be determined if this is satisfied.

C. The use and site will be compatible with the general intent of the Comprehensive Plan.

Page 3.2 of the Land Use chapter of the 2008 Comprehensive Plan outlines a key finding from public input to "Give priority to infill and redevelopment." This is followed up by Land Use Principle #3 on page 3.9: "Infill development and redevelopment of underutilized sites is a priority. Reuse of vacant and underutilized sites will be encouraged prior to new development."

D. The size and shape of the site are sufficient for the proposed use.

The proposed use may be sufficient if the Commission finds that the suggestions for additional information and potential revisions outlined in this report are necessary to mitigate the use as presented.

E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.

Additional information regarding building articulation, storm water, lighting, landscaping, outdoor storage and any potential accessory uses, should be submitted.

F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.

None are expected.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.

No accessory uses have been proposed. However, truck rental may be an option for future consideration.

H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.

Information required regarding storm water will be reviewed by staff as the project proceeds.

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

None is expected.

J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.

Additional renderings, elevation drawings and material samples should be shown and explained to better articulate how the site will be harmonious with the area. The current state is less than harmonious because of the vacant and deteriorated nature of the site.

K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.

The use, as described by the applicant, will be a low trip generator, equating to low traffic volume on adjacent streets.

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

None expected.

M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Yes, as stated by applicant.

RECOMMENDATION

The adaptive re-use of this property is consistent with an over-arching theme in the 2008 Comprehensive Plan. It is clear that the proposal vastly improves the use and character of the site which will benefit the surrounding area if done appropriately.

Staff recommends that the Planning Commission require additional information and dialogue on the identified issues in this report prior to forwarding any recommendation to City Council. Additional information that satisfies on-site technical requirements such as utility connections, parking layout and dumpster provisions should be separated from additional information necessary to determine neighborhood impact, such as lighting, architectural design and landscaping. Any future accessory uses that may negatively impact the neighborhood traffic or aesthetics could be required to be reviewed by the Planning Commission prior to commencement.

The Commission should only delay the recommendation to a later meeting if it determines that inadequate information has been provided, either by testimony, or submitted documents.

SUBMITTED

BY:



Sam Perry, AICP
Planner

DATE: March 5, 2015

ATTACHMENT

(c) Planning Commission Review. The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible public comment presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

(1) Burden of proof.

- A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an Applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
- B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.

(2) General decision standards. All Conditional Uses shall satisfy these General Decision Standards:

- A. The proposed use is in fact a Conditional Use in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Jeff Pulley
735 Navigators Run
Mt. Pleasant, SC 29464
Mobile: 843.708.1500

March 8, 2015

Brian & Leslie:

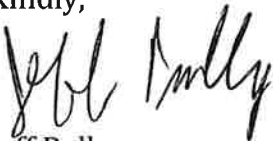
I appreciated your call and I'm glad you let me know your questions so that we can modify our plans.

As I mentioned, I will meet with the architect and see if it is possible to modify the plans to see if new construction can be moved as much as possible up to 10 feet further in from the property line.

I will also be happy to replace, at my expense, any trees that come down to provide you even more green space/landscape barrier than is required under code. As far as I am concerned you can determine the type of tree and landscape placement.

Finally, I will discuss with my dad and his brothers and see if we can give you the amount of property so that you can blacktop your own driveway. I will discuss with Scott Webb and our attorney the best way to accomplish this.

Kindly,


Jeff Pulley

Brian & Leslie Black

received
concerns addressed

Scott Webb

From: Jeff Pulley <jvpulley@gmail.com>
Sent: Monday, March 09, 2015 9:20 AM
To: Scott Webb
Subject: Fwd: Information & Appreciation - Brian and Leslie Black

I thought I would drop this off to Sam Perry and just touch base with him so there is no miscommunication

Sent from my iPad

Begin forwarded message:

From: Jeff Pulley <jvpulley@gmail.com>
Date: March 8, 2015 at 4:14:18 PM EDT
To: Leslie Black <katsrgreat8@gmail.com>
Subject: Re: Information & Appreciation - Brian and Leslie Black

Thank you Brian and Leslie and I will keep you in the loop as our plans develop.
Enjoy your visit to Tennessee
Jeff
843-708-1500 c

Sent from my iPad

On Mar 8, 2015, at 2:35 PM, Leslie Black <katsrgreat8@gmail.com> wrote:

To: Jeff Pulley
From: Brian and Leslie Black
Re: S. Beech Street project
Date: 3/8/2015

Brian and I are most appreciative of your willingness to talk with us, both by phone and

in person, in the last 48 hours. Prior to our conversations, our primary concern was with the setback at the back of the property. Our preference was/is that the 25' code be followed, to allow more room between properties (currently the setback is planned at 15-16 feet).

We also shared with you our uncertainty about tree loss between properties.

Prior to, and following, our conversations and meetings, we are still supporters of your project.

As you indicated, you are willing to talk with the project architect, Scott Webb, to see if more footage can be feasibly worked into the plan. This remains our first

preference. Because we do not wish to be a hindrance to this project, your second proposal, of allowing for additional landscaping between the properties would be a fair compromise. We also want to be sure that no tree/plant growth on our property will be compromised when clearing occurs, regardless of the setback that is approved.

Also, we most appreciate your willingness to assist us in finding a way to acquire enough footage at the front of our properties to allow us to put in a driveway.

Again, we are supportive of your project and are thankful for the open communication we share, as abutting property owners.

Many thanks for your time and candor!

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 10, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-08 CONDITIONAL USE 801 S. Beech Street To build a mini-warehouse and business incubator facility **Scott Webb, Applicant/Agent**

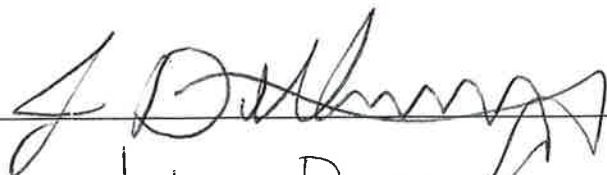
 X Review Revisions Other

Please return no later than: **3/2/2015** Note: If no comments are received, we will assume the project meets your department's standards.

.....
Drawings are returned: w/comments without/comments

SEE ATTACHED

Drawings reviewed by:



Date: 2-18-15

John Dethridge

PRINTED NAME

Memo

To: Community Development
From: John Detherage, Fire Chief
CC:
Date: 2/18/2015
Re: 801 S. Beech Conditional Use

In 10-A-6 the applicant addresses the storage of flammable, combustible material stored on site. While handing someone a pamphlet describing what can and cannot be stored on this property *might* be effective, there is no way to monitor or confirm that these materials are not stored in individually locked units. A more realistic approach would be to provide fire sprinklers in the units that would limit the damage and spread of a fire. The proposed design also shows adding storage units to the outside of the existing buildings on the property which multiplies the hazard should a fire start in a unit. Storage facility fires are very common and a very labor intensive task that could be controlled easily with a sprinkler system.

Water run off in a fire situation should also be addressed. With the multitude of random chemicals that will likely be stored in these buildings, the run off would be detrimental to the environment.

A secondary access point to the facility should be added for access in a fire situation.

Sufficient hydrant access will need to be provided.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 10, 2015

To: Fire Department Engineering Division **Police Department Econ Dev Department**

From: Community Development Department

PC-2015-08 CONDITIONAL USE 801 S. Beech Street To build a mini-warehouse and business incubator facility **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **3/2/2015** 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 2-12-2015

Drawings reviewed by: _____

[Signature]

Date: _____

2-12-2015

VICTOR POPESCU

PRINTED NAME



Memo

Service Department
Engineering Division

513/524-5208 fax 513/524-5267

TO: Community Development Department

FROM: Victor Popescu, P.E.
City Engineer

RE: PC-2015-08
801 S. Beech St.; Conditional Use

DATE: February 12, 2015

The following are our comments.

1. Are there sufficient dumpsters proposed, especially for the storage areas?
2. Proposed public utilities must be designed and constructed as per the City of Oxford Specifications.
3. Damaged existing curb, gutter and sidewalk shall be replaced as per the City of Oxford Specifications.

If there are questions, please contact the Engineering Division.

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 10, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-08 CONDITIONAL USE 801 S. Beech Street To build a mini-warehouse and business incubator facility **Scott Webb, Applicant/Agent**

 X Review Revisions Other

Please return no later than: **3/2/2015** 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:

R. B. Holzworth

Date: 3/2/2015

ROBERT B. HOLZWORTH
PRINTED NAME

City of Oxford
Inter-Office Review Transmittal Sheet

Date: February 10, 2015

To: Fire Department Engineering Division Police Department Econ Dev Department

From: Community Development Department

PC-2015-08 CONDITIONAL USE 801 S. Beech Street To build a mini-warehouse and business incubator facility Scott Webb, Applicant/Agent

☒ X Review ☐ Revisions ☐ Other

Please return no later than: 3/2/2015 Note: If no comments are received, we will assume the project meets your department's standards.

Drawings are returned: w/comments without/comments

801 S. Beech Street storage units proposal: For this section of the development my comments pertain to the concept of allowing a Storage Unit Conditional Use at this site. Given this site's current zoning, deed restrictions, and location, I feel a storage unit facility would be a very good use for this site.

While this site is zoned GB, this is not a very good location for traditional retail and commercial uses which need visibility. All the retail operations which have occupied this site have either failed or moved to more visible locations. I agree with the concept at this site and hope Planning Commission, City Council and the applicant can agree on an appropriate site plan.

West Central Ave storage unit proposal: With this site surrounded by existing residential uses my initial reaction was this is not a good location for a commercial or retail use. But given the deed restrictions prohibiting the logical use of residential, the question becomes what can it be used for?

Given the low traffic volume of this type of use, and the residential deed restriction, this use request seems reasonable. Once again, providing Planning Commission, City Council and the applicant can agree on an appropriate site plan.

Drawings reviewed by: GA

Date: 3-2-15

G. ALAN KYGER
PRINTED NAME



PC-2015-08 Surrounding Property Owners Map

Legend

- Subject Parcel
- 200 Ft. Buffer
- Address Point
- Parcel
- Building Footprint
- Paved Roadway



1 inch = 125 feet

Prepared on Thursday, February 19, 2015
The City of Oxford does not guarantee the dimensional accuracy of this map. Precise dimensional accuracy should be based upon recorded deeds, plats or a professional survey.





**CITY OF OXFORD
PLANNING COMMISSION
REVIEW AND COMMENT FORM**

CASE NO.: PC-2015-08

DATE OF HEARING: March 10, 2015

CONDITIONAL USE 801 S. Beech Street To build a mini-warehouse and business incubator facility **Scott Webb, Applicant/Agent**

If you cannot attend this public hearing being held before the City of Oxford Planning Commission, but would like to comment on this matter, please complete this form and return it at your earliest convenience before the hearing date to Lynn Taylor, 101 East High Street, Oxford, OH 45056.

Name: Berry Hill L.P.

Address: P.O. Box 937

Oxford, Oh 45056

Telephone: Home: 513-289-7091 Work: 513-241-1600

COMMENTS:

As a business owner and a member of the Oxford community, I/we fully support the above mentioned project. I/we are certain this will be an improvement of the subject property and with little traffic impact to the residence of Beech St.. Any improvements to the community and structures within the Oxford community should be welcomed.

John Fontaine
Signature

2/25/15
Date

LETTER OF AGENCY

To Whom It May Concern:

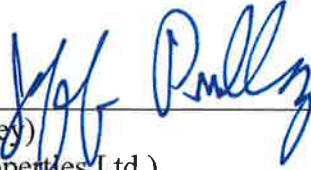
Please be advised that Scott Webb, Architect has permission to represent our interest with the City of Oxford and act on our behalf for the Conditional Use Application before Planning Commission at its March 10, 2015 meeting

Thank-you,

Signed: _____

(Jeff Pulley)

(CVS Properties Ltd.)



1/15/2015
Date: _____



Internal Use Only:	PC-2015-08
Case No.	
Date Filed	1/23/15

Conditional Use Permit Application

Applicant Information

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

Name * Scott Webb
Mailing Address * 103 West Walnut Street
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number(s) * 523-3838
Email Address scott@scottwebbarchitect.com

Owner Information

Name * CVS Properties Ltd./Jeff Pulley
Mailing Address * 801 South Beech Street
City, State & Zip Code * Oxford, Ohio 45056
Telephone Number(s) * (843) 708-1500
Email Address jvpulley@gmail.com

Location and Lot Information

Location of Property * 801 South Beech Street & Parcels 017, 020, 023 (no address assigned)
Legal Description *
Zoning District * GB
Total Area * 2.035 + 0.3646 → Check One * Acres ☒ Square Feet ☐
Existing Use Description * Storage/ former Capital cleaners processing facility
Proposed Use Description * Mini-Storage/business incubator

Submission Requirements and Documentation

From Section 1147.02(a)¹.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.
- Application Fee.
 - Description of Use and Site.
A written, detailed description shall include the following information. A separate response is required for each subsection.
 - The name, mailing address, and telephone number of the applicant and the property owner.
 - If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.
 - A legal description of the site, including all separate lots.

- A. The proposed use is in fact a Conditional Use appropriate for the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Fees & Receipt

The required fee is \$400.00, plus postage charge. Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover. To calculate the postage charge, multiply the number of adjoining properties by current postage rate³.

Sign and Date

Applicant Signature *

Date *


1/23/15

Submit Application, Submission Requirements and Documentation, and Fees

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

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 101 East High Street, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

1/23/15

Receipt Number *

27745

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

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

³ The United States Postal Service: <http://www.usps.com/>

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



**SCOTT
WEBB**

A R C H I T E C T

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Self-Storage
801 South Beech Street (Former Capital Cleaners)
+ Parcels 017, 020, 023 (No address assigned)

January 23, 2015

Dear Mr. Chen,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for a Self-Storage Mini-Warehouse in the GB district.

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

Property Owners:

CVS Properties Ltd.
801 South Beech Street
Oxford, Ohio 45056

Architect:

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

Surveyor:

Amos Greene, Land Surveyor
6618 Barrett Road
West Chester, Ohio 45069

Civil Engineer:

Bayer Becker, Engineers & Surveyors.
318 South College Avenue
Oxford, Ohio 45056

Narrative Statement describing how the proposed Conditional Use meets the following decision standards of the zoning district in which it is located.

In response to the decision standards outlined in the application, we offer the following:

- A. *The proposed use is in fact a Conditional Use in the Zoning District in which it is proposed;*

Recent changes to the Zoning Code now allow Mini-Warehouse & Business Incubator as a conditional use in the GB District

- B. *The use and site will satisfy the general intent of the Zoning Code;*

While the property in Question is zoned GB, it is not in any of our recognized commercial districts and is surrounded by residential. The proposed use is a good fit in this location, as retail exposure (traffic counts, etc.) make this a difficult property for other GB uses. Further, based on information from the storage business consultants, a property of this scale will generate only 3-5 cars per day. This makes it a better neighbor to the nearby residential properties than other potential GB uses.

- C. *The use and site will be compatible with general intent of the Comprehensive Plan;*

The Comprehensive Plan encourages reinvestment in the Mile Square and favors infill over sprawl. Adaptively reusing a nearly abandoned building reflects this intent

- D. *The size and shape of the site are sufficient for the proposed use.*

The size and shape of the site is sufficient for the proposed use. While larger operations are recommended by the consultants. The shape and size of the lots accommodates the storage, maneuvering & parking,

- E. *The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.*

The proposed Mini-Storage use will not be hazardous or disturbing to neighboring residents, as the buildings are essentially unoccupied, and generate very little traffic.

- F. *The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.*

As described above, the storage use will not be detrimental to any person, property or the general welfare. Unoccupied buildings generate very little noise, fumes or odors, and very little traffic

- G. *The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.*

The available office space on the site may be rented as a business incubator or general office space. Applicants are encouraged to couple this with other uses. This use will complement the storage use.

- H. *The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal or adequate provisions will be made to provide the same services privately.*

As an existing building, all utilities are available at the proposed location. No special provisions are required.

- I. *Development of the site and operation of the use will not require substantial public expenditure for infrastructure or services.*

No public expense is anticipated by this project, as the building and site are existing.

- J. *The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district*

The existing building has been in this location longer than the neighboring residents. The proposed changes include new exterior finishes on the existing building, better maintenance, and new buildings with compatible scale and materials. Further, the location is bordered by railroad tracks with limited visibility from adjacent properties

- K. *The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.*

As noted above, the proposed storage use generates very little traffic accessing the site. Existing streets on which the buildings and sites are located are minor interior streets generating very little of their own traffic..

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

The construction proposed with this application will dramatically improve an open gravel storage lot and will not result in the destruction of a natural or scenic feature. From an historic perspective, the owner would like to celebrate the history of the site and Oxford with a special "community corner" at the intersection of Beech and Central

- M. *All Necessary permits and licenses for the Conditional Use and its operation have been obtained or can be obtained for the use at the proposed location.*

A professional review of the building code has been performed, and all necessary permits and licenses can be obtained for this use in this location..

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

Respectfully,



Scott Webb, Architect

Jung-Han Chen
Community Development Director
City of Oxford
Municipal Building
101 E. High Street
Oxford, Ohio 45056



SCOTT
WEBB

ARCHITECT

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

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Self-Storage
801 South Beech Street (Former Capital Cleaners)
+ Parcels 017, 020, 023 (No address assigned)

January 23, 2015

Dear Mr. Chen,

In addition to the narrative statement required on the Conditional Use Application, please accept this letter as the additional narrative statement required by Section 1147.02 of the Zoning Code.

In response to the items listed in 1147.02, we offer the following:

6. *A description of the proposed use.*

- a. *A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery & service vehicles*

The proposed Adaptive reuse of the former Capital Cleaners facility and the construction of additional storage buildings will result approximately 22,000 s.f. of leasable storage units.

These units vary in size and type, with some conditioned units inside the old building and new units placed elsewhere on the site and the adjacent Central Ave. property.

Based on information provided by consultants, a storage facility of this size generates 3-5 cars per day, with customers loading, unloading and accessing their stored material. Patrons are provided loading areas for the inside storage, and drive-up access to the exterior units. No additional deliveries or service vehicles are anticipated.

- b. *Hours of operation*

The site will feature controlled access gates. Like the other storage facilities in town hours of access will be limited to general business hours (7:00 am – 9:00 pm), and will not be available 24/7.

7. *A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties;*

- a. *How is the use similar to or different from existing area uses and if there will be any interaction between the proposed and existing uses*

The properties in question are zoned GB, as the district follows the railroad through town, but they are otherwise isolated from more typical GB properties in the City.

While the application at hand is for a conditional use, there are many far more intensely used and detrimental permitted uses in GB. The storage use, generating very little noise or traffic is likely the best GB use to exist in this mostly residential area of the Mile Square

- b. *How any existing structures, proposed structures, and the site design relate to adjacent structures and sites*

The original building has been operating as a storage building since the cleaning operations ceased here in the mid 1970's. The owner intends to update the current building with new paint & exterior materials on the public faces. Part of the building will be removed to better accommodate traffic flow on the site.

Construction of the new storage units will be internally focused, obscuring the repetitive garage doors that are typical for this type of use. Colors and materials will be "residential" in nature and improvements in screening & landscaping are also proposed.

- c. *If the use will involve any operations that create potential nuisances, such as excessive noise, lighting, odor, fumes, vibration, or emissions.*

The proposed Mini-Storage use will not be hazardous or disturbing to neighboring residents, as the buildings are essentially unoccupied, and generate very little traffic.

- d. *How any potential negative effects on adjacent land will be mitigated.*

The site is designed to be internally focused with buildings along the perimeter and vehicles in the center. This prevents headlights from shining into adjacent properties. The entire perimeter is enclosed and accessed by gates, limiting the hours of operation.

8. *A statement about why the location proposed is more appropriate for use than other locations;*

While the property in Question is zoned GB, it is not in any of our recognized commercial districts and is surrounded by residential. The proposed use is a good fit in this location, as retail exposure (traffic counts, etc.) make this a difficult property for other GB uses. Further, based on information from the storage business consultants, a property of this scale will generate only 3-5 cars per day. This makes it a better neighbor to the nearby residential properties than other potential GB uses.

9. *A statement of the necessity or desirability of the proposed use to the neighborhood or community.*

Self-Storage is necessary use for all communities, and especially in university communities. While a few small such operations exist in the City, they are currently full, forcing potential patrons outside of the City limits to accommodate this need.

The appropriateness of this particular location has been addressed above.

10. *Separate detailed statements that individually address each of the items listed as potential concerns for the proposed use.*

From 1147.03 (32) *Mini Warehouse (Self-Storage Units)*

A. *Potential Concerns:*

1. *Adequate Lot Size*

The lot is adequate for the amount of storage provided.

2. *Design of Vehicle Management Area*

The vehicle management areas are designed to accommodate the anticipated traffic.

3. *Outdoor Storage – inoperable vehicles & junk*

All storage on site will be within buildings. No outside storage is proposed

4. *Hours of Operation*

Like the other storage facilities in town hours of access will be limited to general business hours (7:00 am – 9:00 pm), and will not be available 24/7..

5. *Proximity to Residential Zoning Districts*

Each of the parcels in question are surrounded by residential zoning districts. Care has been taken in the design of the facility to minimize the impact.

6. *Flammable, combustible material stored on site*

Regulations regarding what may be stored at the facility will be given to each customer, prohibiting the storage of highly flammable or combustible material.

7. *Scale and character shall be compatible with surrounding properties and existing uses*

The additional buildings proposed on the site are single story buildings, compatible with the neighborhood.

B. *Regulations:*

1. *Site shall be a minimum of two acres and a maximum of 5 acres*

The primary site exceeds the minimum 2 acre requirement. The additional parcel represents just under ½ acre.

2. *Parking shall not be located in yard adjacent to residential zoning district.*

Parking is provided in the interior of the site

3. *Outdoor security lighting designed to prevent spillover to adjoining properties*

Lighting will be provided by wall mounted lights on the buildings, and will face inward.

4. *Landscaping along a public street.*

Landscaping will be provided along the public street and along the neighbors to the South.

5. *Any chain-link fence shall have limited visibility from the public street, unless approved by Planning Commission.*

No chain link fence will be visible for the public right-of-way. Decorative aluminum fencing & brick walls are proposed along the public streets.

6. *Sufficient aisle way width and on-site water supply (including fire hydrant locations) will be determined by the Oxford Fire Chief, between buildings for firefighting purposes*

Sufficient aisle widths are provided throughout the development

7. *Design of building and site shall be consistent with the following criteria:*

- a. *The rear of the building shall not face the public right-of-way*

The existing buildings have their principal entrances on the street

- b. *The front façade of the principal shall be finished utilizing masonry material that has textured relief. No vinyl or aluminum siding shall be used in finishing on the front façade of the building.*

The front façade of the existing buildings are masonry & wood. Brick and stucco will be added to various part of the facades.

- c. *The building façade shall have different articulation in height and setbacks.*

The existing building, and new buildings vary in height, setback and scale

- d. *The roof of the principal building shall not be a long continuous flat roof and a break in length and elevation shall be provided on regular intervals.*

The roof of the principal buildings break in height and length,

- e. *The entrance to the site shall be designed to allow sufficient queuing that on-street traffic will not be impacted.*

With 3-5 cars per day, queuing spaces are not required.

- f. *Outdoor storage shall have limited visibility from the public right-of-way*

The entire property is screened from the public right-of-way

- g. *There shall be no employee residing on site, unless specifically approved by the Planning Commission and City Council*

No employees will reside at this location

C. Other

1. *Encourage mini-warehouse as the second principal use in conjunction with or behind other principal uses.*

The existing office portion of the building will be rented for office uses on the same site

From 1147.03 (33) *Business Incubator*

A. Potential Concerns:

1. *Hours of operation*

Hours of operation will be typical for office uses.

2. *Type of businesses generating noise, vibration, fumes and other obnoxious environmental concerns*

Noise, vibration & fumes are not anticipated from this office use

3. *Outdoor operations*

No outdoor operations are proposed.

B. Regulations

1. *All activities/merchandise shall be located within a completely enclosed space*

All activities are proposed within the existing building

2. *Sized adequately to provide all necessary business support*

As an existing building, the amount of rental area is predetermined by the space available.

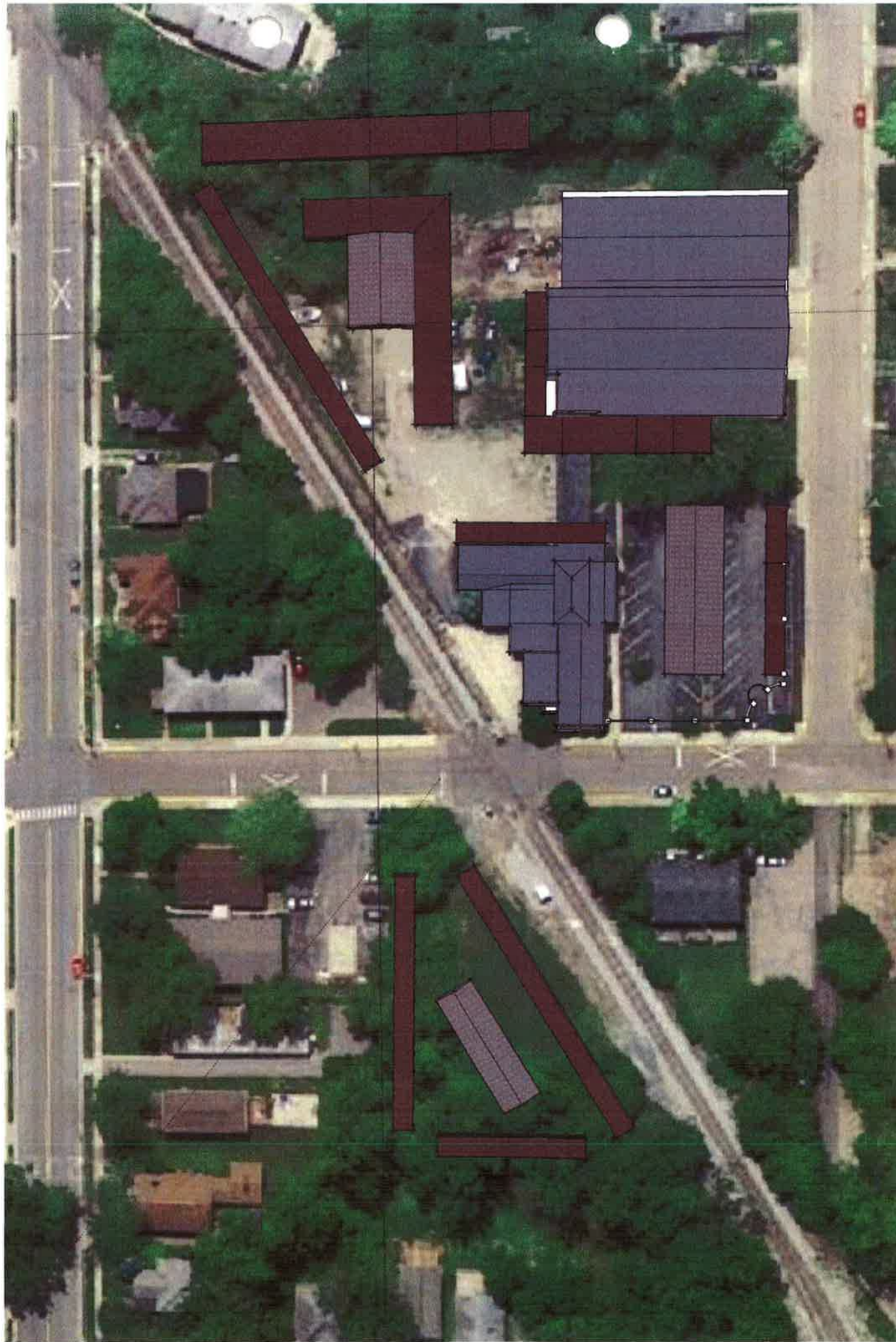
Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

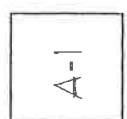
Respectfully,



Scott Webb, Architect







WEST CENTRAL AVENUE

COMMUNITY CORNER

88°43'30"E 145.60'

N 00°00'00"E 353.25'

24'-0" RELOCATED CURB CUT

ACCESS GATE

4'-6"

Office

Office

PROPOSED INDOOR STORAGE (FORMER WAREHOUSE AREA)

INTERIOR LOADING SPACES

Restrooms

INTERIOR LOADING SPACE

CUSTOMER PARKING

DOCK HEIGHT LOADING

CUSTOMER PARKING

3.88'

EXISTING GREENSPACE TO REMAIN

EXISTING TREES TO REMAIN

EXISTING TREES TO REMAIN

EXISTING TREES TO REMAIN

EXISTING TREES TO REMAIN

S 88°43'30"W 357.58'

55'-4 1/4"

H4000106000036

BLACK BRIAN LEE & LESLIE KATHERINE

Lot 558 & S 1/2 VAC ALLY

LOT 558

R1M5 (EXISTING HOUSE)

5,000 SF PROPOSED BUSINESS INCUBATOR (FORMER OFFICE AREA)

EXISTING BUILDING CONNECTION TO BE REMOVED

EXISTING GARAGE

NEW STORAGE UNITS REPLACE EXISTING PARKING LOT

DECORATIVE ALUM. FENC'G BRICK ACCENT PIERS

CURB

18'-11"

EDGE OF CONCRETE DRIVE

ACCESS GATE

DUMPSTER AREA

CHAIN LINK FENCE

42'-2 1/8"

24'-5 5/8"

40'-52"

24'-5 5/8"

20'-5 5/8"

88°43'30"E

0.350 Acres (88,435 Sq. Ft.)

S 88°43'30"W 133.58'

7.50'

S 00°00'00"W (EXISTING MULTI-FAMILY)

LOT 570

H4000106000052

LOUISE A HAUTAU RENTALS LLC

Lot 570

R2M6 (EXISTING MULTI-FAMILY) LOT 525

R2M6 (EXISTING HOUSE) LOT 524

LOT 523 R2M6 (EXISTING HOUSE)

R2M6 (EXISTING MULTI-FAMILY) LOT 570

H4000106000052

LOUISE A HAUTAU RENTALS LLC

Lot 570

RAILROAD SIGNAL
27.41'
N 88°43'30"E

CURB

R2M6

(EXISTING HOUSE)

LOT 524

LOT 523

R2M6

(EXISTING HOUSE)

STORAGE UNITS ALONG RAILROAD RIGHT-OF-WAY (NO SETBACK)

S 88°43'30"W 133.58'

7.50'

S 00°00'00"W (EXISTING MULTI-FAMILY)

LOT 570

H4000106000052

LOUISE A HAUTAU RENTALS LLC

Lot 570